Town Code

Town of Jerome, Arizona

Current through January 2019

Revisions

12/9/10	*Initial printing*
12/15/10	*Revision 1: Ordinance 382 + gender corrections* *(ToC; Chapter 10; Chap. 2, p. 3; Chap. 8, p.5)*
07/19/11	*Revision 2: Ordinances 385, 386, 387, & 388* *(Chapter 2; Chapter 3; Chapter 5)*
8/21/12	*Revision 3: Ordinances 394, 395, 396, 397, 398, 399* *(Chapter 12; Chapter 13)*
12/19/13	*Revision 4: Ordinances 400, 401, 402, 403, 404* *(TOC; Chapter 2; Chapter 3; Chapter 8; new Chapter 17)* *(IN ADDITION, space has been reserved for provisions of Ord. 405, which will be referred to voters in the August 2014 primary.)*
3/26/15	*Revision 5: Ordinances 411, 412, 413, 415* *(ToC; Chapter 8; Chapter 10; Chapter 12; Chapter 15)* *(ALSO removed space previously reserved for Ord. 405, which was defeated by voters.)*
6/2/15	*Revision 6: Ordinance 416* *(Chapter 8)*
3/30/17	*Revision 7: Ordinances 418, 419, 422, 423, 424, 425, 426, 427, 428* *(Chapter 4; Chapter 7; Chapter 10; Chapter 13)*
9/20/17	*Revision 8: Ordinances 430, 431, 433, 434* *(Chapter 3; Chapter 4; Chapter 7)*
12/13/17	*Revision 9: Ordinance 432* *(Chapter 12)*
6/20/18	*Revision 10: Ordinances 435, 436, 437, 438, 439* *(Chapter 1; Chapter 2; Chapter 7; Chapter 18)*
9/17/18	*Revision 11: Ordinance 440 (Chapter 2)*
10/10/18	*Revision 12: Ordinance 441 (Chapter 9)*
1/30/19	*Revision 13: Ordinance 445 (Chapter 5)*

TOWN OF JEROME TOWN CODE

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CHAPTER 1
GENERAL

ARTICLE 1-1 **How Code Designated and Cited**

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of the Town of Jerome, Arizona", and may be so cited. Such code may also be cited as the "Jerome Town Code".

ARTICLE 1-2 **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 Council or the context of this code or the ordinances of the Town.

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[*] State law reference. For definitions and construction of statutes generally, see A.R.S. §§ 1-211 to 1-215.

Section 1-3-1 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.

Section 1-3-2 Acts by Agents

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

Section 1-3-3 Code

The words "the code" or "this code" shall mean "The Code of the Town of Jerome, Arizona", unless the context indicates otherwise.

Section 1-3-4 Council

Whenever the word "Council" is used, it shall be construed to mean the Common Council of the Town of Jerome, Arizona.

Section 1-3-5 Day

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

Section 1-3-6 Daytime, Nighttime

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

Section 1-3-7 Department, Board, Commission, Office, Officer or Employee

Whenever any "department, board, commission, office, officer or employee" is referred to, it shall mean a department, board, commission, office, officer, or employee of the Town, unless the context clearly indicates otherwise.

Section 1-3-8 Gender: Singular and Plural

Words of the masculine gender include the feminine; and words in the singular number include the plural and words in the plural number include the singular.

Section 1-3-9 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.

Section 1-3-10 Joint Authority

All words purporting to give a joint authority to three 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.

Section 1-3-11 Month

The word "month" shall mean a calendar month.

Section 1-3-12 Oath

"Oath" includes affirmation or declaration.

Section 1-3-13 Or, And

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

Section 1-3-14 Person

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

Section 1-3-15 Personal Property

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

Section 1-3-16 Preceding, Following

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

Section 1-3-17 Property

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

Section 1-3-18 Real Property

"Real property" shall include lands, tenements, and hereditaments.

Section 1-3-19 Shall, May

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

Section 1-3-20 Shall Have Been

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

Section 1-3-21 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/her own name; but a signature or subscription by mark can be acknowledged or can serve as a signature of subscription to a sworn statement only when two witnesses so sign their own names thereto.

Section 1-3-22 State

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

Section 1-3-23 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 of or who occupies the whole or part of such building or land, either alone or with others.

Section 1-3-24 Tenses

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

Section 1-3-25 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.

Section 1-3-26 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, shall be excluded.

Section 1-3-27 Town

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

Section 1-3-28 Week

A "week" consists of seven consecutive days.

Section 1-3-29 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.

Section 1-3-30 Year

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

ARTICLE 1-4 **Reference To Chapters, Articles, Or Sections: Conflicting Provisions**

1-4-1 Additional Rules of Construction
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Section 1-4-1 Additional Rules of Construction

In addition to the rules of construction specified in the previous section, the rules set forth in Sections 1-4-2, 1-4-3 and 1-4-4 shall be observed in the construction of this code.

Section 1-4-2 References to this Code

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

Section 1-4-3 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.

Section 1-4-4 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.

ARTICLE 1-5 **Section Headings**

Headings of the several sections of this code are intended as a convenience to indicate the contents of the section and shall not be deemed or taken to be titles of such section, nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such section including the headings, is amended or reenacted.

ARTICLE 1-6 **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.

ARTICLE 1-7 **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.

ARTICLE 1-8 **Penalty**

Unless otherwise provided in this code, any person found guilty of violating any provision of this code shall be guilty of a Class 1 misdemeanor, punishable by a fine, imprisonment, probation and/or penalties, as set forth in Title 13 of the Arizona Revised Statutes. Each day that a violation continues shall be a separate offense and shall be punishable as an individual offense.

[Ord. 342, 12/12/2006].

ARTICLE 1-9 **Repeal Of Existing Ordinances**

1-9-1 Effective date of Repeal
1-9-2 Ordinances Exempt from Repeal

Section 1-9-1 Effective Date of Repeal

All ordinances of the Town of Jerome except those specially exempted in this article, now in force and effect are hereby repealed effective at twelve o'clock noon on the twelfth day of September, 1973, but all rights duties and obligations created by said ordinances shall continue and exist as if this code had not been adopted and enacted.

Section 1-9-2 Ordinances Exempt from Repeal

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

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 statutes 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.

ARTICLE 1-10 **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 twelve o'clock noon on the twelfth day of September, 1973, except that where a later effective date is provided it shall prevail.

ARTICLE 1-11 **Elections, Sample Ballots, and Informational/Publicity Pamphlets**

The following procedures relating to sample ballots and informational pamphlets are hereby adopted for conducting elections at which an initiative, referendum, matter referred to the qualified electors by the Town Council or bond election for which an informational/publicity pamphlet is required are to be voted on.

A. An informational/publicity pamphlet containing the entire text of the official ballot, shall be mailed by the Town Clerk to each household within the Town in which a registered voter resides, not less than 10 days prior to the election to which the sample ballot pertains.

B. The pamphlet shall contain the proposition as it will appear on the ballot together with a summary of each proposition. Each summary shall be followed by any argument supporting the proposition followed by any arguments opposing the proposition.

C. Arguments supporting and opposing propositions and bond questions appearing on the ballot shall be filed with the office of the Town Clerk by five o'clock p.m., not less than 60 days prior to the election at which the propositions are to be voted upon. Arguments supporting or opposing propositions and bond questions appearing on the ballot shall meet the following requirements:

1. Arguments must relate to the propositions proposed by initiatives; referred by referendum or referred by the Town Council which appear on the ballot. Arguments on bond authorization questions must be specific to a particular question.

2. Arguments must identify the proposition or bond question to which they refer and indicate whether the argument is in support of or opposition to the proposition or bond question.

3. Arguments may not exceed 300 words in length.

4. Arguments must be signed by the person or all the persons submitting them. Arguments submitted by organizations shall be signed on behalf of the organization by an officer of the organization authorized to take such action. All persons signing documents shall indicate their residence or post office address.

5. No person or organization shall submit more than one argument for each proposition or bond question to be voted upon.

6. The Town Clerk shall have sole discretion over the translation of such submittal.

7. Each argument shall be accompanied by a non-refundable fee in the amount of two hundred and fifty dollars ($250.00) to offset costs of printing, paper and translation. This requirement shall not be waived on any account.

8. For arguments on bond election questions, any matter not specifically addressed in this Code shall be addressed in the manner provided by State law.

[Ord. 312, 11/16/2001]

ARTICLE 1-12 **Initiative and Referendum; Number of Signatures; Method of Calculation**

The electors of the Town of Jerome, Arizona may initiate a local law or ordinance by securing the signatures of fifteen percent (15%) of the qualified electors of the Town of Jerome on a petition.

1. The total number of qualified electors registered to vote in the Town as of the deadline for registration for the most recent regular municipal primary election preceding the filing of an initiative petition shall be the basis upon which the number of qualified electors of the Town of Jerome required to file an initiative petition shall be computed.

2. The basis upon which the number of qualified electors of the Town of Jerome required to file a referendum petition shall be as determined by State law.

[Ord. 312, 11/16/2001]

ARTICLE 1-13 **Scrivener and Formatting Errors**

The Town Clerk is authorized to correct typographical, grammatical and punctuation errors, as necessary, in the Jerome Town Code and Zoning Ordinance; and the Town Clerk is authorized to make formatting changes as needed for purposes of clarity, form, and consistency. The Town Clerk is authorized to make such necessary corrections to any ordinance, before, during or following codification.

[Ord. 439, 4/10/2018]

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CHAPTER 2

MAYOR AND COUNCIL

ARTICLE 2-1 **Council**

2-1-1 Elected Officers
2-1-2 Corporate Powers
2-1-3 Duties of Office
2-1-4 Vacancies in Council
2-1-5 Compensation
2-1-6 Oath of Office
2-1-7 Bond

Section 2-1-1 Elected Officers

The elected officers of the Town shall be five Council members, one of whom shall be designated as Mayor in accordance with Section 2-2-1. The Mayor and Council members shall constitute the Common Council and shall continue in office until assumption of duties of office by their duly elected successors.

The regular term of office for Council members shall be two years each and until their successors are elected and qualified.

[Ord. 214 12/08/1987; Ord. 246, 12/11/1990; Ord. 258, 05/26/1992; Ord. No. 363, 12/8/09]

Section 2-1-2 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.

Section 2-1-3 Duties of Office

Councilmembers shall assume the duties of office within twenty (20) days of the canvass of vote of the General Election.

[Ord. 224, 03/21/1989; Ord. 246, 12/11/1990 *See Reviser's Note at § 2-1-1*; Ord. 341, 1/09/2007]

Section 2-1-4 Vacancies in Council

The Council shall fill by appointment for the unexpired term any vacancy that may occur for whatever reason.

[Ord. 184, 9/11/1979]

Section 2-1-5 Compensation

Until July 1, 2010, there shall be no compensation allowed to the Mayor and the members of the Common Council. Effective July 1, 2010, the Mayor and members of the Common Council may be compensated at rates to be established by Resolution of the governing body.

[Ord. No. 365, 1/12/10]

Section 2-1-6 Oath of Office

Immediately prior to assumption of the duties of office, each Council member shall, in public, take and subscribe to the oath of office.

Section 2-1-7 Bond

Prior to taking office, every Council member shall execute and file an official bond, enforceable against the principal and his/her sureties, conditioned on the due and faithful performance of his/her 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/her official capacity. A person so injured or aggrieved may bring suit on such bond under provisions identical to those contained in Section 38-260 of the Arizona Revised Statutes. Bonds shall be in such sum as shall be provided by resolution and the premium for such bonds shall be paid by the Town.

ARTICLE 2-2 **Mayor**

2-2-1 Determination of Mayor
2-2-2 Vice Mayor
2-2-3 Acting Mayor
2-2-4 Powers and Duties of the Mayor
2-2-5 Absence of Mayor
2-2-6 Failure to Sign Documents
2-2-7 Term of Office

Section 2-2-1 Determination of Mayor

The Mayor shall be selected by the Common Council from among their number within twenty (20) days after their appointment or election.

[Ord. 214, 12/08/1987, Ord. 246, 12/11/1990; Ord. 341, 01/09/2007].

Section 2-2-2 Vice Mayor

The Council shall designate one of its members as Vice Mayor, who shall serve at the pleasure of the Council. The Vice Mayor shall perform the duties of the Mayor during his/her absence or disability.

Section 2-2-3 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.

Section 2-2-4 Powers and Duties of the Mayor

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

A. He/she shall be the chief executive officer of the Town.

B. He/she shall be the chairman of the Council and preside over its meetings. He/she may make and second motions and shall have a voice and vote in all its proceedings.

C. He/she shall enforce the provisions of this code.

D. He/she shall execute and authenticate by his/her signature such instruments as the Council, or any statutes, ordinances, or this code shall require.

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

F. He/she shall take command of the police force of the Town and govern by proclamation in the event of the threat of or occurrence of acts of riot, rout, or affray sufficient to constitute great danger to the Town and its residents.

1. In such areas of the Town as shall be designated by the Mayor by proclamation under the conditions set forth in this section, and within the area within all or any part of the Town so designated by the Mayor, a curfew shall be in effect the hours of each day designated in the proclamation, and all persons living or residing within any such designated area shall go immediately to their homes, and remain there until the curfew is lifted by order of the Mayor, and all other persons not residing within the designated area shall immediately leave.

2. During the imposition of any curfew as set forth in this section, all business establishments in the designated curfew area, having on their premises intoxicating beverages, shall be closed during the state of emergency and until the curfew is lifted.

G. He/she 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.

Section 2-2-5 Absence of Mayor

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

Section 2-2-6 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/her signature for five 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/her absence, the 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.

Section 2-2-7 Term of Office

The regular term of office for the Mayor and Council members shall be two years.

[Ord. 214, 12/08/1987]

Reviser's Note: This Section was added by Ord. 214 as Section 2-2-8. For consistency and because there was no Section 2-2-7, it has been codified as Section 2-2-7.

ARTICLE 2-3 **Council Election**

2-3-1 Primary Election
2-3-2 Non-Political Ballot
2-3-3 General Election Nomination
2-3-4 Election to Office

Section 2-3-1 Primary Election

Any candidate who shall receive at the primary election a majority of all the votes cast shall be declared to be elected to the office for which he/she is a candidate effective as of the date of the general election, and no further election shall be held as to said candidate.

Section 2-3-2 Non-Political Ballot

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

Section 2-3-3 General Election Nomination

If at any primary election held as above provided there be any office or offices for which no candidate is elected, then as to such office or officers, said election shall be considered to be a primary election for nomination of candidates for such office or offices, and the second or general municipal election shall be held to vote for candidates to fill such office or offices. Candidates to be placed on the ballot at such second or general municipal election shall be those not elected at such first election, shall be equal in number to twice the number to be elected to any given office or less than that number if there be less than that number named on the primary election ballot, and persons who receive the highest number of votes for the respective offices at such first election shall be only the candidates at such second election, provided that if there be any person who, under the provisions of this article, would have been entitled

to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefore, then all such persons receiving an equal number of votes shall likewise become candidates for such office.

Section 2-3-4 Election to Office

The candidates equal in number to the persons to be elected who receive the highest number of votes shall be declared elected.

ARTICLE 2-4 **Council Procedure**

2-4-1 Regular Meetings
2-4-2 Special Meetings
2-4-3 Meetings to be Public
2-4-4 Quorum
2-4-5 Agenda
2-4-6 Order of Business
2-4-7 Committees and Commissions
2-4-8 Voting
2-4-9 Suspension of Rules

Section 2-4-1 Regular Meetings

The Jerome Town Council shall hold regular meetings on the second Tuesday of each month at seven o'clock P.M., provided that 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 the next succeeding day not a holiday. All regular meetings of the Council shall be held in the Council Chambers of Jerome Town Hall, 600 Clark Street, Jerome, Arizona, unless noticed otherwise.

Preliminary Council packets and information will be available on the Town's website by 6:00 p.m. on the Thursday prior to the Council meeting. Agenda items may be removed, added or changed up until 24 hours prior to the meeting. The posted agenda shall become final as of 24 hours prior to the meeting.

[Ord. 184, 09/11/1979; Ord. 306, 11/28/2000; Ord. 319, 11/12/2003; Ord. 323, 8/10/2004; Ord. 327, 12/13/2005; Ord. 335, 7/25/2006; Ord. 440, 9/11/18]

Section 2-4-2 Special Meetings

The Mayor, or the Clerk upon the written request of two members, may convene the Council at any time by notifying the members of the date, hour and purpose of such special meeting.

[Ord. 386, 6/14/2011]

Section 2-4-3 Meetings to be Public

All proceedings of the Council shall be open to the public, except that upon approval by a majority vote of the Council, the Council may meet in a closed executive session for a discussion of matters of a confidential nature, provided that no ordinance, order, rule, resolution, regulation, contract, appointment, or other official action shall be finally approved in any such executive session.

Section 2-4-4 Quorum

Three members of the Council shall constitute a quorum for transacting business.

[Ord. 386, 6/14/2011]

Section 2-4-5 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 Clerk shall collect all written reports, communications, ordinances, resolutions, contracts, and other documents to be submitted to the Council, and prepare an agenda according to the order of business and shall furnish each Council member, the Mayor, and the attorney with a copy.

Section 2-4-6 Order of Business

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

A. Call to Order. The Mayor shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Council to order. In the absence of the Mayor, the Vice Mayor shall call the Council to order. In the absence of both the Mayor and Vice Mayor, the Clerk shall call the Council to order and an acting Mayor shall be selected to chair the meeting. Upon the arrival of the Mayor or the Vice Mayor, the Vice Mayor or the acting Mayor shall immediately relinquish the chair upon the conclusion of the business immediately before the Council. The Mayor shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meetings in accordance with the parliamentary rules contained in Robert's Rules of Order.

B. Roll Call. Before proceeding with the business of the Council, the Clerk or his/her deputy shall call the roll of the members, and the names of those present shall be entered in the minutes. If a quorum is not present, the members present may adjourn.

C. Reports by Officers. Town officials, staff and committees shall present any reports required by the Council for their review and/or approval.

D. Minutes. The Clerk or his/her deputy shall read or present the minutes of the preceding Council meeting, which shall be approved if correct. Any errors noted shall be corrected.

E. Petitions. Petitions, remonstrances, communications, and comments or suggestions from the citizens present, shall be heard by the Council. All such remarks shall be addressed to the Council as a whole, and not to any member thereof. Such remarks shall be limited to three (3) minutes per speaker, unless additional time is granted by the Council. The Council's response to public comments is limited to asking staff to review a matter commented upon, or asking that a matter be put on a future agenda, or responding to criticism.

F. Presentations. Formal presentations from citizens, staff or other parties shall be heard by Council.

G. Consent Agenda. The Consent Agenda contains items requiring action by the Council which are generally routine items not requiring Council discussion. A single motion and affirmative vote will approve all items on the Consent Agenda, including any resolutions or ordinances. Prior to a motion to approve the Consent Agenda, any Council member may remove any item from the Consent Agenda and that item will be discussed and voted upon separately.

H. Ordinances. The Council shall consider first and/or second readings of ordinances and conduct public hearings regarding same as required by law.

I. Unfinished Business. The Council shall consider any business that has been previously considered and which is still unfinished.

J. New Business. The Council shall consider any business not heretofore considered.

K. To and From the Council. Each Council member shall have an opportunity to identify any items of concern or business that they may wish to have placed on a future Council meeting agenda, and to provide general information for the benefit of the public and/or fellow Councilmembers.

L. Adjournment. The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour. A motion to adjourn shall always be in order and decided without debate.

The provisions of this Section notwithstanding, the Chair shall have the authority to address agenda items in an appropriate order, given the nature of items on the agenda.

[Ord. 247, 02/12/1991; Ord. 386, 6/14/2011; Ord. 438, 4/10/18]

Section 2-4-7 Committees and Commissions

The Council may create such committees and commissions, standing or special, as it deems necessary. They shall consist of as many members and shall perform such duties as the Council may require and shall exist at the pleasure of the Council. Persons elected to Town Council, upon being seated, shall not be permitted to serve on Town committees, including, but not limited to, Design Review, Planning and Zoning, Board of Adjustment, during the course of their term as Council members, unless otherwise provided by law.

[Ord. 270, 07/12/1994; Ord. 379, 8/10/2010].

Section 2-4-8 Voting

A. The Mayor shall 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.

C. Any member may abstain from voting upon declaration that he or she has a conflict of interest or the appearance of a conflict of interest, in which case such member shall take no part in the deliberation on the matter in question, shall leave the dais during such deliberation, and shall not attempt to influence the vote of fellow Councilmembers by facial expression, gesture, body language or any other means.

D. Council members are expected to vote on all issues placed before them. A failure to vote or a voluntary abstention shall be counted as an "aye" vote unless the member has declared a conflict of interest and left the dais in accordance with Paragraph C above.

[Ord. 404, 9/10/2013]

Section 2-4-9 Suspension of Rules

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

ARTICLE 2-5 **Ordinances, Resolutions and Contracts**

2-5-1 Prior Approval
2-5-2 Introduction
2-5-3 Same Day Passage Prohibited
2-5-4 Two Separate Readings
2-5-5 Requirements for an Ordinance
2-5-6 Effective Date of Ordinances
2-5-7 Signatures Required
2-5-8 Publishing Required
2-5-9 Posting Required

Section 2-5-1 Prior Approval

All ordinances, resolutions and contract documents shall, before presentation to the Council, have been reviewed as to form by the attorney, and shall when there are substantive matters of administration involved, be referred to the person who is charged with the administration of the matters. Such person shall have an opportunity to present his/her objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract.

Section 2-5-2 Introduction

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

Section 2-5-3 Same Day Passage Prohibited

No ordinance except emergency ordinances shall be put on its final passage on the same day on which it was introduced.

Section 2-5-4 Two Separate Readings

All ordinances except emergency ordinances shall have two separate readings, but the first and the second reading shall never be made on the same day. The first reading may be by title only, but the second reading shall be in full, unless the Council, in possession of printed copies of said ordinance, shall unanimously allow reading by title only.

Section 2-5-5 Requirements for an Ordinance

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

Section 2-5-6 Effective Date of Ordinances

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

Section 2-5-7 Signatures Required

Every ordinance passed by the Council shall, before it becomes effective, be signed by the Mayor and attested by the Clerk.

Section 2-5-8 Publishing Required

Only such orders, resolutions, motions, regulations or proceedings of the Council shall be published as may be required by the state statutes or expressly ordered by the Council.

Section 2-5-9 Posting Required

Every ordinance imposing any penalty, fine, forfeiture or other punishment, shall, after passage, be posted by the Clerk in three or more public places within the Town and an affidavit of the person who posted the ordinances shall be filed in the office of the Clerk as proof of posting.

CHAPTER 3

ADMINISTRATION

ARTICLE 3-1 **Officers in General**

3-1-1 Officers
3-1-2 Treasurer
3-1-3 Additional Officers
3-1-4 Bond
3-1-5 Vacancies; Holding More than One Office
3-1-6 Additional Powers and Duties

Section 3-1-1 Officers

A. There are created the offices of Town Manager, Town Clerk, Town Marshal, and Town Attorney, all of whom shall be appointed by the Council and shall serve at the pleasure of the Council. All other officers shall be appointed by the Town Manager.

B. There is hereby created the office of Town Magistrate, who shall be appointed by the Council. The Magistrate shall serve for a term of two years with the beginning and end of the term to be specified at the time of appointment. During such term, a magistrate may be removed only for cause.

C. Within six months of appointment, the Town Manager, Town Clerk, Police Chief, and Fire Chief shall reside in the Town of Jerome. Within six months of appointment, the Public Works Director shall reside within 15 miles of the Town of Jerome.

[Ord. 189, 10/13/1981; Ord. 199, 6/11/1985; Ord. 222, 1/10/1989; Ord. 341, 1/09/2007; Ord. 387, 5/10/2011; Ord. 431, 7/11/2017]

Section 3-1-2 Treasurer

The Town Clerk shall act as treasurer.

Section 3-1-3 Additional Officers

The Town Manager 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.

[Ord. 341, 1/09/2007]

Section 3-1-4 Bond

The Council may require each officer of the Town to give bond for the due discharge of his/her duties in such sums and with such security as it may direct and approve as determined by resolution and the Town shall pay the costs of such bond.

Section 3-1-5 Vacancies; Holding More Than One Office

Any vacancy that shall occur in any Town office shall be filled by appointment by the Town Manager and/or Council; provided that one person may hold more than one office and that, at the discretion of the Council, the functions of a Town official may be validly performed and discharged by a deputy or an otherwise qualified employee.

[Ord. 341, 1/09/2007]

Section 3-1-6 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 Town Manager or Council through ordinance, resolution, or order.

[Ord. 341, 1/09/2007]

ARTICLE 3-2 **Officers**

3-2-1 Town Clerk
3-2-2 Town Marshal
3-2-3 Town Attorney
3-2-4 Town Magistrate
3-2-5 Town Manager

Section 3-2-1 Town Clerk

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

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

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

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

E. Ordinances, Resolutions, Budgets and Notices. The Clerk shall process, record, file, publish, and if required by state statute, post all ordinances, resolutions, budgets and notices that may be passed by the Council. When the Town of Jerome sends any item or any change in any item to be published in the local newspaper, the Clerk will also post that information in the three places for notices registered with the Secretary of State.

F. Duties as Treasurer. The Clerk shall hold the office of Town Treasurer and shall assist the Town Manager in his/her duties as finance director.

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

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

I. Administrative Duties. The Clerk shall perform those administrative responsibilities and duties that are conferred upon him/her by the Council and/or the Town Manager in addition to those specified in this code.

[Ord. 223, 3/21/1989; Ord. 262, 10/13/1992; *Reviser's Note: Ord. 262 amended Section 3-2-1(E) as approved by the voters in Initiative I-92-1; Ord. 341, 1/09/2007*]

Section 3-2-2 Town Marshal

A. The Marshal shall be the Chief of Police and shall be collector of all taxes of the Town provided that the collection of such taxes may be administered by the Clerk. He/she shall perform such duties as may be required of him/her by law and as the Council may deem necessary.

B. Whenever the Police Chief or Marshal is mentioned it shall mean the person or agency designated by the Council to perform such duties.

Section 3-2-3 Town Attorney

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

Section 3-2-4 Town Magistrate

The Town Magistrate shall be the presiding officer of the Magistrate's court and shall be selected by the Council and shall perform those functions necessary to the maintenance of a magistrate's court as provided by state statute.

Section 3-2-5 Town Manager

A. Office created. The office of the Manager is hereby created. The Manager shall be appointed by a majority vote of the Council for an indefinite term. The Manager shall be chosen on the basis of his/her executive and administrative qualifications and his/her knowledge of accepted practice with respect to the duties of his/her office as set forth in Section 3-2-5(G).

B. Bond. The Town Manager shall furnish a corporate surety bond to be approved by the Council in such a sum as may be determined by the Council and shall be conditioned on the faithful performance of the duties imposed on the Town Manager as herein prescribed. The Town shall pay the bond fee.

C. Eligibility. No member of the Council shall be eligible to be appointed to the office of Manager during the term for which the member shall have been elected.

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

E. Removal from office. The Manager may be removed with or without cause by the Council by majority vote of the membership of the Council. The action of the Council in removing the Manager shall be final.

F. Resignation. The Manager shall give in writing a sixty (60) day notice of his/her intention to resign before leaving, resigning, or quitting the office of Town Manager.

G. Powers and duties. The Manager shall be the chief administrative officer and head of the administrative branch of the Town government. He/she shall be responsible to the Council for the proper administration of all affairs of the Town. In addition to the general powers of administrative head, and not as limitation there, the Town Manager shall have the authority and be required to perform the following duties:

1. Execute, on behalf of the Council, general administrative supervision and control of the affairs of the Town.

2. Personnel Duties.

   a. Appoint, suspend and/or remove, all officers and employees of the Town not appointed by the Town Council pursuant to Town personnel rules and regulations, this code, and ordinances of the Town.

b. Supervise the work of the Town Clerk, Town Marshal/Police Chief, Fire Chief and Zoning Administrator, and provide for a written evaluation of each on an annual basis to the Town Council for consideration. This subsection does not change the appointing, contracting or hiring procedures for the Town Clerk, Town Marshal/Police Chief, Fire Chief or Zoning Administrator.

3. Consult with the Town Attorney and act as liaison between the Council and the attorney. The Manager shall keep the Council informed regarding legal matters affecting the Town. Nothing herein shall be construed so as to prohibit direct communication between Council and the Town Attorney.

4. Attend all meetings of the Council unless excused therefrom and participate in discussion of all matters coming before the Council.

5. Report to Council on and/or discuss any matter concerning the affairs of the departments, board, services or activities under his/her supervision, upon which, in his/her judgment, the Council should be informed.

6. Prepare the Town budget annually and submit it to the Council together with a description of its important provisions and be responsible for its administration after Council adoption;

7. Prepare and submit to the Council at the end of each fiscal year a complete report on the finances and administrative activities of the Town during the proceeding year;

8. Advise the Council of the financial condition and future needs of the Town and make such recommendations as he/she deems desirable;

9. Recommend to the Council a standard schedule of pay for each employee and appointed office and its position in the Town's service. Authorize the payments 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 conformance with wages and salaries enacted by the Council.

10. Recommend to the Council, from time to time, adoption of such measures which he/she deems necessary or expedient for the health, safety or welfare of the community or the improvement of administrative services.

11. Analyze and supervise the functions, duties, and activities of the various departments, boards, and services of the Town government and of all employees thereof and be authorized to direct the activities of all employees, including department heads, except as otherwise provided by this code and to make recommendations to the Council with reference thereto, as in his/her judgment will result, if adopted, in greater efficiency of the overall operation of the Town government.

12. Consolidate or combine offices, positions, departments or units under his/her jurisdiction with the approval of the Council. The Manager may be the head of one or more departments, except as otherwise provided by this code.

13. Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget and let contracts necessary for operation or maintenance of Town services.

14. Receive sealed bids for purchases or contracts and present them to the Council for approval, and advise the Council on the advantages of the contract and bid proposals. The Manager may issue such rules governing purchasing procedures within the administrative organization as the Council shall approve.

15. In case of accident, disaster, or other circumstances creating a public emergency, the Manager may award contracts and make purchases for the purpose of meeting said emergency; but he/she shall file promptly with the Council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

16. Ensure that all laws and ordinances of the Town are duly enforced.

17. Investigate the affairs of the Town and its departments and divisions. Investigate all complaints related to the administration of the Town government and to services maintained by public utilities in the Town, and ensure that all franchises, permits, and privileges granted by the Town are faithfully observed.

18. Advise the Council at periodic intervals of changes needed in the Town code.

19. Serve as Town finance director and receive and safely keep or cause to be kept all monies that come to the Town and pay out or cause to be paid out the same when authorized by the Council. The Manager shall keep a separate record and account of each different fund provided by the Council, apportion the monies received among the different funds as prescribed by the Council, and keep a complete set of books showing every money transaction of the Town, the state of each fund, from what source the money in each fund was derived and for what purpose expended, and he/she shall make monthly reports to the Council of all receipts and disbursements and the balance in each fund. At the end of the fiscal year, he/she shall make a full and detailed statement of the receipts and expenditures of the Town during the year, specifying the different sources of revenue and the amount received from each, all appropriations made by the Mayor and Council, and the object for which they were made, and the amount of interest due thereon, and the amount of cash on hand.

20. Devote as much time to the duties of the Town Manager as may be required by the interests of the Town.

21. Perform such other duties as may be required by the Council which are not inconsistent with state law or the Town code or ordinances.

H. Council to Act Through Manager. Except for the purpose of inquiry, the Council and its members shall deal with Town employees solely through the Manager. Neither the Council nor any member thereof shall give orders to any subordinate of the Manager, whether publicly or privately.

I. Policymaking. The Manager shall not exercise any policymaking or legislative functions, nor attempt to commit or bind the Council to any action, plan or program requiring the official action of the Council.

[Ord. 189, 10/13/1981; Ord. 222, 1/10/1989; Ord. 341, 1/09/2007; Ord. 352, 6/23/2008; Ord. 387, 5/10/2011; Ord. 402, 3/12/2013]

ARTICLE 3-3 **Purchasing System**

3-3-1 Adoption of Purchasing System
3-3-2 Centralized Purchasing Office
3-3-3 Purchasing Officer
3-3-4 Requisitions
3-3-5 Purchase Orders
3-3-6 Purchasing Procedure
3-3-7 Bid Procedures
3-3-8 Petty Cash Fund
3-3-9 Surplus Supplies and Equipment
3-3-10 Exceptions
3-3-11 Issuance of Warrants

Section 3-3-1 Adoption of Purchasing System

In order to establish efficient procedures for the purchase or sale of supplies and equipment, to secure for the Town supplies and equipment at the lowest possible cost commensurate with the quality needed, to obtain the maximum return of funds or value for material sold, to exercise positive financial control over leases, rentals, purchases and sales, to clearly define authority for this function and to assure the quality of material leased, rented, or purchased, a purchasing system is hereby adopted.

[Ord. 193, 1/11/1983]

Section 3-3-2 Centralized Purchasing Office

There is hereby created a centralized purchasing office in which is vested authority for the purchase of supplies and equipment.

[Ord. 193, 1/11/1983]

Section 3-3-3 Purchasing Officer

The purchasing officer shall be the Town Manager. He/she shall have general supervision of the purchasing office and the authority to:

A. Purchase or contract for supplies and equipment required by a department in accordance with the purchasing procedures prescribed by this article.

B. Establish such rules, regulations, forms and other items for the operation of the purchasing office as he/she may deem necessary.

C. Negotiate and recommend to the Council execution of contracts for the purchase of supplies and equipment as required.

D. Act to procure for the Town required quality of supplies and equipment at the least expense to the Town.

E. Transfer surplus or unused supplies and equipment between departments as needed and sell all supplies and equipment which cannot be used by any agency or which have become unsuitable for Town use.

[Ord. 193, 1/11/1983; Ord. 341, 1/09/2007]

Section 3-3-4 Requisitions

All departments shall submit requests for supplies and equipment to the purchasing officer by standard requisition form.

[Ord. 193, 1/11/1983]

Section 3-3-5 Purchase Orders

All purchases of supplies and equipment shall be made only by written purchase order. Only the purchasing officer or his/her designated representative may sign purchase orders.

[Ord. 193, 1/11/1983]

Section 3-3-6 Purchasing Procedure

A. The purchasing officer shall make purchases, leases, rentals, and contracts for supplies, services and equipment not to exceed five thousand dollars ($5,000.00) in any one transaction in the open market, after such inquiry as he/she or she deems necessary to ensure the price obtained is the most advantageous to the Town. Such purchases shall be made using simplified and cost effective operational procedures and forms without the use of formal or informal bids.

B. For purchases, leases, rentals, and contracts for supplies, services and equipment from five thousand dollars ($5,000.00) to twenty thousand dollars ($20,000.00), and for the acquisition of

any used equipment, the purchasing officer or his/her or her designee shall solicit price quotations orally, by telephone, or in writing from at least three suppliers, whenever practicable, and he/she or she shall keep on file a tabulation of solicitations made or quotations received.

C. For purchases, leases, rentals and contracts for supplies, services and new equipment from twenty thousand dollars ($20,000.00) to fifty thousand dollars ($50,000.00), the purchasing officer or his/her or her designee shall solicit written price quotations on vendor's letterhead from at least three suppliers, whenever practicable, and he/she or she shall keep on file the quotations received.

D. Except as provided in paragraphs E and F below, procurements anticipated to cost more than fifty thousand dollars ($50,000) in one transaction shall be made by issuance of written invitations for bids. Bid documents include, at a minimum, the notice inviting bids; instructions to bidders; specifications describing the required goods and/or services; bid forms and schedules; any required bond forms, required insurance and proposed contract terms and conditions. The purchasing officer shall invite bids by:

1. Advertisement in at least one newspaper of general, local circulation, at least 15 calendar days before the bid opening date; and

2. Mailing of invitations to bid to at least three suppliers, and the posting of a notice on the official public bulletin boards in Town.

E. Procurements of supplies, goods or services that require exceptional technical knowledge or professional expertise may be made by issuance of written requests for proposals. The circumstances may require that a contract award be based on factors in addition to price. The purchasing officer may enter into discussions with proposers to achieve clarification, full understanding and responsiveness to the solicitation requirements, but neither the purchasing officer nor any other Town official or employee shall disclose any information derived from proposals submitted by competing proposers prior to contract award or rejection, except to Town employees directly responsible for the procurement.

F. All contracts and purchases exceeding $50,000 shall be approved by the Town Council.

G. The following procurements are exempt from the competitive bidding provisions of this Code:

1. Professional or specialized services;

2. Emergency procurements, if there exists a threat to public health, welfare, or safety or if a situation exists which makes compliance with this section impracticable, unnecessary or contrary to the public interest, except that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.;

3. Situations where solicitations of bids or proposals would for any reason be impractical, unavailing or impossible;

4. Sole source procurements;

5. Insurance and bonds;

6. Procurements funded by grants, donations or gifts when the special conditions attached to the grants, donations or gifts require the procurement of particular goods and/or services;

7. Works of art, entertainment or performance;

8. Property owned by another governmental entity;

9. Membership dues, conventions, training, and travel arrangements;

10. Advertisements in magazines, newspapers, or other media;

11. Goods procured for resale to the public;

12. Cooperative procurements as set forth in A.R.S. 41-2632.

Nothing in this section shall preclude the solicitation of competitive bids or proposals, when possible.

[Ord. 193, 1/11/1983; Ord. 364, 1/12/2010; Ord. 434, 9/12/2017]

Section 3-3-7 Bid Procedures

A. Sealed bids shall be submitted to the purchasing officer and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notice. A tabulation of all bids received shall be retained on file for public inspection during regular business hours following the bid opening.

B. At its discretion, the Town Council may reject any and all bids.

C. Contracts shall be awarded by the Town Council to the lowest responsible bidder, except as otherwise provided herein.

D. If two or more bids received are for the same total amount or unit price, quality and service being equal and if the public interest will not permit the delay or re-advertising for bids, the Town Council shall determine the successful bidder by lot.

[Ord. 193, 1/11/1983]

Section 3-3-8 Petty Cash Fund

Expenditures under fifty dollars ($50.00) may be made from a petty cash fund and supported by receipts. The purchasing officer may establish petty cash funds for administration, the library, the police department and/or the fire department in amounts he/she deems necessary, but no fund shall exceed two hundred and seventy-five dollars ($275.00) without approval of the Town Council.

[Ord. 193, 1/11/1983; Ord. 206, 3/27/1986; Ord. 385, 3/8/2011]

Section 3-3-9 Surplus Supplies and Equipment

All departments and offices shall submit to the purchasing officer, at such time and in such form as he/she shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The purchasing officer shall have the authority to sell all supplies and equipment which cannot be used or which have become unsuitable for Town use or to exchange for, or trade in the same for new supplies and equipment. Such sales shall be made pursuant to Section 3-3-6.

[Ord. 193, 1/11/1983]

Section 3-3-10 Exceptions

Normal purchasing procedures will be dispensed with only on the declaration of an emergency by the Mayor or in his/her absence, the Vice Mayor, or a quorum of the Council in regular or special session. All such actions including documentation to the effect that the expenditures and emergency procedures were justified to save life or property will be made a matter of public record at the next public Council meeting excepting only those actions directly relating to police activities which are exempted from public disclosure by state statute. Such exempted actions will be brought instead to the Council in executive session prior to the next prior Council meeting.

[Ord. 193, 1/11/1983]

Section 3-3-11 Issuance of Warrants

Whenever the Town of Jerome is indebted upon an account, due to expenses incurred only for special projects or grant expenditures wherein the money is reimbursed to the Town, upon approval for payment of such indebtedness by the Common Council of the Town of Jerome by motion noted in the minutes of a regular or special meeting, the Mayor or Vice-Mayor, in case of the absence or unavailability of the Mayor, is authorized to issue warrants upon the Town treasurer for the amount due. Not more than one warrant shall be drawn for the amount allowed. The warrant shall be drawn in favor of the person to whom it is due, and the warrant shall contain at least but not limited to the following information: Date of Issue, Warrant No., Payee, Amount Due, Payment Due Date, Interest Rate, and Purpose for Which It Is Drawn.

[Ord. 220, 1/10/1989]

CHAPTER 4

POLICE AND FIRE DEPARTMENTS

ARTICLE 4-1 **POLICE DEPARTMENT**

4-1-1 Created; Composition
4-1-2 Appointment of Officers
4-1-3 Compensation of Officers
4-1-4 Departmental Rules and Regulations
4-1-5 Duties of Police Department
4-1-6 Answering Calls Outside the Town

Section 4-1-1 Created; Composition

The Council may provide for the creation of a police department for the Town which shall consist of a Chief of Police who shall also serve as Town Marshal, and as many policemen as may from time to time be deemed necessary by the Council for the safety and good order of the Town.

Section 4-1-2 Appointment of Officers

The Chief of Police shall be appointed by the Council and shall serve at the pleasure of the Council. The Council shall appoint as many policemen as may from time to time be deemed necessary for the safety and good order of the Town.

Section 4-1-3 Compensation of Officers

The Chief of Police and the policemen of the Town shall be compensated as determined by the Council. The Chief of Police shall not receive any prequisites, commissions, or compensations for his/her services as Chief of Police, Town Marshal or tax collector, except as the Council may prescribe.

Section 4-1-4 Departmental Rules and Regulations

The police department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the Council.

Section 4-1-5 Duties of Police Department

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

A. Enforce this code and the statutes of the State of Arizona within jurisdictional limits as conferred by law and to arrest and charge the violators thereof.

B. Render such account of the police department, its duties, and receipts as may be required by the Council, and keep records of the office open to inspection by the Council at any time.

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

D. Inspect and ascertain the condition of traffic control devices of every description which have been erected within the Town on the authority of the Council and to notify the Council of any defects found therein.

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

Section 4-1-6 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.

ARTICLE 4-2 **Fire Department***

4-2-1 Created; Composition
4-2-2 Departmental Rules and Regulations
4-2-3 Compensation
4-2-4 Appointment; Powers and Duties of Fire Chief
4-2-5 Appointment and Duties of Firefighters and Emergency Medical Personnel
4-2-6 Entry Upon Adjacent Property
4-2-7 Equipment
4-2-8 Providing Fire, Rescue and EMS Services for Non-Residents
4-2-9 Acknowledgment of Right of Way
4-2-10 Fire Alarms
4-2-11 Orders of Fire Chief

* State law reference. A.R.S. Section 9-240(B)(7)

Section 4-2-1 Created; Composition

There is hereby created a volunteer fire department for the Town which shall consist of a Fire Chief, an Assistant Fire Chief, a Secretary, Captains, Lieutenant, Equipment Officer and as many firefighters and emergency medical personnel as may be necessary as determined by the Fire Chief and approved by the Town Manager.

[Ord. 369, 4/13/10]

Section 4-2-2 Departmental Rules and Regulations

The fire department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the Council.

Section 4-2-3 Compensation

The Fire Chief, Assistant Fire Chief, and members of the fire department shall be compensated as determined by the Council.

[Ord. 369, 4/13/10]

Section 4-2-4 Appointment; Powers and Duties of Fire Chief

The Fire Chief shall be appointed by the Town Council. Members of the Fire Department may submit for Council's consideration their nomination(s) for that position.

The Assistant Fire Chief shall be chosen by the Fire Chief, subject to the approval of the Town Manager.

It shall be the duty of the Fire Chief to:

A. Be accountable to the Council for the personnel, morale and general efficiency of the fire department.

B. Direct the operations of the fire department, subject to the rules and regulations thereof.

C. Be present at all fires, if possible, and plan and direct the extinguishment thereof. During the progress of a fire the authority of the fire Chief shall be absolute in all matters concerning the extinguishment of the fire and the disposition of property endangered by the fire.

D. Conduct suitable drills or instruction in the operation and handling of equipment, Emergency Medical Services (EMS), rescue work, salvage, a study of the buildings in the Town, water supplies, and all other matters generally considered essential to good fire management and the safety of life and property from fire or other dangers.

E. Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires.

F. Inspect buildings and premises and serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found. For the purpose of conducting such inspection, the Fire Chief is hereby empowered to enter any and all buildings and premises within the Town at any reasonable hour. Any person served with such written notice shall comply and notify the Fire Chief of their compliance within a reasonable time.

G. Keep complete records of all fires, inspections, apparatus and equipment, personnel and other information about the work of the department open to Council or Town Manager inspection and furnish to the Council or Manager such information upon request.

H. Make a complete annual report, in writing, to the Council at such time as may be specified by the Council, and such report shall include the information specified in Section 4-2-4 (G),

together with comparative data for previous years and recommendations for improving the effectiveness of the department.

I. Enforce or cause to be enforced all ordinances, laws and regulations of the Town and state, insofar as they pertain to fire and life safety.

J. Demote, dismiss or expel any officer or member of the fire department for neglect, refusal to perform departmental duties, insubordination, or unacceptable behavior, subject to the right of any members so demoted, dismissed or expelled to appeal to the Council.

[Ord. 369, 4/13/10; Ord. 433, 7/11/2017]

Section 4-2-5 Appointment and Duties of Firefighters and Emergency Medical Personnel

Firefighters and emergency medical personnel shall be appointed at such time and in such manner as the Fire Chief may deem necessary. Such appointees shall be residents of the Town or those whose business activities are normally within the confines of the Town. The firefighters and emergency medical personnel shall be subject to supervision by the Fire Chief or the Assistant Fire Chief.

[Ord. 369, 4/13/10]

Section 4-2-6 Entry Upon Adjacent Property

It is lawful for any firefighter acting under the direction of the Fire Chief or other officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property that is on fire for the purpose of extinguishing such fire, and no person shall hinder, resist or obstruct any firefighter in the discharge of his/her or her duty as hereinbefore provided.

[Ord. 369, 4/13/10]

Section 4-2-7 Equipment

The fire department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire. Recommendations concerning apparatus and equipment needed shall be made by the Fire Chief, and after approval by the Town Manager or Council, such apparatus and equipment shall be purchased in such manner as may be designated by the Town Manager or Council. All equipment of the fire department shall be safely and conveniently housed in such place or places as may be designated by the Town Manager or Council. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully take away or conceal any article used in any way by the fire department. No person shall enter any place where the fire apparatus is housed or handle any apparatus or equipment belonging to the fire department unless accompanied by, or having special permission of, an officer or authorized member of the fire department. No fire apparatus or equipment shall be hired out or permitted to leave the fire station except for training purposes, participation in parades, maintenance, service testing, official business of the fire department, in response to a call for service

within the corporate limits of the Town or in response to a call for service in an area authorized for automatic or mutual aid under the provisions of Section 4-2-8.

[Ord. 369, 4/13/10]

Section 4-2-8 Providing Fire, Rescue and EMS Services for Non-Residents

The Jerome Town Council may enter into agreements or contracts to furnish fire, rescue and EMS medical protection outside the Town, and may enter into aid agreements. The fire department is authorized to render fire, rescue and EMS services pursuant to the terms of such agreement or contract. The fire department is further authorized to answer fire alarms and fight fires beyond the Town limits, whenever the Fire Chief, in his/her discretion, shall deem it necessary to protect lives and property.

The following fees are established to compensate the Town for rendered service. Unless otherwise provided, all contracts, except with the State Land Department, and other mutual aid agreements will be charged at the following rates:

Services	*Initial Response*	*Each Succeeding Hour*
Base Rate Fire Apparatus (per vehicle)	$ 250.00	$ 125.00
Rescue Vehicle	$ 250.00	$ 125.00
Brush Truck	$ 175.00	$ 100.00
Command Officer	$ 50.00	$ 25.00
Personnel (per responder)	$ 30.00	$ 20.00
HazMat Surcharge	$1,500.00 plus supplies	
Extrication	$ 750.00 per person	
Wash Down	$ 100.00	
Technical Rope Rescue	$ 1,500.00 per person	
Fire Extinguishment	$1,500.00 per building	
Vehicle Extinguishment	$500.00 per vehicle	

[Ord. 369, 4/13/10]

Section 4-2-9 Acknowledgment of Right of Way

Each member of the department who drives a private motor vehicle shall be issued a suitable insignia which may be attached to such motor vehicle. All motor vehicles of the fire department shall have right of way over all other traffic when responding to a call for service. No unauthorized vehicle shall follow within six hundred feet (600') of any apparatus belonging to the fire department nor park any vehicle within ten feet of the entrance to any fire station or other place where fire apparatus is stored, or within fifteen feet (15') of any fire hydrant. No person shall drive any vehicle over fire hoses or ropes except upon specific orders from the Fire Chief or other officer in charge where hoses or ropes are used.

[Ord. 369, 4/13/10]

Section 4-2-10 Fire Alarms

Suitable arrangements shall be provided for citizens to turn in an alarm and for notifying all members of the fire department so that they may promptly respond. It is unlawful for any person to knowingly turn in or cause to be turned in a false alarm.

[Ord. 369, 4/13/10]

Section 4-2-11 Orders of Fire Chief

It is unlawful for any citizen to refuse to obey an order issued by the Fire Chief or his/her designate pursuant to his/her authority on an emergency scene.

[Ord. 369, 4/13/10]

ARTICLE 4-3 **Adoption of the International Fire Code**

See Article 7-9, "International Fire Code."

[Ord. 176, 5/10/1977; Ord. 369, 4/13/10; Ord. 418, 6/14/16]

CHAPTER 5

MAGISTRATE

ARTICLE 5-1 **Magistrate Court Established; Jurisdiction**

There is hereby established in the Town a magistrate's 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.

ARTICLE 5-2 **Presiding Officer**

5-2-1 Town Magistrate
5-2-2 Powers and Duties of Town Magistrate

Section 5-2-1 Town Magistrate

The presiding officer of the magistrate's court shall be the Town Magistrate, who shall be appointed by the Council. The Magistrate shall serve for a term of two years, with the beginning and ending of the term to be specified at the time of appointment. During such term, a Magistrate may be removed by Council only for cause.

[Ord. 388, 5/10/2011]

Section 5-2-2 Powers and Duties of Town Magistrate

The powers and duties of the magistrate shall include:

A. The powers and duties set forth and conferred upon him/her under the provisions of the state constitution and statutes, this code, and the ordinances and resolutions of the Town.

B. The keepings 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 provided by law.

D. Payment of all fees, fines, penalties and other monies collected by the court to the treasurer.

E. Submitting a monthly report to the Council summarizing court activities for that month.

F. Preparation of a schedule of traffic violations not involving the death of a person, listing specific bail for each violation.

G. Designation of a deputy other than the law enforcement officer and a specific location at which the deputy shall, during hours when the court is not open, set the amount of bail in accordance

with the foregoing schedule and collect such bail, or accept proper bail bonds in lieu thereof, for and on behalf of the court.

ARTICLE 5-3 **Proceedings of Court**

5-3-1 Proceedings
5-3-2 Bail

Section 5-3-1 Proceedings

A. The proceedings shall be conducted in accordance with the state constitution, the applicable state statutes and rules of the state supreme court pertaining to police courts. The proceedings shall also be conducted in accordance with the Rules of Criminal Procedure for the Superior Court, unless otherwise prescribed, and providing this code and resolutions of the Town are not in conflict therewith.

B. The magistrate court proceedings shall be commenced by complaint under oath and in the name of the state setting forth the offense charged with and such particulars of time, place, person, and property as to enable the defendant to understand distinctly the character of the offense complained of and to answer the complaint.

C. If the magistrate is satisfied that the offense complained of has been committed by the person charged, he/she shall issue a summons or a warrant of arrest. Before issuing a summons or warrant of arrest on a complaint, the magistrate may subpoena and examine witnesses as to the truth of the complaint.

Section 5-3-2 Bail

The defendant, at any time after arrest, and before conviction, shall be admitted to bail, if bailable.

ARTICLE 5-4 **Court Fees**

5-4-1 Deferred Prosecution Fee
5-4-2 Court Enhancement Fee
5-4-3 Default Judgment Fee
5-4-4 Warrant Issuance Fee

Section 5-4-1 Deferred Prosecution Fee

A. A deferred prosecution fee of one hundred and twenty dollars ($120.00) shall be imposed for any person placed on diversion, probation, or deferred prosecution programs. A judge or hearing officer may waive all or any part of the fee if the payment of the fee would cause a hardship to the defendant.

[Ord. 338, 12/14/2006; Ord. 377, 8/10/2010]

Section 5-4-2 Court Security Fee

A. A person who has been convicted of a criminal offense, petty offense, found responsible of a civil offense, or placed in a court-authorized diversion program in the Jerome Municipal Court shall pay a Court Security Fee in the amount of $20 for each case in which they were convicted, found responsible, or the prosecution was deferred. The Court Security Fee shall be assessed and become due upon sentencing, the imposition of the fine or penalty, or the Order granting deferred prosecution.

a. "Court-authorized diversion program," as used in this section, means a program in which an individual charged with any civil, criminal or petty offense is not prosecuted for the offense on successful completion of an authorized diversion program, including authorized defensive driving courses.

B. There is hereby created a Court Security Fund, which shall be for the purpose of funding the Court's security measures. The Court Security Fund shall be established as a designated fund account with the Town's finance department. The Municipal Court shall collect Court Security Fees and deposit them in the Court Security Fund account. The Town Finance Department may invest the monies in the Fund in the same manner as other Town funds. Interest earned on fund monies shall be deposited in the Fund.

C. The fund shall be administered by Court Administration solely for security personnel, services and items, and expenditures shall be as determined by the Presiding Magistrate. The fund shall be used to supplement, but not supplant, budgeted funds.

a. For purposes of this article, the term "security personnel, services and items" includes:
   (1) the purchase or repair of X-ray machines and conveying systems;
   (2) handheld metal detectors;
   (3) walkthrough metal detectors;
   (4) identification cards and systems;
   (5) electronic locking and surveillance equipment;
   (6) video teleconferencing systems;
   (7) bailiffs or contract security personnel during times when they are providing appropriate security services;
   (8) signage;
   (9) confiscated weapon inventory and tracking systems;
   (10) locks, chains, alarms, or similar security devices;
   (11) the purchase or repair of bullet-proof glass, walls and/or windows;
   (12) continuing education on security issues for court personnel and security personnel; and
   (13) Firearms training and related equipment.

[Ord. 338, 12/14/2006; Ord. 348, eff. 11/08/2007; Ord. 377, eff. 9/10/2010; Ord. 444, 12/11/18].

Section 5-4-3 Default Judgment Fee

Any person who fails to appear on a civil traffic complaint wherein a judgment for the State or Town is entered, shall be assessed a default judgment fee in the amount of seventy dollars ($70.00) per charge; however, if subsequently, the judgment is dismissed, the fee shall also be dismissed.

[Ord. 316, 2/24/2002; Ord. 377, eff. 9/10/2010].

Section 5-4-4 Warrant Issuance Fee

Any person who fails to appear on a criminal charge, or fails to obey a court order, which results in the issuance of a warrant for their arrest, shall be assessed, at the time of sentencing, a warrant fee in the amount of one hundred dollars ($100.00).

[Ord. 316, 2/24/2002; Ord. 377, eff. 9/10/2010].

CHAPTER 6

ANIMALS

ARTICLE 6-1: **Rules and Regulations**

6-1-1 Dangerous Animals
6-1-2 Killing Dangerous Animals
6-1-3 Noises
6-1-4 Strays; Housing
6-1-5 Swine
6-1-6 Cruelty

Section 6-1-1 Dangerous Animals

It is unlawful to permit any dangerous, vicious animal of any kind to run at large within the Town and such animals shall be immediately impounded by the poundmaster. Exhibitions or parades of animals which are *ferae naturae* in the eyes of the law may be conducted only upon securing a permit from the Chief of Police.

Section 6-1-2 Killing Dangerous Animals

The poundmaster is authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property.

Section 6-1-3 Noises

It is unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night.

Section 6-1-4 Strays; Housing

Any person who keeps or causes to be kept any horses, mules, cattle, burros, goats, sheep, or other livestock or poultry within the corporate limits of the Town shall keep such livestock or poultry in a pen or similar enclosure to prevent their roaming at large. Any such livestock or poultry running at large may be impounded by the poundmaster. It is unlawful to cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome.

Section 6-1-5 Swine

It is unlawful to keep any live swine or pigs in the Town.

Section 6-1-6 Cruelty

It is unlawful to maliciously kill, maim or wound an animal which is the property of another, or when having charge or custody of an animal as owner or otherwise, to overdrive, overload, drive when

overloaded, overwork, torture, torment, deprive of necessary sustenance, drink or shelter, cruelly beat, mutilate or cruelly kill an animal, or to subject an animal to needless suffering, or to inflict unnecessary cruelty upon the animal, or to, in any manner, abuse an animal, or cruelly drive, ride or otherwise use the animal when unfit for labor.

ARTICLE 6-2: **Impounding Generally**

6-2-1 Poundmaster
6-2-2 Deputy Poundmaster
6-2-3 Impounding of Animals at Large
6-2-4 Notice to Owners of Impoundment
6-2-5 Report of Impounded Animals
6-2-6 Conditions and Duration of Impoundment
6-2-7 Redemption of Impounded Animals
6-2-8 Sale of Unredeemed Animals
6-2-9 Impounding Fees
6-2-10 Impeding Poundmaster
6-2-11 Biting Animals

Section 6-2-1 Poundmaster

The Council may appoint a poundmaster who shall serve at the pleasure of the Council.

Section 6-2-2 Deputy Poundmaster

The poundmaster shall have the right, subject to the approval of the Council, to appoint such deputy poundmaster as he/she may deem necessary for the proper carrying on and performance of the work and duties of the poundmaster and any such deputy so appointed is empowered to perform any of the duties of the poundmaster set forth in this chapter.

Section 6-2-3 Impounding of Animals at Large

It shall be the duty of the poundmaster to impound all animals found at large, or not in charge of or under the care or control of some person in the streets, alleys or other public places or vacant or unenclosed lots in the Town, except dogs upon which the license fee has been paid and wearing metal tags as provided in this chapter.

Section 6-2-4 Notice to Owners of Impoundment

If the owner of any impounded animal, except dogs, shall be known to the poundmaster and shall reside or have a known place of business in the Town the poundmaster shall notify the owner of such animal personally or by letter through the post office within 24 hours after such animal has been taken up and impounded. The notice shall contain a description of the animal and shall state that unless reclaimed, such animal shall be sold at public auction to the highest bidder at the time and place specified in the notice. Copies of the notice shall be posted at the place of impoundment and at the Town Hall.

Section 6-2-5 Report of Impounded Animals

The poundmaster shall, within 24 hours after taking up and impounding any animal, except a dog, make a report to the Clerk, stating the kind of animal and describing it by color or otherwise or by any marks or brands that may be on it, and when it was taken up and impounded.

Section 6-2-6 Conditions and Duration of Impoundment

The poundmaster shall provide for the keeping of all animals taken up and impounded by the poundmaster or his/her deputies in a safe, convenient and comfortable place within or conveniently near the Town limits and shall feed such animals at least once every 24 hours and treat them in a humane manner during the time they are impounded, which shall not be less than five days, unless sooner claimed by the owner, except dogs which shall be kept as provided in this chapter.

Section 6-2-7 Redemption of Impounded Animals

If the owner of any animal other than a dog shall within five days after such animal has been taken up and impounded, apply to the poundmaster and pay the fees and charges provided by this chapter, the poundmaster shall deliver any such animal to the owner.

Section 6-2-8 Sale of Unredeemed Animals

All animals, other than dogs, taken up and impounded under the provisions of this article which have not been claimed and the fees and charges have not been paid to the Town by the owner within five days, shall at the time provided in the notice of sale, be sold by the poundmaster at public auction at the place of impoundment, to the highest cash bidder and he/she shall immediately pay to the Clerk the proceeds of the sale of any such animal, which proceeds, after deduction therefrom the fees and charges, shall be paid to the owner of the animal if he/she appears and claims the same within 30 days after the sale, and if not, then the proceeds shall be paid into the general fund of the Town. The poundmaster shall execute a bill of sale in favor of the purchaser of such animal and upon payment of the amount bid shall deliver the bill of sale to the purchaser.

Section 6-2-9 Impounding Fees

The poundmaster shall collect from the owner of animals taken up and impounded and duly claimed by the owner, before delivering any such animals, the sum of fifteen dollars ($15.00) for every animal so taken up, and in addition thereto for the taking care of, watering and feeding any impounded animal two dollars and fifty cents ($2.50) per day. All fees collected shall be paid into the general fund of the Town.

Section 6-2-10 Impeding Poundmaster

It is unlawful for any person to in any manner intervene, impede, prevent, obstruct or intimidate the poundmaster in the discharge of his/her duties in taking up or attempting to take up and impound any and all animals which it shall be his/her duty to impound under the provisions of the chapter, or who shall rescue or attempt to rescue any animal so taken up or to release any animal so impounded.

Section 6-2-11 Biting Animals

Whenever any animal, except a dog, bites a person, the person so bitten and the owner of the animal shall immediately notify the poundmaster, which shall cause an examination of the animal to be made by a duly licensed physician or a duly licensed veterinarian, and shall order the animal held on the owner's premises or shall have it impounded as long as necessary for a complete examination. If it is determined that the animal is infected with rabies or other dangerous, contagious and infectious disease, it shall be the duty of the poundmaster to destroy such animal in as humane a manner as is reasonably possible. If at the end of the quarantine or impoundment, a veterinarian is convinced that the animal is free from such diseases, the animal shall be released. If the animal dies during the period of quarantine or impoundment, its head shall be sent to the state department of health for examination.

ARTICLE 6-3: **Dogs**

6-3-1 Definitions
6-3-2 Licenses and Tags Generally
6-3-3 Running at Large
6-3-4 Dangerous Dogs
6-3-5 Vaccination as Prerequisite to License
6-3-6 Appointment and Duties of Poundkeeper
6-3-7 Impoundment
6-3-8 Biting Dogs

Section 6-3-1 Definitions

In this chapter unless the context requires otherwise:

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

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

C. "Dog" means a member of the *canis familiaris* family.

D. "Owner" means any person, owning, keeping, possessing, harboring, or maintaining a dog.

E. "Pound" means any establishment authorized by the Town for the confinement, maintenance, safekeeping, and control of dogs that come into the custody of the poundkeeper.

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

Section 6-3-2 Licenses and Tags Generally

A. All dogs kept, harbored, or maintained in the Town of Jerome must be licensed and registered if over four months of age. Dog licenses shall be issued by the Town Clerk upon payment of a license fee of five dollars ($5.00).

B. The owner shall state at the time application is made for such license his/her name and address, the name, breed, color and sex of each dog owned or kept by him/her.

C. It is the duty of such owner to cause to be attached securely around the dog's neck, the metal license tag and said tag shall be kept there at all times whenever the dog is outside the owner's residence during the license period. Dog licenses shall be issued for a period of one year and shall run from the first day of January in each calendar year to the following January first.

[Ord. 205, 2/11/1986; Ord. 225, 3/21/1989]

Section 6-3-3 Running at Large

A. No dog shall be at large within the Town of Jerome. In the event that a dog is at large, the criminal responsibility for violation of this ordinance shall be upon the person owning, keeping, possessing, harboring or maintaining the dog. A dog is not deemed to be at large:

1. If said dog is restrained by a leash, chain, rope, or cord of not more than six feet in length and of sufficient strength to control the action of said dog;

2. While said dog is actively engaged in dog obedience training, accompanied by and under the control of his/her owner or trainer, provided that the person training said dog has in his/her possession a dog leash of not more than six feet in length and of sufficient strength to control said dog, and further, that said dog is actually enrolled in or has graduated from a dog obedience training school which has been approved by the pound master or police officer of the Town of Jerome;

3. While said dog is being used for hunting purposes;

4. While said dog is being exhibited at an American Kennel Club approved show; or

5. While said dog is engaged in races approved by the Arizona Racing Commission.

B. The poundmaster or a police officer of the Town of Jerome may apprehend and impound any dog running at large contrary to the provisions of this Section. The poundmaster or a police officer of the Town of Jerome shall have the right to enter upon private property when it be necessary to do so in order to apprehend and impound any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog.

C. Any person found guilty of violating any provision of this Section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed three

hundred dollars ($300.00), or by imprisonment for a period not to exceed three months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

(Ord. 181, 7/26/1979)

Section 6-3-4 Dangerous Dogs

No vicious, dangerous, or ferocious dog, or dog sick with or liable to communicate hydrophobia or other contagious or infectious diseases, shall be permitted to run at large in the Town.

Section 6-3-5 Vaccination as Prerequisite to License

No dog license or dog tag shall be issued except upon the certificate of a licensed veterinarian that the dog has been vaccinated against rabies.

Section 6-3-6 Appointment and Duties of Poundkeeper

A. The poundkeeper may be appointed by the Council and serve at the pleasure of the Council.

B. Immediately after the impoundment of any dog hereunder, it shall be the duty of the poundkeeper to enter upon the records of the poundkeeper the date of impounding, a description of the dog impounded, and a record as to whether or not such dog has been licensed and tagged as required by the ordinances.

C. Public notice of the impounding of such dog shall be given by posting one copy of the description of such dog and date of impounding at the place of impounding and one copy at the Town Hall.

Section 6-3-7 Impoundment

A. The pound master or Jerome police officer may apprehend and impound any dog found running at large.

B. Each unlicensed dog impounded shall be kept and maintained at the pound for a minimum of three days. At the expiration of the impoundment period, anyone may claim the dog, provided, that such person pays all established pound fees and complies with the licensing provision of this article. If no person claims the dog, the poundkeeper may dispose of the dog in a humane manner.

C. Impoundment costs shall be established from time to time by the Council.

[Ord. 181, 7/26/1979]

Section 6-3-8 Biting Dogs

A. Whenever a dog bites any person the incident shall be reported to the Town pound master immediately by any person having direct knowledge.

B. Any dog that bites any person shall be quarantined and impounded or, at the request of and at the expense of the owner, placed in a veterinary hospital for a period of not less than seven days. The owner of any dog that has bitten a person may voluntarily deliver the dog to the poundkeeper at the pound; otherwise, there shall be an assessment against the owner if the pound master must pick up the dog. If the dog is impounded in the pound for observation as a result of a dog bite incident, there shall be a charge for board, and no other impoundment fees shall be charged under these circumstances.

C. If it is determined that the dog is infected with rabies or other dangerous, contagious and infectious disease, it shall be the duty of the poundkeeper to destroy such dog in as humane a manner as is reasonably possible. If at the end of the quarantine or impoundment, a veterinarian is convinced that the dog is free from such diseases, the dog shall be released. If the dog dies during the period of quarantine or impoundment, its head shall be sent to the state department of health for examination.

ARTICLE 6-4: **Confinement of Animals in Motor Vehicles**

6-4-1 Definitions
6-4-2 Responsibility of Animal Owner
6-4-3 Responsibility of Motor Vehicle Owner
6-4-4 Exceptions
6-4-5 Authority of Peace Officer or Poundmaster
6-4-6 Violation; Penalty

Section 6-4-1 Definitions

In this article, unless the context otherwise requires:

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

B. “Pound” means any establishment authorized by the Town for the confinement, maintenance, safekeeping, and control of dogs that come into the custody of the Poundmaster.

C. “Poundmaster” means the Town of Jerome’s enforcement agent or his/her assigned deputy.

[Ord. 201, 08/13/1985]

Section 6-4-2 Responsibility of Animal Owner

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 a period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink, or other such circumstances as may reasonably be expected to cause suffering, disability or death.

[Ord. 201, 08/13/1985]

Section 6-4-3 Responsibility of Motor Vehicle Owner

No person having dominion or control over a motor vehicle as owner or otherwise, shall place or confine an animal or allow an animal to be placed or confined or to remain in a motor vehicle under such conditions or for such a 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 be reasonably be expected to cause suffering, disability or death.

[Ord. 201, 08/13/1985]

Section 6-4-4 Exceptions

Nothing in this article 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 purposes.

[Ord. 201, 08/13/1985]

Section 6-4-5 Authority of Peace Officer or Pound Master

A peace officer who finds an animal in a motor vehicle in violation of this article may break and enter the motor vehicle if necessary to remove the animal. The officer removing the animal shall take the animal to the pound or other place of safekeeping and shall, in the event the person having custody cannot otherwise be located, leave in a prominent place in the motor vehicle, a written notice bearing his/her name and office and the address where the animal may be claimed by the owner thereof. The animal will be surrendered to the owner if the owner claims the animal within five days from the time the animal was removed from the vehicle and pays all reasonable charges that have accrued for the maintenance of the animal. If the owner fails to claim the animal within five days after its removal from the vehicle, the person or poundmaster having custody of the animal will make reasonable effort to contact the owner and give notice that the animal is in their custody and may be reclaimed by the owner upon the payment of the reasonable maintenance charges. In the event the owner cannot be contacted or expresses no interest in reclaiming the animal, within five days after contact, the person or pound having custody of the animal may dispose of the animal in any reasonable, humane manner.

[Ord. 201, 08/13/1985]

Section 6-4-6 Violation; Penalty

A person who violates any provision of this article is guilty of a Class II misdemeanor punishable by a fine of not more than three hundred dollars ($300.00) or by imprisonment for not more than ninety (90) days, or both.

[Ord. 201, 8/13/1985]

ARTICLE 6-5: **Commercial Use of Animals and Animal-Drawn Conveyances and Tours**

6-5-1 Commercial Use of Animals and Animal-Drawn Conveyances and Tours
6-5-2 Unlawful Interference with Permitted Activity

Section 6-5-1 Commercial Use of Animals and Animal-drawn Conveyances and Tours

A. Permit required. It shall be unlawful for any person to utilize, for commercial purposes, any animal or animal-drawn conveyance upon the public streets of the Town of Jerome without first obtaining a permit.

B. Permit application

1. Insurance requirements.

a. No permit shall be issued or remain in effect unless the permittee, at the permittee's expense and without cost to the Town, procures, maintains in force and files with the Town Clerk, a certificate of insurance for personal injury and general liability in the amount of at least one million dollars ($1,000,000) per incident naming the Town of Jerome as an additional insured and providing thirty (30) days notice to the Town in event of any material change or cancellation.

b. Such insurance coverage constitutes a minimum requirement and shall in no way be deemed to limit or lessen the liability of the permittee under the terms of such permit.

c. Any permit issued under this ordinance shall be immediately terminated upon the effective date of cancellation or revocation of the required insurance.

2. Application Contents. Application for a permit shall include the following:

a. Applicant shall provide the Town with a copy of his/her valid Arizona motor vehicle operator's license; and

b. Names, identifying information and color pictures of each animal to be used, including full side, front and rear views of each animal; and

c. A certificate or statement of good health and suitability from a veterinarian licensed by the State of Arizona as to the physical condition of each animal to be used pursuant to the permit; and

d. Intended travel route(s), staging area, scheduled stops, boarding points and parking.

3. The driver of the conveyance shall not have any violations of Town, state and federal traffic laws within one year of issuance of the permit.

4. The Town reserves the right to limit the number of permits and number of conveyances based on traffic considerations and public safety.

C. Designated hours and areas of operation and routes.

1. The Town shall designate appropriate routes for use of commercial use of animals and/or animal-drawn conveyances and tours on public rights-of-way within the Town.

2. It shall be unlawful for any person to use any animal and/or animal-drawn conveyance for tours or commercial use at any location or upon any route other than those designated by the Town or as otherwise approved by the Town as stated in the permit.

3. No persons, owners or operators of an animal-drawn conveyance shall pick up passengers from any location other than the stops, boarding points or parking areas approved by the Town. This section does not prohibit a person, owner or operator from picking up a passenger from a pre-arranged location on private property.

4. Hours of operation for commercial use of animals and/or animal-drawn conveyances and tours shall be limited to daylight hours.

D. Waste Control.

1. Any person, owner or operator utilizing working animals and/or animal-drawn conveyances shall be responsible for animal waste by the use of diaper or other effective manner of waste control deemed acceptable by the Town. Any release of animal waste upon public streets or thoroughfares must be promptly removed. A police officer or other Town enforcement officer may order application of sanitizer and/or deodorizer to any area affected by the release of animal waste.

2. Failure to control animal waste and to promptly and effectively sanitize inadvertent release of waste upon public streets may result in revocation of a permit.

E. Control of Animals.

1. Any person, owner or operator utilizing working animals and/or animal-drawn conveyances shall ensure that such animal(s) are tended at all times by a responsible adult while on the public right-of-way.

2. The Town Police Chief or Town Council may suspend operation of any activity utilizing working animal(s) and/or animal-drawn conveyance if conditions exist, or are planned, that would impact the public health, safety or welfare or the safety of the animals. Such conditions include, but are not limited to, hazardous roads or weather conditions, road construction, and high traffic volumes.

F. Equipment. All equipment shall be clean and in safe working condition. The Town may inspect any equipment used in connection with any working animal at any time and, if said equipment is deemed not to be safe, the Town may suspend the permit until such time as the equipment is deemed safe based upon accepted industry standards.

G. Working conditions.

1. Animals shall not be worked on Town public streets when the combined temperature humidity index (thi) is over 140 or the ambient air temperature is over 95 degrees fahrenheit measured four feet above the pavement on Main Street in Jerome.

2. Horses will be required to be fitted with and wear proper shoes for walking the asphalt and rock surfaces of the streets in Jerome.

3. Adequate fresh water and food must be available to all working animals at the staging area, and at any location where the animals are kept for more than a two-hour period.

H. Inspections.

1. Any animal(s) used in a commercial operation permitted under this ordinance may be inspected by the Jerome police, the state livestock inspector, county animal control officer, or a licensed veterinarian selected by the permittee and acceptable to the Town. If, upon written request by the Town, the permittee is unable or unwilling to select a licensed veterinarian within two weeks, the Town may select a licensed veterinarian to inspect the animal.

2. Inspections shall be done in a manner that does not substantially interfere with the business, unless it is determined by the person inspecting the animal or vehicle that it is or may be a substantial risk to the health, safety or welfare of the animal or public.

3. Notwithstanding the requirements of Subsection 1 of this Section, the Town may hire a licensed veterinarian without the owner's consent in a situation deemed by the Town to constitute an emergency. If said inspection finds the animal to be neglected, injured,

mistreated or abused, the permittee shall pay all costs associated with the inspection and shall be responsible for costs associated with treating the animal.

I. Term. A permit issued pursuant to this Article shall be valid for one year and shall only be valid for the person to whom it is issued and the specific animal(s) and/or conveyance(s) specified in the application and permit.

J. Fees. Fees for permits shall be two hundred dollars ($200.00) per year.

K. Indemnity. The holder of any permit issued under the terms of this Article shall always release and indemnify, defend and save harmless the Town, its officers, agents and employees from and against any and all claims, actions, causes of action, demands, judgments, costs, expenses, and all damages of any kind and nature incurred by or inuring to any person whatsoever predicated upon injury to or death of any person or damage to property, public or private, or whatever ownership, or damage to business, provided such injury, death, loss or damage shall arise out of or be connected directly or indirectly with the exercise of any right or privilege granted by such permit.

L. Revocation of Permit. The Town Council may revoke any permit issued hereunder upon the failure of the permittee to comply with the terms and conditions of said permit, because of the manner in which it is being conducted, or for any other reason, may be jeopardizing public safety or welfare.

[Ord. 347, 8/27/2007]

Section 6-5-2 Unlawful Interference with Permitted Activity.

It is unlawful for any person to unreasonably obstruct, impede or interfere with any working animal and/or animal-drawn conveyance or with any person, vehicle or animal engaged in such activity for which a permit has been granted in accordance with the provisions of this Chapter.

[Ord. 347, 8/27/2007]

CHAPTER 7

BUILDING AND SAFETY CODES*

* State law reference: For authority to adopt codes by reference, see A.R.S. § 9-801 *et seq.*

ARTICLE 7-1 **Building Codes**

A. That certain code entitled the "International Building Code," 2012 Edition, as copyrighted by the International Code Council, together with amendments to same as set forth in Resolution No. 544 of the Town of Jerome, Arizona, is hereby adopted as the Building Code for the incorporated areas of the Town of Jerome, and is made a part of this chapter the same as though said code was specifically set forth in full herein.

B. That certain code entitled the "International Residential Code for One- and Two-Family Dwellings," 2012 Edition, as copyrighted by the International Code Council, together with amendments to same as set forth in Resolution No. 545 of the Town of Jerome, Arizona, is hereby adopted as the Residential Code for one- and two-family dwellings for the incorporated areas of the Town of Jerome, and is made a part of this chapter the same as though said code was specifically set forth in full herein.

C. There is hereby adopted the "Town of Jerome Administrative Code," 2003 Edition, as set forth in Ordinance 358 of the Town of Jerome, which Code is made a part of this chapter the same as though said code was specifically set forth in full herein.

[Ord. 196, 12/13/1983; Ord. 244, 11/13/1990; Ord. 254, 9/10/1991; Ord. 358, 7/9/2009; Ord. 422, 12/13/16]

ARTICLE 7-2 **Plumbing Code**

That certain code entitled the "International Plumbing Code," 2012 Edition, copyrighted by the International Code Council, , including Appendices B, C, D and E, and together with amendments to same as set forth in Resolution No. 547 of the Town of Jerome, Arizona, is hereby adopted as the Plumbing Code for the incorporated areas of the Town of Jerome, and is made a part of this chapter the same as though said code was specifically set forth in full herein.

[Ord. 196, 12/13/1983; Ord. 244, 11/13/1990; Ord. 254, 9/10/1991; Ord. 358, 7/9/2009; Ord. 425, 12/13/16]

ARTICLE 7-3 **Electrical Code**

That certain code entitled the "National Electrical Code," 2011 Edition, as copyrighted by the National Fire Protection Association, together with amendments thereto as set forth in Resolution No. 548 of the Town of Jerome, Arizona, is hereby adopted as the Electrical Code for the incorporated areas of the Town of Jerome, and is made a part of this chapter the same as though said code was specifically set forth in full herein.

[Ord. 196, 12/13/1983; Ord. 244, 11/13/1990; Ord. 254, 9/10/1991; Ord. 358, 7/9/2009; Ord. 426, 12/13/16]

ARTICLE 7-4 **Mechanical Code**

That certain code entitled the "International Mechanical Code", 2012 edition, copyrighted by the International Code Council, together with amendments to same as set forth in Resolution No. 546 of the Town of Jerome, Arizona, is hereby adopted as the Mechanical Code for the incorporated areas of the Town of Jerome, and is made a part of this chapter the same as though said code was specifically set forth in full herein.

[Ord. 196, 12/13/1983; Ord. 244, 11/13/1990; Ord. 254, 9/10/1991; Ord. 358, 7/9/2009; Ord. 424, 12/13/16]

ARTICLE 7-5 RESERVED

[Ord. 196, 12/13/1983; Ord. 242, 11/13/1990; Ord. 244, 11/13/1990; Ord. 435, 1/9/18].

ARTICLE 7-6 **Fuel Gas Code**

That certain code entitled the "International Fuel Gas Code", 2012 edition, copyrighted by the International Code Council, including Appendices A, B, C and D, and together with amendments to same as set forth in Resolution No. 549 of the Town of Jerome, Arizona, is hereby adopted as the Fuel Gas Code for the incorporated areas of the Town of Jerome, and is made a part of this chapter the same as though said code was specifically set forth in full herein.

[Ord. 358, 7/9/2009; Ord. 427, 12/13/16]

ARTICLE 7-7 **Property Maintenance Code**

That certain code entitled the "International Property Maintenance Code," 2012 edition, copyrighted by the International Code Council, together with amendments to same as set forth in Resolution No. 550 and Ordinance No. 430 of the Town of Jerome, Arizona, is hereby adopted as the Property Maintenance Code for the incorporated areas of the Town of Jerome, and is made a part of this chapter the same as though said code was specifically set forth in full herein.

[Ord. 358, 7/9/2009; Ord. 428, 12/13/2016; Ord. 430, 7/11/2017]

ARTICLE 7-8 **Grading Ordinance**

There is hereby adopted Appendix 33 of the "Uniform Building Code," 1997 edition, as the Grading Ordinance for the incorporated areas of the Town of Jerome, as set forth in Ordinance 358 of the Town of Jerome, which is made a part of this chapter the same as though said Ordinance was specifically set forth in full herein.

[Ord. 358, 7/9/2009]

ARTICLE 7-9 **International Fire Code**

That certain code entitled "International Fire Code," 2012 Edition, including Appendixes B, C, D, E, F and G, published by the International Code Council, together with amendments to same as set forth in

Resolution No. 536 of the Town of Jerome, Arizona, is hereby adopted as the Fire Code for the incorporated areas of the Town of Jerome and is made a part of this chapter as though said code was specifically set forth in full herein.

[Ord. 244, 11/13/1990; Ord. 254, 9/10/1991; Ord. 358, 7/9/2009; Ord. 418, 6/14/16]

ARTICLE 7-10 **Fee Schedule**

The fees to be charged by the Town with respect to the Codes set forth in this Article shall be as defined and set forth in Ordinance 358, adopted by the Town of Jerome on July 9, 2009.

[Ord. 196, 12/13/1983; Ord. 227, 8/08/1989; Ord. 244, 11/13/1990; Ord. 250, 5/14/1991; Ord. 358, 7/9/2009].

ARTICLE 7-11 **Building Official**

The building official and administrative authority as such may be referenced in any section of this chapter for all matters pertaining to any building, plumbing, electrical, or other building or safety codes or inspections shall be vested in the office of the Town Clerk, and Council may further authorize such deputies as needed to perform any inspection work or other functions that may be required by this chapter.

[Ord. 174 3/20/1976, Ord. 196, 12/13/1983; Ord. 244, 11/13/1990]

Reviser's Note: Ordinance 174 added Article 7-7 Building Moratorium, establishing a moratorium on construction of new commercial and residential buildings until September 16, 1976. Ord. 174 was repealed by the adoption of Ord. 196.

ARTICLE 7-12 **Fire District**

The entire incorporated area of the Town is hereby established as a Fire District. The entire incorporated area of the Town shall be known and designated as Fire District 3.

ARTICLE 7-13 **Abatement of Public Nuisances**

Section 7-13-1. It is hereby declared to be a public nuisance, fire hazard, and hazard to public health and safety to allow the accumulation of rubbish, trash, filth, debris, abandoned inoperable vehicles, dilapidated buildings and structures, litter, garbage, dead animals, brush, street cleaning, industrial wastes, or other unsanitary matter of any kind on any property, buildings, lots, grounds, tracts of land and the contiguous sidewalks, streets, and alleys.

a. No use or structure shall be operated or maintained in such a manner as to be an explosive or fire hazard; nor cause smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, toxic fumes or other negative impact on the community to be emitted into the atmosphere at any time to such an extent as to constitute a nuisance; contribute to neighborhood deterioration; nor divert water-carried waste or pollutants into any open water course or groundwater supply. Any such condition determined by the Town to constitute imminent peril to public health, safety or welfare shall be ceased

immediately.

b. Trash and garbage must be kept contained prior to off-site disposal so as not to be a nuisance. Open garbage must not be stored in any residential or commercial lot for more than seven days. Commercial dumpsters must be kept clean, emptied regularly, kept in good repair, and continuously covered.

c. The property owner shall be responsible for the removal of dry grasses and weeds exceeding six inches in height AND deemed to constitute a fire hazard by the Fire Chief or the Zoning Administrator.

d. The dispensing, handling, or disposal of fuels, paint thinner, or similar explosive or fire-producing materials shall comply with Underwriters Laboratories, Inc. standards or better.

e. To avoid negative impact on the community, graffiti must be removed at the request of the Town pursuant to this Article.

f. Unclaimed publications shall not be allowed to accumulate on a property owner's property. If the publication is subscribed to by the property owner or by a tenant on the property, the property owner or tenant shall be responsible for the unclaimed publications. If the material is unsolicited, the publisher shall be responsible for the unclaimed publications.

g. Dangerous buildings shall be subject to this Article 7-13.

h. All fences, screen walls and retaining walls on the premises shall be safe and structurally sound. They shall be maintained so that they do not constitute a blighting, or deteriorated condition.

Section 7-13-2. Written notice of any violation of Section 7-13-1 shall be either personally served or sent to the owner, lessee, and occupant of the property at her or his last known address by registered or certified mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him at his last known address. The notice shall be dated, signed by the Code Enforcement Officer or Building Official, have attached a copy of this Article 7-13 and include, at minimum, the following items: property description/address; description of the violation; required mitigation and cost thereof; and consequences. The notice of violation and the assessment lien provided for under this Article 7-13 shall run with the land. The Town, in its sole option, may record a notice of violation with the county recorder and thereby cause compliance by any entity thereafter acquiring such property. The non-filing of any notice of violation shall in no way affect the validity of such notice as to the entities so notified. A satisfaction of a notice of violation or assessment lien shall be filed when the property is brought into compliance by the owner, occupant or lessee. Where multiple ownership exists of a property in violation of this chapter, the Town may serve any one (1) owner of record and such service shall be deemed to be service upon any party having or claiming an ownership interest in the property. After

service upon any one (1) owner, the Town may fully proceed under this Article 7-13 the same as if all owners had been served.

Section 7-13-3. When any owner, lessee or occupant to whom notice has been given pursuant to Section 7-13-2 fails, neglects or refuses to abate the prohibited violation from such property by the date set for compliance within the notice, the Town Manager, or his or her duly authorized representative, may abate such violation. Upon abatement of the violation, the Town Manager, or his or her duly authorized representative, shall prepare an assessment containing a verified statement of the actual cost of such removal or abatement. The owner, lessee or occupant shall be required to pay the actual cost, plus an additional twenty (20) percent of such cost, to the Town within thirty (30) calendar days after the assessment has been mailed to the last known address of record of the owner, lessee or occupant. A duplicate copy of such assessments shall be mailed to the person or persons to whom the original notice of removal was mailed in the manner heretofore prescribed for service of the notice of removal. If the total assessment, including the twenty (20) percent additional charge as set out above, is not paid within thirty (30) calendar days after mailing of the assessment, the Town shall apply a lien to the property in the amount of the original assessment, including the twenty (20) percent additional charge, plus the cost of title search, recording fees, legal fees and other related fees. Failure to comply will result in civil court action.

Section 7-13-4. When a violation of this Town Code or Zoning Ordinance poses a substantial and immediate threat of serious harm to the health or safety of any person, then the Town may immediately enter the subject property and take the minimum action necessary to relieve the threat of serious harm. Prior to entering the property, the Town shall obtain either the consent of a person who owns, leases, rents, occupies, controls, or has the right to control the property, or an inspection warrant pursuant to Article 18-5 of this Town Code from the Town Magistrate court authorizing the Town to enter the property. The Town Magistrate Court may issue such an order only upon a showing that probable cause exists to believe that a violation of this Town Code or Zoning Ordinance, which poses a substantial and immediate threat of serious harm to the health or safety of any person, exists on the property. Any person who owns, leases, rents, occupies, controls, or has the right to control the property that is found to be in violation of this Town Code or Zoning Ordinance will be issued a citation for all violations causing the emergency abatement. The Magistrate Court may impose monetary reimbursement orders as justified by the violations and as permitted by A.R.S. § 9-499, as may be amended.

Section 7-13-5. The Town may record an assessment levied pursuant to Section 7-13-3 in the office of the County Recorder of Yavapai County, Arizona, and from the date of its recording shall be a lien on such lot, tract of land or premises described in the assessment, until paid. Such liens shall be subject to and inferior to the lien for general taxes and shall be prior to all other liens, obligations, mortgages and other encumbrances. A sale of the property to satisfy a lien obtained under the provisions of this Section 7-13-5 shall be made upon judgment of foreclosure or order of sale. The Town shall have the right to bring an 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 prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this Section 7-13-5 shall not be a bar to a subsequent assessment or assessments for such purposes and any number of liens on the same premises may be enforced in the same action. All assessment liens filed with the county recorder shall bear interest at the highest rate of interest permitted by law. If the lot subject to the assessment is unimproved, permit issuance for any improvements will be denied until such charges are paid in full.

Section 7-13-6. The transfer of any and all property interests in any manner, including, but not limited to, the sale, trade, lease, gift or assignment of any real property against which an assessment has been levied pursuant to this Article 7-13 shall not relieve the party(ies) initially subject to the assessment.

Section 7-13-7. Any person who interferes with, prevents, or attempts to interfere with or prevent an individual employed by the Town or other person contracted by the Town from investigating an alleged violation of this Article 7-13, or from correcting or abating a violation of this Article 7-13, is guilty of a Class 1 misdemeanor.

Section 7-13-8. In addition to any cost incurred, any person, firm or corporation found guilty of violating any of the provisions of this Article 7-13 shall be guilty of a Class I misdemeanor. Each occurrence or day the violation shall continue shall be a separate offense, punishable as described herein.

(Ord. 243, 11/13/1990; Ord. 437, 2/13/2018]

ARTICLE 7-14 **Americans and Arizonans with Disabilities Guidelines for Buildings and Facilities**

A. Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act), and its implementing rules, including "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities" declared a public record by Resolution #324, as applying to public entities, are hereby adopted and incorporated as an amendment to the Uniform Building Code and made part thereof as though fully set forth therein. Such standards and specifications shall apply to new construction and alterations and are not required in buildings or portions of existing buildings that do not meet the standards and specifications.

B. Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act), and its implementing rules, including "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities" declared a public record by Resolution #325, as applying to public accommodations and commercial facilities, are hereby adopted and incorporated as an amendment to the Uniform Building Code and made part thereof as though fully set forth therein. Such standards and specifications shall apply to new construction and alterations commenced after September 3, 1996.

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

[Ord. 291, __/__/1996 – Approved in 1996, Signed by Mayor John Bouwman and Clerk Al Palmieri, August 6, 2007]

ARTICLE 7-15 **Encroachment Permits for Public Rights-Of-Way**

7-15-1 Definitions
7-15-2 Permit Required
7-15-3 Application
7-15-4 Fees
7-15-5 Conditions of Encroachment Permit
7-15-6 Standards for Issuance of Permit
7-15-7 Assignment
7-15-8 Revocation
7-15-9 Penalties

Section 7-15-1 Definitions

The following words, terms and phrases, when used in this article, shall have the following meanings, except where the context clearly indicates a different meaning:

A. "Encroachment" means an object, structure or other thing in the public right-of-way of the Town or the use of the public right-of-way for purposes other than its intended use. "Encroachment" does not include (i) construction, reconstruction, repair, alteration, or grading of the traveled portion of the right-of-way, or to widen or improve the traveled portion, and (ii) the use of the public right-of-way by vehicles, bicycles or other means of transport governed by Title 28, Arizona Revised Statutes.

B. "Traveled portion of the public right-of-way" means that portion of a public right-of-way that is intended to be used by vehicles, bicycles or other means of transportation governed by Title 28, Arizona Revised Statutes, or by pedestrians. The "traveled portion of the public right-of-way" may be defined by pavement, graded areas, or curbs adjacent to each side of the pavement in the public right-of-way.

C. "Public right-of- way" means land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to the general public for street, highway, alley, public utility, pedestrian walkway or landscape purposes.

D. "Encroachment area" means that portion of the right-of-way that is subject to an encroachment permit.

Section 7-15-2 Permit Required

Encroachments in a public right-of-way are unlawful without first obtaining a permit from the Town Zoning Administrator in compliance with this Article.

Section 7-15-3 Application

A. An application for a permit shall be filed with the Town Zoning Administrator on a form provided by the Town. The application shall include such information as the Town deems necessary to establish the exact location, nature, dimensions, duration and purpose of the proposed encroachment. The application shall include:

1. Name and address of the applicant.

2. Narrative attached to the application showing details of the proposed encroachment, including the proposed use and location of the encroachment area and describing the placement and location of objects and landscaping to be placed in the encroachment area.

3. Plot plans, maps, legal descriptions, sketches, diagrams or similar exhibits to illustrate the location, dimensions, nature and purpose of the encroachment and its relation to existing and proposed facilities in the right-of-way.

4. Such other information as the Zoning Administrator finds reasonably necessary to determine compliance with Town Codes and criteria for issuance of encroachment permits.

B. At least 30 days prior to issuance of the permit, the applicant shall:

1. Post a sign, as directed by the Zoning Administrator, on the proposed encroachment area indicating the name of the applicant, proposed encroachment area, purpose of the proposed encroachment and how to make comments on the proposal.

2. Provide notice of the application by First Class mail, to all owners of property within a 300 foot radius of the encroachment area, as listed in the records of the Yavapai County Recorder.

Section 7-15-4 <u>Fees</u>

A. Encroachment permit fees established by Resolution of the Council shall be paid prior to issuance of a permit.

B. The Council may establish an annual fee to be paid in addition to the initial fee for administration and other expenses that may be incurred due to the encroachment.

Section 7-15-5 <u>Conditions of Encroachment Permit</u>

Encroachment permits shall be subject to the following terms and conditions, which shall be included on the permit:

A. The written agreement of the permittee to maintain the encroachment and encroachment area in good condition and to indemnify and hold harmless the Town for any damages or injuries that result from or are caused by the encroachment. This indemnification obligation is not

diminished by the fact that the Town issued an encroachment permit and shall survive the termination or expiration of the permit.

B. If a permittee damages or disturbs the traveled portion of any public right-of-way or any existing retaining wall without prior permission in writing from the Town, the permittee shall promptly, at its own expense and in a manner acceptable to the Town, restore the surface or subsurface of the public right-of-way in as good a condition as before such damage or disturbance. If such restoration, repair or replacement of the surface, subsurface, or any structure located thereon, therein, or thereunder is not completed within a reasonable time, or such repair or replacement does not meet Town standards, the Town shall have the right to perform the necessary restoration, repair, or replacement, either through its own forces, or through a contractor, and the permittee agrees to reimburse the Town for its expense in so doing within thirty days after receipt of the invoice therefor. Permittee agrees to pay such costs within thirty days from the date of issuance of an invoice from Town.

C. A Certificate of Insurance shall be submitted to the Town evidencing insurance coverage in the policy amount of $1,000,000 each occurrence combined single limit for bodily injury and property damage liabilities and $2,000,000 aggregate, and naming the Town as an additional insured. The Certificate of Insurance shall be submitted to the Planning Department prior to issuance of the encroachment permit.

D. No changes shall be made in the location, dimensions, character or duration of the encroachment or use set forth in the permit except upon written authorization of the Town. Any such change made without prior written authorization by the Town may result in immediate revocation of the permit without reimbursement to the permittee of any application fee, permit fee or other expenses incurred related to the encroachment or the permit.

E. Compliance with the standards for encroachments set forth in section 7-15-6.

F. Such other conditions as the Town deems necessary for the health, safety and welfare of the public and for the protection of the Town and preservation of the Town's rights-of-way.

Section 7-15-6 <u>Standards For Issuance of Permit</u>

All encroachments shall comply with the following standards:

A. Encroachment permits shall be issued for a one-year term and may be renewed by the Zoning Administrator upon a determination that the conditions of the permit have been complied with, the Town's property has not been negatively impacted by the encroachment, all fees required have been paid, and the encroachment area is not required to be used by the Town for right-of-way purposes. If the encroachment is not removed from the right-of-way within the time set forth in the encroachment permit or any extension thereof, the Town may remove the encroachment and charge the cost to the permittee.

B. No encroachment shall be permitted or maintained which impedes, obstructs, or denies the vehicular, bicycle or pedestrians the use of the public right-of-way, nor shall any encroachment interfere with access to or the operation, maintenance, or repair of public sewer, water or other facilities which are located within the public right-of-way.

C. No fences shall be allowed to encroach on the public right-of-way.

D. Upon removal of the encroachment, the encroachment area shall be restored to the condition it was in prior to the placement of the encroachment in the public right-of-way. The Town may elect to have the encroachment area not returned to its original condition. In such case, the Town Council may authorize partial reimbursement to the permittee for improvements made to the encroachment by the permittee, but only if the permittee complied with all Town codes and obtained all required inspections and permits before making said improvements.

E. No structure shall be permitted in the public right-of-way unless said structure is temporary and intended to be used for a limited period of time. All such temporary structures shall be approved by the Town Zoning Administrator and shall conform to all relevant provisions of the Town zoning ordinance and building and safety codes. At the discretion of the Zoning Administrator, the applicant may be required to obtain approval from the Design Review Board prior to construction of a temporary structure or landscaping installation.

F. Any monument of granite, concrete, iron or other lasting material set for the purpose of locating or preserving the lines or elevation of any public street or right-of-way, property subdivision, or a precise survey point or reference point shall not be removed or disturbed without first obtaining written permission from the Town. Replacement of a removed or disturbed monument shall be at the sole expense of the permittee.

Section 7-15-7 Assignment

Encroachment permits shall be issued only to the person making application and may not be assigned to another person by the permittee. If any permittee assigns his/her permit to another, the permit shall be void.

Section 7-15-8 Revocation

A. An encroachment permit may be revoked by the Town when the encroachment area, or any portion thereof is needed or required by the Town in the Town Council's sole opinion.

B. Upon written notice from the Town, the permittee shall promptly remove all encroachments from the encroachment area and cease using the encroachment area for private purposes. If the permittee fails to respond to such a request within thirty days of the date of notice, the Town shall remove the encroachment and may dispose of it as it sees fit. Design Review Board approval of removal of encroachments may be required at the discretion of the Zoning Administrator.

C. An encroachment permit may be revoked if at any time the Town finds that encroachment does not comply with the terms and conditions of the permit.

Section 7-15-9 Penalties

Any person found guilty of violating any provision of this Article shall be guilty of a Class 1 misdemeanor, punishable by a fine, imprisonment, probation and/or penalties, as set forth in title 13 of the Arizona Revised Statutes. Each day that a violation continues shall be a separate offense and shall be punishable as an individual offense.

[Ord. No. 356, 12/9/08]

[Reviser's note: Ord. 356 numbered this Article as 7-10; however a prior ordinance had already added Article 7-10 to the Code, and Ord. 358 added Articles that would logically precede this Article. This Article was renumbered accordingly as 7-15.]

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CHAPTER 8

BUSINESS

ARTICLE 8-1 **Peddlers**

8-1-1 Registration Required
8-1-2 Application to Clerk
8-1-3 Issuance of Registration Cards
8-1-4 Revocation of Registration Cards
8-1-5 Peddling without Registration Cards Prohibited
8-1-6 Permission Required for Selling on Streets and Sidewalks
8-1-7 Signs to be Observed
8-1-8 Newsboys Exempt

Section 8-1-1 Registration Required

Any person operating as a solicitor, peddler, hawker, salesman or vendor of goods, wares, merchandise, newspapers, magazines or services, who goes from house to house, or to only one house, in the Town, shall register with the Clerk and obtain an identification card showing such registration.

Section 8-1-2 Application to Clerk

Applicants for registration under the terms of Section 8-1-1 shall be required to furnish two satisfactory photographs of the applicant, one to be attached to the applicant's registration card and the other to be retained by the Clerk. The Clerk shall require the applicant to file his/her fingerprint identification.

Such applicants for registration shall be required to furnish to the Clerk a complete description of the product to be sold in the Town, together with information regarding sales methods to be used and references that will enable the Clerk to determine whether or not such applicant is qualified to receive a registration card as provided in Section 8-1-3. Investigation by the Clerk under the provisions of this chapter shall be completed within 15 days after the applicant has given the required information.

Section 8-1-3 Issuance of Registration Cards

Registration cards under this chapter shall be given without charge to all applicants who have complied with Section 8-1-2, unless the Clerk discovers that any such applicant is deemed not to be a proper person to be permitted to go from house to house because of any of the following reasons: (1) he/she has a criminal record, (2) he/she is associated with a company that has engaged in fraudulent dealings, or (3) the proposed sales proposition includes some element of trickery, fraud or deceit, in which case, in the interest of public safety and protection, the applicant shall not be registered.

Section 8-1-4 Revocation of Registration Cards

Registration cards under this chapter may be revoked by the Town at any time if deemed necessary in the interest of public safety and protection.

Section 8-1-5 Peddling Without Registration Cards Prohibited

It is unlawful for any person to take part in the act of soliciting, peddling, hawking, selling or vending of goods, wares, merchandise, newspapers, magazines or services from house to house, or to only one house, in the Town without having registered with the Clerk and without having obtained a registration card; without having such card in possession; or failing to exhibit such card when request is made for the registration card by any resident of the Town.

Section 8-1-6 Permission Required for Selling on Streets or Sidewalks

It is unlawful for any person to erect or maintain any booth, stand or counter on any sidewalk in the Town for the purpose of barter, sale or trade, or keep or maintain upon the streets or alleys any wagon, cart, wheel, vehicle, movable booth or stand for the purpose of barter or trade without obtaining permission of the Council.

Section 8-1-7 Signs to be Observed

It is unlawful for any peddler, solicitor, or canvasser in the course of his/her business to ring the doorbell or knock at any building whereon a sign bearing the words “no peddlers, solicitors, or canvassers” is exposed to public view.

Section 8-1-8 Newsboys Exempt

Newsboys are exempt from the provisions of this chapter for the sale of newspaper subscriptions.

ARTICLE 8-2 **Transaction Privilege Tax**

8-2-1 Adoption of Model City Tax Code

Section 8-2-1 Adoption of Model City Tax Code

The Model City Tax Code adopted pursuant to Ordinance No. 216, and any amendments thereto adopted by the Town of Jerome, are made a part of this code as if fully set forth in this Section, and shall be referred to as the Tax Code of the Town of Jerome. Pursuant to Resolution No. 220, three copies of the Tax Code shall be on file in the office of the Town Clerk.

[Ord. 183, 8/14/1979; Ord. 186, 9/9/1980; Ord. 187, 9/9/1980; Ord. 190, 7/29/1982; Ord. 194, 6/14/1983; Ord. 216, 12/19/1988; Ord. 235, 6/26/1990; Ord. 274, 4/11/1994; Ord. 289, 1/14/1997; Ord. 300, 6/01/1998; Ord. 304, 11/23/1999; Ord. 309, 4/24/2001; Ord. 311, 11/16/2001; Ord. 318, 4/22/2003; Ord. 334, 6/6/2006; Ord. 344, 1/09/2007; Ord. 353, 8/12/2008; Ord. 354, 8/12/2008; Ord. 361, 10/13/2009; Ord. 362, 11/10/2009; Ord. 370, 3/15/2010; Ord. 373, 6/8/2010; Ord. 375, 8/10/2010; Ord. 376; 8/10/2010]

ARTICLE 8-3 **Business License Tax**

8-3-1 License Required; Definitions
8-3-2 Issuance of License
8-3-3 Payment Procedure
8-3-4 Posting of License
8-3-5 Business License Fees
8-3-6 Nonprofit, Charitable, Governmental and Other Exemptions
8-3-7 Reasons for Revocation, Suspension or Denial of Business Licenses
8-3-8 Procedure for Denial, Suspension or Revocation
8-3-9 Appeal Procedure
8-3-10 Validity of Business License During Appeal
8-3-11 Licensing After Revocation
8-3-12 Penalty

Section 8-3-1 License Required; Definitions

It is unlawful for any person, firm, organization, corporation or other entity to commence, transact or carry on any trade, calling, profession, occupation or business within the corporate limits of the Town of Jerome without having procured a business license from the Town in compliance with the provisions of this Article.

A. For purposes of this Article:

"Any trade, calling, profession, occupation or business" means any activity which is performed for profit whether in cash payment or trade in equivalent value.

"Person" shall include individuals, partnership, association, company or corporation.

"Home Occupation" is any occupation, profession, activity or use, which use is incidental and subordinate to the use of a dwelling unit for dwelling purposes and does not change the character of the neighborhood by externally detectable lighting, noise, odor or appearance associated with the activity, and in connection with which there are no employees other than a member of the immediate family, which member resides in the dwelling unit.

[Ord. 233, 1/09/1990; Ord. 415, 3/10/2015]

Section 8-3-2 Issuance of License

A. It is the responsibility of any person conducting business to apply for and renew the required license. It shall be the duty of the Town Clerk or his/her designee to prepare and to issue a license under this article for every person, firm, company, corporation or other entity liable therefor, and to state in each license the amount thereof, the period of time covered, the name of the person, firm, company, corporation or other entity for whom issued, the type of business licensed, and the location or place of business where said trade, calling, profession, occupation or business is carried on.

B. In no case shall any mistake of the Clerk in stating the amount of a license prevent or prejudice the collection for the Town of what shall be actually due from anyone carrying on a trade, calling, profession, occupation or business, subject to license under this article. It shall be the obligation of the applicant to provide satisfactory proof to the Clerk as to which license fee shall be charged.

C. Where any business activity is subject to a certificate of health or sanitary examination, before commencing operation, the applicant must produce a current license, certificate or permit from Yavapai County Community Health Services, a copy of which shall be kept on file in the Town Clerk's office.

D. Where any business activity is subject to sales tax, before any license is issued, the applicant must produce a current State of Arizona Transaction Privilege Tax License (TPT), a copy of which shall be kept on file in the Town Clerk's office.

E. Where any business is physically located within the Town of Jerome, no license may be issued until the Zoning Administrator has provided verification that the business is in an approved zoning district. The owner of the business shall grant the Zoning Administrator or his/her designee access to the premises where the business operates to accomplish this verification. The Zoning Administrator shall furnish such verification within five (5) business days of the date that the license application is received by the Town. This provision shall not apply to home occupations, provided the home occupation is in a residential zone.

F. Where any business is physically located within the Town of Jerome, no license may be issued or renewed until the Fire Department and Building Department have approved the premises to be occupied by the business. The owner of the business shall grant the Fire Chief, Building Inspector and/or his/her designee(s) access to the premises where the business operates to accomplish any inspection deemed necessary by the Fire Chief and/or Building Inspector. The Fire Department and Building Department shall furnish such inspection and issue approval or denial within five (5) business days of the of the date that the license application is received by the Town. This provision shall not apply to home occupations, provided the home occupation is in a residential zone.

G. Issuance of a business license does not imply that the Town in any way regulates or warrants the manner in which the operator does business.

[Ord. 233, 1/09/1990; Ord. 415, 3/10/2015]

Section 8-3-3 <u>Payment Procedure</u>

A. Following all necessary approvals, all business license fees shall be paid at the office of the Town Clerk or in such manner as may be specified by the Town Clerk.

B. Business licenses are issued for a 12-month period. Annual renewal payments are due on or before the license's expiration date.

C. A full fee shall be paid for each licensing period.

D. Except as provided in Section 8-3-3-F, a separate license must be obtained for each occupation or branch establishment or separate place of business in which any trade, calling, profession, occupation or business is carried on. Each license shall authorize the person obtaining such license to carry on, pursue or conduct, only that trade, calling, profession, occupation or business described in such license and only at the location or place of business which is indicated.

E. Every person engaged in more than one business in the same location shall obtain a license for each business.

F. A separate license is not required for each type of business activity provided that each type of business activity is conducted by the same person, using the same business name, and at the same business location. Every person shall have his or her license updated with the Town Clerk before engaging in any new business activity.

G. All changes in ownership or business location shall be considered to be a new business and, as such, shall be required to obtain a new license and pay the required license fee.

[Ord. 233, 1/09/1990; Ord. 415, 3/10/2015]

Section 8-3-4 Posting of License

Every person, firm, company, corporation or other entity having a business license under the provisions of this Article shall keep such license posted and exhibited while in force, in some conspicuous part of the place of business. Every person having such a business license and not having a fixed place of business shall carry such license with him/her at all times while carrying on that business for which the same was granted. Every person, firm, company, corporation or other entity having a license under the provisions of this Article shall produce and exhibit the same when applying for a renewal thereof, and whenever requested to do so by any police officer or code enforcement official.

[Ord. 233, 1/09/1990; Ord. 415, 3/10/2015]

Section 8-3-5 Business License Fees

All businesses, occupations, professions, trades or callings shall pay a set fee as set forth in the following schedule annually, unless otherwise specified herein. Fees are non-refundable and are not set on a pro rata basis.

A. Any business that anticipates generating more than ten thousand and one dollars ($10,001.00) gross income in cash, trade, or barter in a calendar year: fifty dollars ($50.00) per year.

B. Any business that anticipates generating more than two thousand five hundred and one dollars ($2,501.00) through ten thousand and one dollars ($10,001.00) gross income in cash, trade, or barter in a calendar year: twenty dollars ($20.00) per year.

C. Retail Liquor Licenses: fifty dollars ($50.00) per year.

D. Liquor Licenses – Special Event Application: seventy-five dollars ($75.00)

[Ord. 233, 1/09/1990; Ord. 322, 12/09/2003; Ord. 415, 3/10/2015].

Section 8-3-6 Nonprofit, Charitable, Governmental and Other Exemptions

A. In the event any circus, carnival, ride, theatrical production, tent show, dog or pony show or similar production is sponsored by any local nonprofit, charitable or religious organization, the fees specified in Section 8-3-6 of this article may be waived by the Council upon terms as it may deem advisable.

B. Nonprofit or charitable organizations operated for the public benefit only shall be exempt from the provisions of this article upon sufficient proof to the Town Clerk.

C. The provisions of this article do not apply to governmental agencies. However, this exemption does not apply to persons independently contracting with the Town on specific projects.

D. Wholesale distributors who do not maintain a permanent business location within the corporate limits of the Town of Jerome shall be exempt from the requirements of this Article, provided that they sell goods only to retail establishments for resale to the public, and do not collect sales tax on such goods.

E. Any business that anticipates generating less than two thousand five hundred dollars ($2,500.00) gross income in cash trade, or barter in a calendar year shall be exempt from the provisions of this Article.

[Ord. 192, 1/11/1983; Ord. 233, 1/09/1990; Ord. 415, 3/10/2015]

Section 8-3-7 Reasons for Revocation, Suspension or Denial of Business Licenses.

A. After a person has made application to the Town for a business license, the application may be denied for any of the following reasons:

1. The Building Official, Fire Chief or Zoning Administrator has disapproved the application pursuant to any applicable provision of the Town Code.
2. False or incomplete information given on the application.
3. Failure to establish an appropriate utility account with the Town.
4. Noncompliance with any requirement or condition set by the Town Council or Planning & Zoning Commission under a conditional use permit.
5. Noncompliance with any town, county, state or federal ordinances, statutes or regulations governing the applicant's proposed business.

B. An existing business license may be suspended or revoked for any of the following reasons:

1. False or incomplete information given on the application.
2. The licensee has violated or is violating any provision of the Town Code or county, state or federal statutes or regulations governing the licensee's business.
3. The licensee has failed to establish an appropriate utility account with the Town, or is more than 30 days delinquent with payments on such account.
4. The licensee has failed to obtain a Transaction Privilege Tax License or to pay said tax.
5. The licensee has interfered with authorized representatives of the Town while in the performance of their duty, including inspections.
6. The licensee is not complying with any requirement or condition set by the Town Council or Planning & Zoning Commission under a conditional use permit.
7. Violation of this Article by the agents or employees of a licensee and/or violations of any other laws by the agents or employees, committed while acting as an agent or employee of the licensee.

[Ord. 416, 5/12/2015]

Section 8-3-8 Procedure for Denial, Suspension or Revocation.

A. The Town Manager shall have the authority to deny, suspend or revoke a business license, without a hearing, for reasons provided for in this Article. However, any suspension or revocation shall not take effect until the time period for appealing the decision as set forth in this Article has passed.

B. In denying, suspending or revoking any business license, the Town Manager shall cause written notice to be given by personal service or registered mail to the licensee of his or her decision to deny, suspend or revoke a license, the reason for such decision, that operation of the business prior to obtaining a license or after the effective date of the suspension or revocation would incur penalties as set forth in this Article, the applicant or licensee's right to appeal the Town Manager's decision and have a hearing, and the appeal procedure.

[Ord. 416, 5/12/2015]

Section 8-3-9 Appeal Procedure.

A. Appeals of the Town Manager's decision to deny, suspend or revoke a license may be made by filing a notice of appeal with the Town Clerk within 15 days of receipt of the notice of denial, suspension or revocation.

B. The notice of appeal shall be in writing, and shall set forth with specificity the reasons for which the appeal is taken.

C. After the notice of appeal is determined to be complete, the Town Clerk shall schedule a hearing before the Town Council at their next regular meeting. Prior to the hearing, the Town Manager shall transmit to the Town Council all papers constituting the record of the action which is appealed.

D. At the hearing, the Town Manager, or his/her designee, shall present the reasons for the decision to deny, suspend or revoke the license.

E. The applicant or licensee, in person or through his or her attorney, may then present any evidence showing reasons why the decision was in error.

F. If the denial, suspension or revocation appealed from is based on a finding by the Building Official, Zoning Administrator, Fire Chief, County Health Department or Police Department that the business was or would be in violation of any applicable law, including (without limitation) ordinances or regulations, then that finding shall be conclusive on the Town Council, and the Council's decision may be based only on whether the license was properly denied, suspended or revoked because of the Building Official, Zoning Administrator, Fire Chief, County Health Department or Police Department' finding.

G. If the denial, suspension or revocation appealed from is based on a determination by the Town Manager that grounds existed pursuant to the Town Code, the Town Council may examine the factual nature of the grounds and determine whether such grounds are sufficient to sustain the decision of the Town Manager.

H. The Town Council may affirm or reverse the decision of the Town Manager. The decision shall be in writing and shall be based only upon findings of fact. After the Town Council makes a decision, the Town Manager shall give the applicant or licensee written notice of the decision.

I. Any decision of the Town Council may be appealed by the applicant or licensee to the Superior Court within thirty (30) days from the date of the written decision.

[Ord. 416, 5/12/2015]

Section 8-3-10 Validity of Business License During Appeal.

Throughout the administrative appeal process outlined herein, a licensee holding a suspended or revoked license may continue to operate his or her business pending final decision on the appeal, or until the time for appeal has passed, whichever occurs first.

[Ord. 416, 5/12/2015]

Section 8-3-11 Licensing After Revocation.

A person whose license has been finally revoked may not be issued a license for a period of twelve (12) months after the revocation.

[Ord. 416, 5/12/2015]

Section 8-3-12 Penalty.

Violations of this Article shall be punishable as follows:

A. For the first offense, any violation of this article shall constitute a petty offense, and shall be subject to a fine of up to seventy-five ($75.00) dollars.

B. For a second or subsequent offense, any violation of this article shall constitute a Class I misdemeanor, punishable by a fine of up to $2,500.00, incarceration of up to six months, or both; with each day during which any violation of this Ordinance is committed, continued or permitted constituting a separate offense.

[Ord. 415, 3/10/2015; Ord. 416, 5/14/2015]

ARTICLE 8-4 **Sexually Oriented Business Code**

8-4-1 Purpose and Intent
8-4-2 Definitions
8-4-3 Classification
8-4-4 License Required
8-4-5 Issuance of License
8-4-6 Fees
8-4-7 Inspection
8-4-8 Expiration of License
8-4-9 Suspension
8-4-10 Revocation
8-4-11 Transfer of License
8-4-12 Location of Sexually Oriented Businesses
8-4-13 Additional Regulations for Adult Motels
8-4-14 Additional Regulations for Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms
8-4-15 Additional Regulations for Escort Agencies
8-4-16 Additional Regulations for Nude Model Studios

8-4-17 Additional Regulations Concerning Public Nudity
8-4-18 Prohibition Against Children in a Sexually Oriented Business
8-4-19 Hours of Operation
8-4-20 Exemptions
8-4-21 Penalty; Injunction

Section 8-4-1 Purpose and Intent

It is the purpose of this Article to regulate adult-oriented businesses, to promote the public health, safety and general welfare of the citizens of the city, and to avoid and mitigate the detrimental secondary effects of adult-oriented businesses through content neutral regulations. It is not the purpose of this Article to impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials, or to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. This Article is not intended to interfere with or suppress legitimate expression or any speech activities protected by the First Amendment to the United States Constitution nor is it intended to permit any use or activity which is otherwise prohibited or made punishable by law.

[Ord. 326, 8/8/2006]

Section 8-4-2 Definitions

In this Article, unless the context otherwise requires:

A. "*Adult Arcade"* means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one 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, Adult Novelty Store or Adult Video Store"* means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or

2. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of Specified Sexual Activities" or Specified Anatomical Areas.

C. "*Adult Cabaret"* means a nightclub, bar, restaurant or similar commercial establishment which regularly features:

1. Employees who appear in a state of nudity or semi-nude; or

2. Live performances which are characterized by the exposure of Specified Anatomical Areas or Specified Sexual Activities; or

3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

D. "*Adult Motel"* means a hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motions pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

2. Offers a sleeping room for rent for a period of time that is less than ten hours; or

3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

E. "*Adult Motion Picture Theater"* means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are predominantly characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas. Adult Motion Picture Theater does not include a theater where all viewing occurs in a common area with seating for fifty (50) or more persons.

F. "*Adult Theater"* means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of Specified Anatomical Areas or Specified Sexual Activities.

G. "*Employee"* means 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 said 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.

H. "*Escort"* means a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

I. "*Escort Agency"* means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

J. "*Establish* or *Establishment"* means and includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business; or

2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

3. The additions of any sexually oriented business to any other existing sexually oriented business; or

4. The relocation of any sexually oriented business.

K. "*Licensee"* means a person in whose name a license to operate a sexually oriented business has been issued, as well as the 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.

L. "*Nude Model Studio"* means any place where a person who appears semi-nude, in a state of nudity, or who displays Specified Anatomical Areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Arizona or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or in a structure:

1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and

2. Where in order to participate in a class a student must enroll at least three days in advance of the class.

M. "*Nudity* or *State of Nudity"* means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

N. "*Person"* means an individual, proprietorship, partnership, corporation, limited liability company, association or other legal entity.

O. "*Semi-Nude"* or in a "*Semi-Nude Condition"* means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

P. "*Sexual Encounter Center"* means a non-medical business or commercial enterprise that, as one of its principal business purposes, offers for any form of 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 semi-nude; or

2. The matching and/or exchanging of persons for Specified Sexual Activities.

Q. "*Sexually Oriented Business"* means an Adult Arcade, Adult Bookstore, Adult Novelty Store, Adult Video Store, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Escort Agency, Nude Model Studio, or Sexual Encounter Center.

R. "*Specified Anatomical Areas"* means:

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

2. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

S. "*Specified Criminal Activity"* means 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; gambling; or distribution of a controlled substance; 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 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; or

b. Less than five 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 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 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.

T. "*Specified Sexual Activities"* means any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or

2. Sex acts, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or

3. Excretory functions as part of or in connection with any of the activities set forth in paragraphs 1 and 2 above.

U. "*Substantial Enlargement"* of a sexually oriented business means the increase in floor area occupied by the business by more than twenty-five (25) percent, as the floor area exists on the date this Article takes effect.

V. "*Transfer of Ownership or Control"* of a sexually oriented business means and includes any of the following:

1. The sale, lease or sublease of the business; or

2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or

3. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

[Ord. 326, 8/8/2006]

Section 8-4-3 Classification

Sexually oriented businesses are classified as follows:

1. Adult Arcades;
2. Adult Bookstores, Adult Novelty Stores or Adult Video Stores;
3. Adult Cabarets;
4. Adult Motels;
5. Adult Motion Picture Theaters;
6. Adult Theaters;
7. Escort Agencies;
8. Nude Model Studios;
9. Sexual Encounter Centers.

[Ord. 326, 8/8/2006]

Section 8-4-4 License Required

A. It is unlawful:

1. For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the Town pursuant to this Article.

2. 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 pursuant to this Article.

3. For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this Article.

B. An application for a license must be made on a form provided by the Town Clerk of Jerome.

C. All applicants must be qualified according to the provisions of this Article. The application may request and the applicant shall provide such information (including fingerprints) as to enable the Town to determine whether the applicant meets the qualifications established in this Article.

D. 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 in other than an individual, each individual who has a ten percent or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section 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 years of age;

   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 or limited liability company, the corporation or limited liability company shall state its complete name, the date of its incorporation, evidence that the corporation or limited liability company is in good standing under the laws of its state of incorporation, the names and capacity of all officers directors and stockholders or all members if the entity is a limited liability company, and the name of the registered statutory 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/she or she must state the sexually oriented business' fictitious name and submit the required registration documents.

3. Whether the applicant, or a person residing with the applicant, has been convicted of 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 municipality or county 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 limited liability company 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 holds any other licenses under this article or other similar sexually oriented business ordinance from another municipality or county 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 numbers, if any.

8. The applicant's mailing address and residential address.

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.

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 existing sexually oriented businesses within fifteen hundred (1,500) feet of the property to be certified; the property lines of any established religious institution/synagogue, school, or public park or recreation area within fifteen hundred (1,500) feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

13. If an applicant wishes to operate a adult 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 (50) square feet of floor space, films, video cassettes, 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 8-4-14.

F. 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, 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 license 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 Jerome 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 years immediately preceding the date of filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, city, or state 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 whether the applicant has been convicted of a specified criminal activity as defined in this article and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

[Ord. 326, 8/8/2006]

Section 8-4-5 <u>Issuance of License</u>

A. Upon the filing of said application for a sexually oriented business 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 application process shall be completed within thirty days from the date the completed application is filed. After the investigation, the Town Clerk shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

1. 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; or

2. The applicant is under the age of eighteen (18) years; or

3. The applicant has been convicted of a "specified criminal activity" as defined in this article; or

4. 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

5. The applicant has had a sexually oriented business employee license revoked by the Town within two years of the date of the current application. If the sexually oriented business 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 procedures and appeal as set forth in sections 8-4-10.

B. 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 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 8-4-6.

C. Within thirty (30) days after receipt of a completed sexually oriented business application, the Town Clerk shall approve or deny the issuance of a license to an applicant. The Town Clerk shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

1. An applicant is under eighteen (18) years of age;

2. 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;

3. An 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;

4. An applicant or a person with whom applicant is residing has been denied a license by the Town to operate a sexually oriented business within the preceding twelve months or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months;

5. An applicant or a person with whom applicant is residing has been convicted of a specified criminal activity defined in this article;

6. The premises to be used for the sexually oriented business have not been approved by the Yavapai County Health Department, Jerome Fire Department or the building official as being in compliance with applicable laws and ordinances.

7. The license fee required by this article has not been paid;

8. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions in this article.

D. 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 8-4-3. 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.

E. The Yavapai County Health Department, Jerome Fire Department and the building official shall complete their certification that the premises is in compliance or not in compliance within twenty (20) days of receipt of the application by the Town.

F. A sexually oriented business license shall issue for only one classification as found in section 8-4-3.

[Ord. 326, 8/8/2006]

Section 8-4-6 <u>Fees</u>

A. Every application for a sexually oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a five hundred dollar ($500.00) non-refundable application and investigation fee.

B. In addition to the application and investigation fee required above, every sexually oriented business that is granted a license (new or renewal) shall pay to the Town an annual non-refundable license fee of five hundred dollars within thirty days of license issuance or renewal.

C. Every application for a sexually oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual one hundred dollar ($100.00) non-refundable application, investigation and license fee.

D. All license applications and fees shall be submitted to the Town Clerk.

[Ord. 326, 8/8/2006]

Section 8-4-87 <u>Inspection</u>

A. An applicant or licensee shall permit representatives of the Jerome Police Department, the Yavapai County Health Department, Jerome Fire Department, Town zoning 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/her agent or employee commits a misdemeanor if he/she refuses to permit such lawful inspection of the premises at any time it is open for business.

[Ord. 326, 8/8/2006]

Section 8-4-8 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 8-4-4. 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 the denial became final.

[Ord. 326, 8/8/2006]

Section 8-4-9 Suspension

The Town Clerk shall immediately suspend a license for a period not to exceed thirty (30) days if a licensee or an employee of a licensee has:

1. Violated or is not in compliance with any section of this article; or

2. Refused to allow an inspection of the sexually oriented business premises as authorized by this article.

[Ord. 326, 8/8/2006]

Section 8-4-10 Revocation

A. The Town Clerk shall revoke a license if a cause for suspension in section 8-4-9 occurs and the license has been suspended within the preceding twelve months.

B. The Town Clerk shall revoke a license if:

1. A licensee gave false or misleading information in the material submitted during the application process; or

2. A licensee has knowingly allowed possession, use or sale of controlled substances on the premises; or

3. A licensee has knowingly allowed prostitution on the premises; or

4. A licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended; or

5. 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

6. 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 any 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. After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

[Ord. 326, 8/8/2006]

Section 8-4-11 Transfer of License

A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

[Ord. 326, 8/8/2006]

Section 8-4-12 Location of Sexually Oriented Businesses

A. A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district not permitted in the Town of Jerome Zoning Code.

B. A person commits a misdemeanor if the person operates or causes to be operated a sexually oriented business within fifteen hundred (1,500) feet of:

1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities; or

2. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private

schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school; or

3. A boundary of a residential district as defined in the Town of Jerome Zoning Code; or

4. A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas or other similar public land within the Town which is under the control, operation or management of the Town park and recreation authorities; or

5. The property line of a lot devoted to a residential use as defined in the Town of Jerome Zoning Code; or

6. An entertainment business which is oriented primarily towards children or family entertainment; or

7. A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State.

C. A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand (1000) feet of another sexually oriented business.

D. A person commits a misdemeanor if that person causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.

E. For the purpose of subsection B of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection B. Presence of a Town, county or other political subdivision boundary shall be irrelevant for purposes off calculating and applying the distance requirements of this section.

F. For purposes of subsection C of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

[Ord. 326, 8/8/2006]

Section 8-4-13 Additional Regulations for Adult Motels

A. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this article.

B. A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have a sexually oriented business license, he/she rents or subrents a sleeping room to a person and, within ten hours from the time the room is rented, he/she rents or subrents the same sleeping room again.

C. For purposes of subsection B of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

[Ord. 326, 8/8/2006]

Section 8-4-14 Additional Regulations for Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms

A. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

1. An application for a sexually oriented business license shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more Manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A Manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Town Clerk may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

2. The application shall be sworn to be true and correct by the applicant;

3. No alteration in the configuration or location of a Manager's station may be made without the prior approval of the Town Clerk.

4. It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each Manager's station at all times that any patron is present inside the premises.

5. The interior of the premises 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. Restrooms may not contain video reproduction equipment. If the premises has two 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.

6. It shall be the duty of the licensee to ensure that the view area specified in paragraph 5 of this subsection remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to paragraph 1 of this subsection.

7. No viewing room may be occupied by more than one person at any time;

8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot-candles as measured at the floor level.

9. It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

10. No licensee shall allow openings of any kind to exist between viewing rooms or booths.

11. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

12. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist

13. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

14. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight (48) inches of the floor.

B. A person having a duty under subsection A of this section commits a misdemeanor if he/she knowingly fails to fulfill that duty.

[Ord. 326, 8/8/2006]

Section 8-4-15 Additional Regulations for Escort Agencies

A. An escort agency shall not employ any person under the age of eighteen (18) years.

B. A person commits a misdemeanor if the person acts as an escort or agrees to act as an escort for any person under the age of eighteen (18) years.

[Ord. 326, 8/8/2006]

Section 8-4-16 Additional Regulations for Nude Model Studios

A. A nude model studio shall not employ any person under the age of eighteen years.

B. A person under the age of eighteen years commits a misdemeanor if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under eighteen years was in a restroom not open to public view or visible to any other person.

C. A person commits a misdemeanor if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.

[Ord. 326, 8/8/2006]

Section 8-4-17 Additional Regulations Concerning Public Nudity

A. It shall be a misdemeanor for a person who knowingly and intentionally, in a sexually oriented business, appears in a state of nudity or depicts specified sexual activities.

B. It shall be a misdemeanor for a person who knowingly or intentionally, in a sexually oriented business, appears in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least five feet from any patron or customer and on a stage at least two feet from the floor.

C. It shall be a misdemeanor for an employee, while semi-nude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in a sexually oriented business.

D. It shall be a misdemeanor for an employee, while semi-nude, to touch a customer or the clothing of a customer.

[Ord. 326, 8/8/2006]

Section 8-4-18 Prohibition Against Children in a Sexually Oriented Business

A person commits a misdemeanor if the person knowingly allows a person under the age of eighteen (18) years on the premises of a sexually oriented business.

[Ord. 326, 8/8/2006]

Section 8-4-19 Hours of Operation

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of two o'clock a.m. and eight o'clock a.m. on weekdays and Saturdays, and two o'clock a. m. and noon p.m. on Sundays.

[Ord. 326, 8/8/2006]

Section 8-4-20 Exemptions

It is a defense to prosecution under section 8-4-17 above that a person appearing in a state of nudity did so in a modeling class operated:

A. By a proprietary school, licensed by the State of Arizona; a college, junior college, or university supported entirely or partly by taxation;

B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

C. In a structure:

1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

2. Where, in order to participate in a class, a student must enroll at least three days in advance of the class.

[Ord. 326, 8/8/2006]

Section 8-4-21 Penalty; Injunction

A. Violation of any requirement or prohibition state in this article is a class one (1) misdemeanor. With respect to a violation that is continuing in nature, each day that the violation occurs is a separate offense.

B. In addition to other penalties, a sexually oriented business which operated without a valid license shall constitute a public nuisance, which, in addition to any other enforcement mechanisms in this Code, may be abated by a suit for injunctive relief.

[Ord. 326, 8/8/2006]

ARTICLE 8-5 **Tour Business Code**

8-5-1 Purpose and Intent
8-5-2 Definitions
8-5-3 Compliance with Town Regulations
8-5-4 Location
8-5-5 Routes
8-5-6 General Provisions
8-5-7 Exclusions
8-5-8 Existing Tour Businesses
8-5-9 Violations and Penalties

Section 8-5-1 Purpose and Intent. It is the purpose and intent of this Article to regulate tour businesses within the Town of Jerome, to promote the public health and safety and general welfare of citizens and visitors to the Town, and to mitigate the detrimental secondary effects of tour businesses through reasonable regulations.

Section 8-5-2. Definitions. For the purposes of this Article, a "tour business" is defined as follows: the carrying or guiding of persons, for compensation, on foot or in any mode of transportation, around any portion of the Town of Jerome for the purpose of viewing the Town or portions thereof, and not for the primary purpose of transportation from one location to another.

Section 8-5-3. Compliance with Town Regulations.

A. All tour businesses must be licensed by the Town to conduct business, in accordance with Article 8-3 of the Jerome Town Code.

B. All tour businesses are subject to the requirements of the Jerome Zoning Ordinance regarding parking, signage and all other matters, and all other laws of the Town of Jerome.

Section 8-5-4. Location.

A. All tour businesses shall be operated out of premises located in the C-1 Zone of the Town of Jerome and shall have a leasehold or ownership interest in said premises, supported by delivery of documents to the Town Manager evidencing such interest. Said location shall be the bona fide place where the business is conducted and available for service of legal process.

B. Any change in business location must be approved in writing by the Town Manager.

C. If the ownership or leasehold interest in a tour business location ceases, then the tour business's business license expires concurrently, with no refund of unused fees and no notice by the Town required.

Section 8-5-5. Routes.

A. Tour businesses shall not operate in, conduct tours through, or traverse residential areas of the Town of Jerome.

B. The proposed routes of all tour businesses shall be approved in advance by the Town Council. The submittal seeking approval shall include a legible map of the Town clearly showing all routes, stopping points, pick-up and drop-off points, and the business's parking area.

C. Deviation from the approved route at any time during a tour shall be grounds for revocation of the business license.

Section 8-5-6. General Provisions.

A. A tour business may not create congestion on any Town right of way during its operations.

B. Sales and related literature of the tour business may not be distributed on any public property or right of way within the Town of Jerome except at the business location of the tour business.

C. A tour business shall not utilize external sound amplification devices within Town of Jerome limits.

D. No tour business shall operate within the jurisdiction of the Town of Jerome unless it has first provided acceptable evidence of liability insurance naming the Town of Jerome as an additional insured. The minimum limit of liability for each applicable coverage shall be $1,000,000.00.

E. All drivers of tour vehicles shall maintain a current driver's license issued by the State of Arizona. A copy of each driver's license shall be filed by the tour business with the Town prior to that driver operating any tour business vehicle.

F. Open alcoholic beverages shall not be carried in any tour business vehicle during operations.

Section 8-5-7 Exclusions. This section shall not apply to the Annual Home Tour conducted by the Jerome Chamber of Commerce.

Section 8-5-8 Existing Tour Businesses. Tour businesses lawfully operating within the Town of Jerome as of the effective date of this Ordinance shall comply fully with all of the provisions herein within sixty (60) days.

Section 8-5-9 Violations and Penalties. A person commits a Class 1 misdemeanor if that person operates or causes to be operated a tour business within the Town of Jerome unless in full compliance with this Article.

[Ord. No. 400, 12/11/12; Ord. No. 401, 3/12/13]

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CHAPTER 9

HEALTH AND SANITATION

ARTICLE 9-1 **Garbage and Trash Collection**

9-1-1 Definitions
9-1-2 Collection Agency
9-1-3 Collection Hours
9-1-4 Rates

Section 9-1-1 Definitions

In this chapter unless the context requires otherwise:

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.

Section 9-1-2 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.

Section 9-1-3 Collection Hours

The hours of collection of refuse shall be designated by the Council.

Section 9-1-4 Rates

The Council shall from time to time fix the rates and 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.

ARTICLE 9-2 **Preparation of Refuse for Collection**

9-2-1 Preparation of Refuse
9-2-2 Location for Pick Up
9-2-3 Lids and Covers
9-2-4 Use of Containers

Section 9-2-1 Preparation of Refuse

All refuse shall be prepared for collection or disposed of as follows:

A. Garbage Containers. The customer shall furnish containers for the accumulation, storage, and collection of all garbage. Such containers shall be tightly covered and be of rust-resistant metal or plastic and shall have handles on the outside. Each shall be marked with either the account name or street address. The maximum capacity of each container shall not exceed 30 gallons and loaded for collection shall not exceed 40 pounds in weight. Such containers shall be kept in good repair and in a sanitary condition. Containers found to be no longer serviceable through disrepair or maintained in an unsanitary condition may be condemned by the Town for further use. Legal notice of such condemnation shall consist of a label or tag affixed to the container. Receptacles not placed in a satisfactory condition or replaced within 15 days of said notice may be removed and destroyed by the Town.

B. Requirement to Bag All Garbage. All garbage placed for collection, including animal waste and cat litter, whether or not placed in containers, must be securely bagged. Heavy materials, such as cat litter, should be double-bagged to prevent tearing. Unless otherwise provided herein, any garbage placed for collection, whether in a container or not, that is not securely bagged will not be collected, and the property owner will need to arrange with the utility clerk for a special pickup and pay the associated fee, as set by Resolution of Council.

C. Maximum Amount of Garbage to Be Placed for Collection. No more than three 30-gallon containers or the equivalent thereof in bags, will be collected from any one household on the day specified for collection. No bundle, container or bag shall exceed 40 pounds, and the total weight of garbage placed for collection shall not exceed 120 pounds. Any garbage placed for collection in excess of that limit will not be collected, and the property owner will need to arrange with the utility clerk for an unscheduled (special) garbage pickup and pay the associated fee, as set by Resolution of Council.

D. 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 square feet by four feet deep. In any event, the weight of a loaded container or bundle shall not exceed 40 pounds and the combined amount of trash and garbage placed for collection shall not exceed the equivalent of three 30-gallon containers, or 120 pounds. Customers wishing to retain disposal boxes should clearly mark the box “SAVE.”

E. Brush. Brush shall be cut into such a size that one 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.

F. Appliances and Vehicles. The customer shall remove or cause to be removed all appliances, vehicles, or equipment classed as refuse from their premises or the public right of way.

G. 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.

H. 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.

I. Dangerous Waste. The Town reserves the right to deny service for certain dangerous wastes and to require the customer to properly dispose of them by other means. NOTE: These materials can be very damaging and toxic to the environment. They should not poured onto the ground or down the sink. Dangerous wastes are hereby defined as:

1. HOUSEHOLD HAZARDOUS WASTE (HHW): Any household product that is marked flammable, corrosive, explosive or poison, such as paints, varnishes, chemicals, pesticides, cleaners, and batteries. These items will not be picked up.

2. BULK WASTE and E-WASTE (electronics): Appliances, furniture, mattresses, carpets, sinks, and other special handling items such as electronic items (computers, TVs, microwaves, copiers, cell phones, etc.). These items will not be picked up.

3. AUTOMOTIVE: Tires, car batteries, oil, and antifreeze. These items will not be picked up.

4. MEDICAL WASTE: Needles, bandages, and any other type of contaminated medical materials should be disposed of, if possible, through a professional disposal system or health care provider. If medical waste must be disposed of in household garbage, it must be first placed in a well-labeled, hard plastic screw top container, such as a sharps container or detergent bottle, before placing it in the trash.

5. PAINTS:

   a. LATEX PAINT (water-based) only: Customers may dispose of small amounts of Latex paint if it is dried to a solid (80% minimum) using kitty litter, sawdust or dirt – not sand. It should be capped in its original container and labeled "solid."

   b. OIL-BASED PAINT will not be picked up.

6. ANIMAL CADAVERS: No animal cadaver shall be placed in garbage containers, bags or dumpsters. Special arrangements should be made with the Public Works crew for removal of animal corpses.

J. 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. 359, 10/13/09; Ord. No. 441, 10/9/18]

Section 9-2-2 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 street curb on the sidewalk or parkway. All containers and piles of refuse shall be so located as to not block alley, sidewalk, or gutter, or otherwise be a hazard to pedestrian or vehicular traffic.

B. Any sanitation customers of a road too narrow or too steep for the garbage truck are responsible for getting their containers to a suitable road.

C. When necessary to set containers at the front curb, they may be set out after six o'clock p.m. of the day preceding regular collection and shall be removed from the curb by six o'clock a.m. of the day after collection.

Section 9-2-3 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.

Section 9-2-4 Use of Containers

It is unlawful for any person to deposit, or cause to be deposited, any refuse in any container that he/she does not own or is not entitled to use as a tenant.

ARTICLE 9-3 **Other Methods of Garbage and Trash Removal**

9-3-1 Hauling Refuse
9-3-2 Vehicles and Receptacles to be Spillproof
9-3-3 Spilled Refuse
9-3-4 Dumping Refuse
9-3-5 Dumpsters
9-3-6 Requirement to Maintain Sanitation Account

Section 9-3-1 Hauling Refuse

It is unlawful for any person to haul or cause to be hauled any refuse on or along any public street, avenue, or alley in the Town, in violation of any of the provisions in this chapter.

Section 9-3-2 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.

Section 9-3-3 Spilled Refuse

Any person hauling any refuse along the streets of the Town shall immediately replace in the conveyance used for such hauling any refuse which may fall upon any street.

Section 9-3-4 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.

Section 9-3-5 Dumpsters

A. Definitions. There are three types of dumpsters, which are defined as follows:

1. Type A: containers for short term use for building clean-up and/or construction projects.

2. Type B: containers for regular monthly use by sanitation accounts; i.e., restaurants, bars, retail shops, or residential neighborhoods.

3. Type C: containers placed in various locations by the Town of Jerome Sanitation Department; i.e., for residential use in multi-family dwellings, apartments, and/or by multi-business accounts where a dumpster would be of better use than individual cans because of high impact use or due to locations where it is difficult to maneuver the sanitation truck.

B. The Town of Jerome will NOT accept the following items in Type A, B, or C dumpsters: cement fragments, rocks, dirt, heavy construction materials, wood pieces longer than four feet, and sheetrock or construction sheeting larger than four feet by four feet. No dumpster shall hold more than one-half its capacity in wood, sheetrock, or construction sheeting. In the event that these items are in excess of one-half of the capacity, these items will carry an added surcharge in addition to rental fees and pick-up/emptying fees, all as set by Resolution of Council.

C. See Section 9-2-1 (I), “Dangerous Waste,” of the Jerome Town Code for special handling of items that will not be picked up.

[Ord. No. 359, 10/13/09; Ord. No. 441, 10/9/18]

Section 9-3-6 Requirement to Maintain Sanitation Account.

Each residence and commercial business in the Town of Jerome shall have a sanitation account. All sanitation account holders shall be responsible for payment of sanitation fees, regardless of whether or not they choose to use the Town's trash collection service.

[Ord. No. 359, 10/13/09; Ord. No. 368, 1/12/10; Ord. No. 441, 10/9/18]

ARTICLE 9-4 **Removal of Litter**

9-4-1 Definitions
9-4-2 Litter on Private Property
9-4-3 Owner to Maintain Premises
9-4-4 Procedure to Compel Removal of Litter
9-4-5 Notice to Remove
9-4-6 Service of Notice
9-4-7 Appeal to Council
9-4-8 Removal by Town
9-4-9 Lien for Removal
9-4-10 Placement of Debris

Section 9-4-1 Definitions

In this chapter unless the context requires otherwise:

A. "Litter" means any rubbish, trash, weeds, filth and debris which shall constitute a hazard to public health and safety and shall include all putrescible and non-putrescible solid wastes including garbage, trash, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial waste; any deposit, accumulation, pile, or heap of brush, grass, debris, weeds, cans, cloth, paper, wood, rubbish or other unsightly or unsanitary matter of any kind whatsoever; and any growth of weeds, brush, grass, or other vegetable growth to a height of over six inches.

B. "Private premises" means any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential 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.

C. "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.

Section 9-4-2 Litter on Private Property

No person shall throw or deposit litter on any occupied or unoccupied private property within the Town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place.

Section 9-4-3 Owner to Maintain Premises

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

Section 9-4-4 Procedure to Compel Removal of Litter

The Clerk shall enforce the provisions of Section 9-4-2 and 9-4-3 hereby by prosecuting violators of said section in the Jerome Magistrate's Court pursuant to the criminal provisions of this code. If such prosecution fails to secure compliance with the provisions of said sections, or in the event of inability to prosecute violators by reason of failure to secure jurisdiction over their persons, the Clerk shall compel the removal of litter by the procedure outlined in Sections 9-4-5 through 9-4-9 hereof.

Section 9-4-5 Notice to Remove

To compel the removal of litter through the provisions of this section and of Sections 9-4-6, 9-4-7, 9-4-8, and 9-4-9 hereof, if a person owning or controlling any property fails, neglects or refuses to remove or properly dispose of litter located on property owned or controlled by such person, he/she shall be given written notice by the Clerk to remove all litter from such property within thirty (30) days from the date the notice was received by him/her, and prior to the date of compliance on the notice. Such notice shall be received not less than thirty (30) days before the date set thereon for compliance, and shall contain an estimate of the cost of removal by the Town, a statement that unless the person owning or controlling such property complies therein within thirty (30) days from the date such written notice is received that the Town will, at the expense of the person owning or controlling said property, perform the necessary work at a cost not to exceed the estimate given in the notice, and that such person may appeal in writing to the Council within thirty (30) days from the date the notice is received by him/her and prior to the date of compliance.

Section 9-4-6 Service of Notice

Notice shall be personally served on the owner of person controlling such property, by a police officer of the Town in the manner provided in Rule 4(d) of the Arizona Rules of Civil Procedure, or mailed to the owner or person controlling such property at his/her last known address by certified or registered mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him/her by certified or registered mail at his/her last known address.

Section 9-4-7 Appeal to the Council

Prior to the date set for compliance on the notice, the owner or person controlling such property may appeal in writing to the Council from the demand of the Clerk. The Council shall, at this next regular meeting after receiving the appeal, hear and determine the same and the decision of the Council shall be final. The Council may either affirm or reverse the decision of the Clerk or modify the scope of the work as required in the notice.

Section 9-4-8 Removal by Town

When any such person to whom notice, as aforesaid, has been given, and on or before the date of compliance on the notice, or within such further time as may have been granted by the Council on appeal, fails, neglects or refuses to move from such property any or all litter, the Clerk is authorized and directed to cause same to be removed and disposed of at the expense of the owner or person controlling such property. Upon completion of the work, the Clerk shall prepare a verified statement of account of the actual cost of such removal or abatement, the date the work was completed, and the street address and the legal description of the property on which said work was done, including five percent for additional inspection and other incidental costs in connection therewith, and shall serve a duplicate copy of such verified statement upon the person owning or controlling such property in the manner prescribed in Section 9-4-6 hereof. The owner or person controlling such property shall have thirty (30) days from the date of service upon him/her to appeal in writing to the Council from the amount of the assessment as contained in the verified statement. If an appeal is not filed with the Clerk within such thirty (30) day period, then the amount of the assessment as determined by the Clerk shall become final and binding. If an appeal is taken, the 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. The decision of the Council shall be final and binding on all persons.

Section 9-4-9 Lien for Removal

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, the original assessment or the assessment as so modified shall be recorded in the office of the county recorder and from the date of its recording, shall be a lien on said lot or tract of 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. A sale of the property to satisfy a lien 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 lien in the superior court 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 *prima facie* evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this section shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

Section 9-4-10 Placement of Debris

Any person, firm or corporation who shall place any rubbish, trash, filth or debris upon any private or public property not owned or under the control of said person, firm or corporation shall be guilty of a misdemeanor and, in addition to any fine which may imposed for violation of any provision of this section, shall be liable for all costs which may be assessed pursuant to this article for the removal of said rubbish, trash, filth or debris.

CHAPTER 10

OFFENSES AND REGULATIONS

ARTICLE 10-1 **Offenses**

10-1-1 (RESERVED)
10-1-2 Dangerous Constructions
10-1-3 Damage to Property
10-1-4 Deposits of Injurious Material on Thoroughfares
10-1-5 Excavations to be Covered
10-1-6 Explosives
10-1-7 False or Misleading Reports to the Marshal
10-1-8 Fences; Barbed Wire and Electric
10-1-9 Furnishing Weapons and Other Articles to Prisoners
10-1-10 Littering
10-1-11 Loitering and Camping
10-1-12 Minors
10-1-13 Loud Noise Prohibited
10-1-14 Obstruction of Streets
10-1-15 Obstruction of View
10-1-16 Offensive Business
10-1-17 Offensive Premises
10-1-18 Prostitution
10-1-19 Searchlights
10-1-20 Signs and Banners
10-1-21 Spitting
10-1-22 Water - Flow Upon Streets Prohibited
10-1-23 Resisting an Officer
10-1-24 Minors in Places Serving Alcoholic Beverages
10-1-25 Park Regulations
10-1-26 Motor Vehicle Idling

Section 10-1-1 (RESERVED)
(Ord. 421, 10/11/16)

Section 10-1-2 Dangerous Constructions

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.

Section 10-1-3 Damage to Property

A. It is unlawful for any person to damage in any manner or attempt to damage or tamper with any pipe lines, water hydrants, street lamps or lights, or the fixtures and appliances thereunto belonging upon any of the poles or other objects for use in connection with the lighting of the streets of the Town or any water pipes, hydrants or any appliances pertaining to the water or sewer works, or any other property of any and every character belonging to the Town.

B. It is unlawful for any person to deface, walk, ride, or drive upon or over any sidewalk or street crossing composed of or containing cement, during the construction thereof, or before the same is thrown open to public use.

C. It is unlawful for any person, firm or corporation to damage in any manner any road, street or bridge in the Town limits by using the same, by heavy vehicles, malicious destruction, or by any act that will result in damage to any such road, street or bridge.

D. It is unlawful to break or destroy any window, door or part of any dwelling owned or occupied by another or to break or sever from any premises owned or occupied by another any gate, fence, railing, tree, brush or vine or any property whatsoever, or to deface, mutilate or injure the same.

Section 10-1-4 Deposits of Injurious Material on Thoroughfares

It is unlawful for any person, either willfully and maliciously or carelessly and negligently to drop, throw, place or scatter upon any street, alley, sidewalk or public place in the Town any nails, tacks, broken glass, glass bottles, or any instrument or thing whatsoever of such nature as to be capable of injuring persons or property.

Section 10-1-5 Excavations to be Covered

A. Any person who makes any excavation or digs any hole, drain or ditch in any highway or thoroughfare in the Town without providing a sufficient light at night and a temporary fence or suitable obstruction around or in front of such excavation during the day is guilty of a misdemeanor.

B. Any person who maintains a well, cellar, pit, or other excavation of more than two feet in depth on any unenclosed lot, without substantial curbing, covering or protection is guilty of a misdemeanor.

Section 10-1-6 Explosives

It is unlawful for any person within the limits of the Town to blast, or use powder, fireworks or other explosives without a permit from the Clerk in writing.

Section 10-1-7 False or Misleading Reports to the Marshal

It is unlawful for any person willfully to make to the Marshal any false, fraudulent, misleading or unfounded report or statement, or willfully to misrepresent any fact for the purpose of interfering with the operation of, or with the intention of misleading the Marshal.

Section 10-1-8 Fences; Barbed Wire and Electric

It is unlawful for any person to erect or maintain within the Town any electric fence or any fence constructed in whole or in part of barbed wire. Any such fence is a public nuisance and subject to abatement by order of the Town court.

Section 10-1-9 Furnishing Weapons and Other Articles to Prisoners

It is unlawful for any person to furnish or attempt to furnish or take into jail or to deliver or attempt to deliver to any prisoner therein confined, or in the custody of any officer, any weapon, tool, intoxicating liquors, drug or other article without the consent of the officer in charge.

Section 10-1-10 Littering

It is unlawful for any person to throw or deposit any litter in or upon any street, alley, public grounds, or church grounds.

Section 10-1-11 Loitering and Camping

A. It is unlawful for any person, other than the owner, Manager or his/her authorized representative, to interfere individually or collectively with free enjoyment of property by the owners thereof; or interfere with the conduct of any lawful business by obstructing entrance to such business or by obstructing free passage of persons or merchandise or commodities within such place of business, or by obstructing service rendered by such business to its customers.

B. It shall be unlawful for any person to loaf, loiter, or congregate upon any of the sidewalks in the Town so as to obstruct the use of the sidewalks by pedestrians.

C. It shall be unlawful for any person who is not properly authorized to be within any Town park, playground or recreational area during the hours of closure for such premises as established by the Town Council.

D. It shall be unlawful for any person to linger, loiter or otherwise use for business or social purposes any public room in any place of public accommodation, after such person has been notified by the owner or Manager thereof, or his/her agent, to leave the premises and not return.

E. It shall be unlawful for any person to camp in a tent, trailer or otherwise within the limits of the Town in any place not designated for such purpose by the Town Council.

(Ord. 179, 1/25/1978)

Section 10-1-12 Minors

It shall be unlawful for any person under the age of eighteen (18) years old to idle or loiter upon the streets or public places of the Town between the hours of ten o'clock p.m. and five o'clock a.m. unless such person is accompanied by a parent, guardian, or some person of lawful age having legal custody of the minor. Except, however, employed minors thirteen (13) years of age or older shall have a curfew of twelve o'clock (12:00) mid-night on weekends, if necessary, as dictated by the demands of their employment. For purposes of this ordinance, "weekends" are herein defined as Friday and Saturday.

It shall be unlawful for any parent, guardian, or other adult having the care and custody of such person to encourage or allow such person to idle or loiter upon the streets or public places between the hours of ten o'clock p.m. and five o'clock a.m. unless accompanied by such parent or guardian.

The provisions of this section shall not apply and is not intended to impede the normal passage of minor persons through Town or while on errands undertaken at the direction of his/her or her parent or guardian, or other adult person having the care and custody of the minor.

[Ord. 221, 3/14/1989]

Section 10-1-13 Loud Noise Prohibited

The creating, permitting or allowing of any unreasonably loud and disturbing noise within the Town limits is hereby prohibited.

Noise of such character, intensity or duration as to be detrimental to the life, health or well-being of any individual, or as to disturb the public peace or the peace and quiet of a neighborhood, family or person is hereby prohibited. The following acts, actions and activities, among others, are hereby declared to be loud and disturbing, in violation of this Ordinance; but the enumeration which follows shall not be deemed to be exclusive:

A. It is hereby declared to be a public nuisance and it is unlawful for any person, firm or corporation owning or operating or in control of any residence, restaurant, hotel, dance hall, show, store, or any place of amusement, entertainment or accommodation to play or permit to be played any music or musical instrument(s), whether played by individual(s), orchestra(s), radio(s), phonograph(s), music box(s), compact disk player(s), tape player(s), or other mechanical or electrical device, in such a manner that a reasonable person of normal sensory perception, is caused discomfort or annoyance.

B. It is unlawful to play any radio, stereo, player or other sound device including, but not limited to, loudspeakers or other devices for the reproduction or amplification of sound, from within a motor vehicle or other means of transportation, which can be heard seventy-five (75) feet or more away, unless such person, or person in charge of such vehicle, shall have first applied for and received written permission from the Chief of Police to operate any such device or vehicle so equipped.

C. It shall be unlawful for any person, place or firm to operate, cause to be operated, or allow to be operated, any equipment, apparatus, tool, machinery or other device, used for the purposes of construction, destruction, building, assembly or disassembly of any building or structure, whether residential or commercial, within the Town limits of Jerome, in such a manner that a reasonable person, of normal sensory perception, is caused annoyance or discomfort, between the hours of eight o'clock (8:00) p.m. of one day and seven o'clock (7:00) a.m. of the following day.

D. In regard to motor vehicle noise:

1. It shall be unlawful to operate a motor vehicle in such a manner as to cause the tires to squeal or screech.

2. It shall be unlawful for any person within the limits of the Town of Jerome, to repair, rebuild or test, any motor vehicle between the hours of ten o'clock (10:00) p.m. of one day and seven o'clock (7:00) a.m. of the next day, in such a manner that a reasonable person of normal sensory perception, residing in the area, is caused discomfort or annoyance.

3. No person shall operate either a motor vehicle, motorcycle or combination of vehicles, at any time, or under any condition of grade, load, acceleration or deceleration, in such a manner as to exceed the following noise limit based on a measurement taken at a distance of twenty-five (25) feet from the source of the noise, within the speed limits specified in this section:

   a. any motor vehicle, motorcycle, or combination of vehicles towed by such motor vehicles, shall not exceed 82 dB(A) at speeds of 35 miles per hour or less, or 86 dB(A) at speeds of more than 35 miles per hour.

4. It shall be unlawful for any person to operate either a motor vehicle, motorcycle or combination of vehicles, at any time, or under any condition of grade, load, acceleration or deceleration within any area of the Town of Jerome in such a manner that a reasonable person of normal sensory perception, is caused discomfort or annoyance.

5. <u>Exceptions</u>. This section shall not apply to any vehicle of the Town of Jerome while engaged in official duties.

E. <u>Penalties</u>. Any person, or operator of a motor vehicle, found to be in violation of any section of this ordinance shall be deemed guilty as follows:

1. A first offense shall be deemed a civil infraction, punishable by a fine of not more than one hundred seventy-five dollars ($175.00).

2. A second offense committed within six months shall be deemed a civil infraction, punishable by a fine of not more than three hundred fifty dollars ($350.00).

3. A third offense committed within twelve months shall be deemed a Class 1 misdemeanor, punishable by a fine of not more than two thousand five hundred dollars ($2,500.00), imprisonment for up to 180 days, or any combination of both.

[Ord. 296, 03/10/1998; Ord. 308, 02/27/2001]

Section 10-1-14 Obstruction of Streets

It is unlawful for any person to obstruct any public street or alley, sidewalk or park or other public grounds within the Town by committing any act of, or doing anything which is injurious to the health, or indecent or offensive to the senses, or to do in or upon any such streets, alleys, sidewalks, parks or other public grounds, any act or thing which is an obstruction or interference to the free use of property or with any business lawfully conducted by anyone, in or upon, of facing or fronting on any of such streets, alleys, sidewalks, parks, or other public grounds in the Town.

Section 10-1-15 Obstruction of View

It is unlawful for any person to maintain or allow any tree, hedge, billboard, or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

Section 10-1-16 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.

Section 10-1-17 Offensive Premises

It is unlawful for any person to suffer, or permit any premises belonging to or occupied by him/her, or any cellar, privy, vault, pool, sewer, or private drain therein to become nauseous, foul, or offensive to the senses or prejudicial to the public health or comfort.

Section 10-1-18 Prostitution

Any person who shall practice prostitution or who shall, by word, sign or action make known or call attention that she is a prostitute, courtesan or lewd woman, or who shall make any public meretricious display of herself, or who shall solicit any person to visit or patronize a prostitute or place of prostitution, is guilty of a misdemeanor.

Section 10-1-19 Searchlights

It is unlawful for any person to operate within the Town any incandescent or arc type searchlight, beacon of light or similar lighting device designed to and capable of projecting a beam of light into the sky for a distance in excess of one-half mile unless permission is obtained from the Council. The

provisions of this section shall not apply to emergency searchlights or beacons operated pursuant to public authority.

Section 10-1-20 Signs and Banners

It is unlawful for any person to place any banner or sign upon any street light pole, traffic signal pole or utility pole within the Town without first obtaining authorization from the Council.

Section 10-1-21 Spitting

It is unlawful for any person to spit upon any of the public sidewalks or crosswalks in the Town or upon any public path, by-way or highway or in or on any public ground or park in the Town, or upon the floor or interior of any public building in the Town.

Section 10-1-22 Water - Flow Upon Streets Prohibited

A. It is unlawful for any person to willfully or negligently permit or cause the escape or flow of water in such quantity as to cause flooding, 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/her.

Section 10-1-23 Resisting an Officer

It shall be unlawful for any person to resist, obstruct, or in any way interfere with any officer of the Town while such officer is doing any act in his/her official capacity and with lawful authority.

[Ord. 172, 1/14/1976; Ord. 173, 1/14/1976; Ord. 204, 12/10/1985]

Reviser's Note: Ordinance 172 added Section 10-1-23 Discharge and Carrying Firearms and Guns. Ordinance 173 added Section 10-1-24 Resisting an Officer. Ordinance 204 deleted former Section 10-1-23 Discharge and Carrying Firearms and Guns.

Section 10-1-24 Minors in Places Serving Alcoholic Beverages

No person under the age of nineteen (19) years shall be admitted after eight o'clock (8:00) p.m. or be permitted to remain in any saloon, bar room or place of entertainment where any spirituous liquors, wines or malt or intoxicating liquors are sold, exchanged or given away, with the exception of restaurants or places of business whose gross receipts on a daily basis from the sale of food exceed the gross receipts on a daily basis from the sale of spirituous liquors, wines or malt or intoxicating liquors. It is unlawful for any parent or guardian to permit any such

person to remain in any such saloon, bar room or place of entertainment, and it is unlawful for any minor under the age of nineteen (19) years to be found in such a place.

(Ord. 173, 01/14/1976; Ord. 175, 11/09/1976)

Reviser's Note: Ordinance 173 added Section 10-1-24 Resisting an Officer. Ordinance 175 added Section 10-1-25 Minors in Places Serving Alcoholic Beverages.

Section 10-1-25 Park Regulations

It is a Class 1 misdemeanor to have any glass container in any Jerome Town Park. It is a class 1 misdemeanor to have alcohol in the Upper Park between the hours of ten o'clock (10:00) p.m. and eight o'clock (8:00) a.m. It is a class 1 misdemeanor to have alcohol in the Middle Park or the Lower Park except by permit.

[Ord. 282, 11/16/1995] *Reviser's Note: Ordinance 282 added "Section 10-1-24 Parks", but did not delete prior adopted Section 10-1-24 Minors in Places Serving Alcoholic Beverages. Therefore, Parks was codified as Section 10-1-25.*

Section 10-1-26 Motor Vehicle Idling

A. Except as hereinafter provided, no motor vehicle, and no trailers with auxiliary motors for ventilation or refrigeration, shall be parked upon the public streets or alleys of the Town of Jerome with the motors running unless attended by a qualified driver, and unless it is actively being loaded or unloaded.

B. This Section shall not apply to:
   1. Emergency vehicles
   2. Law enforcement vehicles
   3. Idling necessary for equipment operation (i.e., refrigeration units)
   4. Operating at idle to conform to manufacturer's warm up or cool down specifications
   5. Any vehicle when the outside temperature is below 20 degrees Fahrenheit

[Ord. 413, 11/6/2014]

ARTICLE 10-2 **Fireworks**

10-2-1 Definitions
10-2-2 Fireworks Prohibited
10-2-3 Sale of Fireworks
10-2-4 Posting of Signs by Persons Engaged in the Sale of Fireworks; Penalty
10-2-5 Authority to Enforce Violations of This Article; Means of Enforcement
10-2-6 Liability for Emergency Responses Related to Use of Fireworks; Definitions
10-2-7 Penalty

Section 10-2-1 Definitions

The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Consumer firework* means those fireworks defined by A.R.S. 36-1601.

(2) *Display firework* means those fireworks defined by A.R.S. 36-1601.

(3) *Fireworks* means any combustible or explosive composition, substance or *combination* of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, that is a consumer firework, display firework or permissible consumer firework as defined by A.R.S. 36-1601.

(4) *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.

(5) *Permissible consumer fireworks* means those fireworks as defined by A.R.S. 36-1601 that may be sold within the Town even where the use of those items has been prohibited.

(6) *Supervised public display* means a monitored performance of display fireworks open to the public and authorized by permit by the Fire Chief or his designee.

Section 10-2-2 Fireworks Prohibited

A. The use, discharge or ignition of fireworks and/or sparklers within the Town of Jerome is prohibited.

B. Nothing in this section or article shall be construed to prohibit the use, discharge or ignition of novelty items other than sparklers, or the occurrence of a supervised public display of fireworks pursuant to paragraph C below.

C. Permits may be granted by the Fire Chief or his/her designee for conducting a properly supervised public display of fireworks. Every such public display of fireworks shall be of such character and so located, discharged or fired, only after proper inspection, in such a manner that does not endanger persons, animals, or property. A permit shall not be issued, and may be revoked, during time periods of High Fire Danger warnings. The Fire Chief has authority to impose conditions on any permits granted.

D. Failure to comply with subpart A of this section is a Class 2 misdemeanor offense and may be punishable by a fine in an amount up to $750.00 plus applicable surcharges, imprisonment for a period of up to four months, and probation for a period of up to two years.

E. Failure to comply with any permit requirements issued by the Fire Chief, as identified in subpart C of this section, is a Class 1 misdemeanor offense and may be punishable by a fine in an amount up to $2,500.00 plus applicable surcharges, imprisonment for a period of up to six months, and probation for a period of up to three years.

Section 10-2-3 Sale of Fireworks

A. No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person who is under sixteen years of age.

B. No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law.

Section 10-2-4 Posting of Signs by Persons Engaged in the Sale of Fireworks; Penalty

A. Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display signs indicating the following:

(1) The use, discharge or ignition of fireworks and/or sparklers within the Town of Jerome is prohibited, as set forth in Article 10-2 of the Jerome Town Code.

(2) Consumer fireworks authorized for sale under state law may not be sold to persons under the age of 16.

B. Signs required under this section shall be placed at each cash register and in each area where fireworks are displayed for sale.

C. The Fire Chief or his/her designee shall develop regulations concerning the size and color of the required signs and shall develop a model sign. The required sign regulations and model sign shall be filed with the Clerk's office.

D. Failure to comply with subparts A and B of this section is a Class 2 misdemeanor offense and may be punishable by a fine in an amount up to $750.00 plus applicable surcharges, imprisonment for a period of up to four months, and probation for a period of up to two years.

Section 10-2-5 Authority to Enforce Violations of This Article; Means of Enforcement

The Fire Chief or his/her designee, a Town of Jerome police officer or marshal, or the Town Attorney may issue complaints to enforce violations of this article.

Section 10-2-6 Liability for Emergency Responses Related to Use of Fireworks; Definitions

A. A person who uses, discharges or ignites permissible consumer fireworks, fireworks or anything that is designed or intended to rise into the air and explode or to detonate in the

air or to fly above the ground, is liable for the expenses of any emergency response that is required by such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation of this article is *prima facie* evidence of liability under this section.

B. The expenses of an emergency response are a charge against the person liable for those expenses pursuant to subpart A of this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities or not-for-profit entities that incurred the expenses. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.

C. For the purposes of this section:

(1) "Expenses of an emergency response" means reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to an incident.

(2) "Reasonable costs" includes the costs of providing police, fire fighting, rescue and emergency medical services at the scene of an incident and any compensation paid to the persons who respond to the incident.

D. In addition to the recovery of expenses as provided for in this section, the Town of Jerome may impose fees for emergency responses related to the use of fireworks identical to the amounts set forth in Section 4-2-8, "Providing Fire, Rescue and EMS Services for Non-Residents," of the Jerome Town Code.

Section 10-2-7 <u>Penalty</u>

Unless another penalty is specifically provided for, the penalty for violating any prohibition or requirement imposed by this article is a Class 2 misdemeanor offense and may be punishable by a fine in an amount up to $750.00 plus applicable surcharges, imprisonment for a period of up to four months, and probation for a period of up to two years.

CHAPTER 11

SEWER

ARTICLE 11-1 **Definitions**

In this chapter unless the context requires otherwise:

A. "B.O.D.", denoting biochemical oxygen demand, means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade expressed in parts per million (P.P.M.) in weight.

B. "Branch sewer" means a sewer which received sewage from lateral sewers from a relatively small area.

C. "Building sewer" and "House sewer" mean the extension from the building drain to the building connection or other place of disposal.

D. "Combined sewer" means a sewer receiving both surface runoff and sewage.

E. "Developer" means any person or persons engaged in the organizing and financing of a sewage collecting system within an area tributing to a trunk sewer of the Town sewer system. Such may be either a subdivider or a legally constituted improvement district.

F. "Garbage" means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

G. "Industrial wastes" means the liquid wastes from industrial processes as distinct from sanitary sewage.

H. "Lateral sewer" means a sewer which discharges into a branch or other sewer and has no other common sewer tributary to it.

I. "Main sewer" means a sewer which receives sewage from one or more branch sewers as tributaries.

J. "Natural outlet" means any outlet into a watercourse, ditch, or other body of surface or ground water.

K. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

L. "Properly shredded garbage" means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-fourth inch in any dimension.

M. "Public sewer" means a sewer controlled by public authority.

N. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

O. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments together with such ground, surface and storm waters as may be present.

P. "Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.

Q. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

R. "Sewer connection" means the connection to the public sewer and the extension therefrom of the sewer to the property line at the alley or the curb line of the street, whichever is applicable, depending on the location of the public sewer.

S. "Sewer connection fee" means the initial sewer connection charge as set forth in Article 11-2 of this chapter and shall apply to all sewer connections to the public sewer after the effective date of this code.

T. "Sewer department" means those officers and agents of the Town supervising sewer operations for the Town.

U. "Storm sewer" or "Storm drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

V. "Suspended solids" means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.

W. "Trunk sewer" means a sewer which receives sewage from many tributary main sewers, and serves as an outlet for a large territory.

X. "Watercourse" means a channel in which a flow of water occurs either continuously or intermittently.

ARTICLE 11-2 **Application for Sewer Service**

No sewer connection connecting the Town sanitary sewer system to any consumer shall be made or used by any person or the Town except upon written application furnished to the Town by the owner, or his/her authorized agent, of the premises to which sanitary sewer service is to be furnished. An initial sewer connection fee shall be required according to the rates fixed by the Town. The initial sewer connection fee is non-refundable.

ARTICLE 11-3 **Department and Consumer Responsibilities**

11-3-1 Sewer Department Responsibilities and Liabilities
11-3-2 Consumer Responsibility
11-3-3 Interference with Water Department, Sewer Department or Building Official; Digging Up Streets without Permit
11-3-4 Unsanitary Disposal of Excrement Prohibited
11-3-5 Private Sewage Systems
11-3-6 Tampering with Equipment Prohibited
11-3-7 Permit Required
11-3-8 Application
11-3-9 Inspection and Approval by Sewer Department or Building Official
11-3-10 Records to Be Kept by Sewer Department

Section 11-3-1 Sewer Department Responsibilities and Liabilities

A. The sewer department shall not be responsible for the installation, maintenance or inspection of the consumer's service line piping or apparatus or for any defects therein.

B. The sewer department shall have the right to refuse service unless the consumer's lines or piping are installed in such manner as to prevent cross connections or backflow.

C. Under normal conditions, the consumer shall be notified of any anticipated interruption of service.

D. The sewer department shall not be responsible for the negligence of third persons or forces beyond the control of the sewer department resulting in an interruption of services or damage to the property of the consumer.

E. The sewer department may refuse service to any prospective consumer when the capacity of the sewer system will not permit additional loads being placed thereon.

F. The sewer department may discontinue its service without notice for the following reasons:

1. To prevent fraud or abuse.

2. The consumer's willful disregard of or refusal to comply with this chapter or other rules as may be adopted by the Council.

Section 11-3-2 Consumer Responsibility

A. Building or house sewer connections on the consumer's premises shall be so arranged as to provide service to one lot. If additional service is required it will be considered as a separate and individual account.

B. The consumer's house or building service line, sewer connection and apparatus shall be installed and maintained by the consumer, at the consumer's expense, in a safe and efficient manner and

in accordance with the sewer department's rules and regulations and in full compliance with the regulations of the State Department of Health.

C. The consumer shall safeguard the sewer department's property placed on the consumer's premises and shall permit access to it only by the authorized representatives of the sewer department.

D. In the event that any loss or damage to the property of the sewer department or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the consumer, his/her agents or employees, the cost of necessary repairs or replacements shall be paid by the consumer to the sewer department and any liability otherwise resulting shall be assumed by the consumer. The amount of such loss or damage or the cost of repairs may be added to the consumer's bill and if not paid, service may be discontinued by the sewer department.

E. When service to a consumer shall require the laying of any Town sewer lines or the installation of any other Town property on, under, across or over the consumer's property the consumer will grant to the Town an easement, right of way, or license for such installation.

Section 11-3-3 Interference with Water Department, Sewer Department or Building Official; Digging Up Streets Without Permit

It is unlawful for any person:

A. To interfere in any way with the officers of the Town water department, sewer department or building official in the discharge of any of their duties, either in the tapping of any sewer pipe, main or lateral belonging to the Town or in the laying or connecting of such pipe, main or lateral.

B. To dig up or cause to be dug up any street or alley in the Town for the purpose of connection with the sewer system of the Town without first obtaining a permit from the sewer department.

C. Who, having a permit, to dig up any portion of any street or alley of the Town for the purpose of connecting with the sewer system of the Town and fail or neglect to place the street or alley in its original condition under the supervision of the sewer department and as required by it.

Section 11-3-4 Unsanitary Disposal of Excrement Prohibited

It is unlawful for any person to deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Town or in any area under the jurisdiction of the Town any human or animal excrement or other objectionable waste.

Section 11-3-5 Private Sewage Systems

A. Compliance with Article. Except as provided in this article, it is unlawful to construct or maintain within the Town any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

B. When Permitted; Sanitation. Where a public sanitary or combined sewer is not available within the Town or in any area under the jurisdiction of the Town, the building sewer shall be connected to a private sewage disposal system which complies with the regulations of the State Department of Public Health. Such private sewage disposal system shall be constructed, maintained and operated at all times in a sanitary manner.

C. Discontinuance. Within 90 days after a public sewer becomes available within 300 feet of any property served by a private sewage disposal system, a direct connection shall be made to the public sewer in accordance with the provisions of this chapter and any septic tanks, cesspools, and similar private sewage facilities shall be abandoned and filled with suitable material.

Section 11-3-6 Tampering with Equipment Prohibited

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works.

Section 11-3-7 Permit Required

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance or equipment which is a part of the municipal sewage works.

Section 11-3-8 Application

Upon issuance of a required permit to any person, each and every permit issued shall be presented by the person to the sewer department and application made for the building connection.

Section 11-3-9 Inspection and Approval by Sewer Department or Building Official

No building sewer will be connected to the building connection until it has been inspected and approved by the sewer department or building official.

Section 11-3-10 Records to be Kept by Sewer Department

The sewer department shall keep a record of all building connections made and the purpose for which they are to be used, together with the name of the owner of the property and his/her agent or representative.

ARTICLE 11-4 **Use of Public Sewers**

11-4-1 Prohibited Substances
11-4-2 Interceptors Required
11-4-3 Authority of Sewer Department
11-4-4 Preliminary Treatment
11-4-5 Manholes
11-4-6 Tests and Analyses
11-4-7 Special Agreements with Industrial Concerns

Section 11-4-1 Prohibited Substances

A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

B. Except as provided in this section no person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewer:

1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.

2. Any water or waste which may contain more than 50 parts per million (50 ppm) by weight of fat, oil or grease.

3. Any gasoline, benzene, naptha, fuel oil or other flammable or explosive liquid, solid or gas.

4. Any garbage that has not been properly shredded.

5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, grits such as brick, cement, onyx, carbide or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer works.

6. Any waters or wastes having a pH lower than 5.5 or higher than 9, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans, or animals, or create any hazard in the receiving waters of the sewage treatment plant.

8. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

9. Any noxious or malodorous gas or substance capable of creating a public nuisance.

Section 11-4-2 Interceptors Required

A. Grease, oil, and sand interceptors shall be provided when, in the opinion of the sewer department, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units.

B. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

C. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his/her expense, in continuously efficient operation at all times.

Section 11-4-3 Authority of Sewer Department

The admission into the public sewers of any waters or wastes having any of the following characteristics shall be subject to the review and approval of the sewer department:

A. A five-day biochemical oxygen demand greater than three hundred parts per million (300 ppm) by weight.

B. Containing more than three hundred and fifty parts per million (350 ppm) by weight of suspended solids.

C. Containing any quantity of substance having the characteristics described in Section 11-4-1.

D. Having an average daily flow of greater than two percent (2%) of the average daily sewage flow of the Town.

Section 11-4-4 Preliminary Treatment

A. Required. Where necessary in the opinion of the sewer department, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to:

1. Reduce the B.O.D. to three hundred parts per million (300 ppm) and the suspended solids to three hundred and fifty parts per million (350 ppm) by weight.

2. Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 11-4-3.

3. Control the quantities and rates of discharge of such waters or wastes.

B. Approval. Plans and specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the sewer department and the engineering division of the Arizona State Board of Health. No construction of such facilities shall be commenced until such approvals are obtained in writing.

C. Maintenance of Facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

Section 11-4-5 Manholes

When required by the sewer department, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation and sampling of wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the sewer department. The manhole shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times.

Section 11-4-6 Tests and Analyses

All tests and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with "standard methods for examination of water and sewage", and shall be determined at the control manhole provided for in the preceding section or upon suitable samples taken at such control manhole.

Section 11-4-7 Special Agreements with Industrial Concerns

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial concern.

ARTICLE 11-5 **Rates**

Rates for the provision of sewer service as provided in this Chapter, and procedures for billing, collection and enforcement of rates and other fees imposed, shall be set in accordance with the provisions of Chapter 13.

[Ord. 278, 08/21/1995]

CHAPTER 12

JEROME TRAFFIC CODE

ARTICLE 12-1: **Traffic Control**

12-1-1 Words and Phrases Defined
12-1-2 Traffic Administration
12-1-3 Enforcement of Traffic Regulations
12-1-4 Snow or Other Disaster Days
12-1-5 Turning Movements
12-1-6 One-Way Streets and Alleys
12-1-7 Methods of Parking
12-1-8 Stopping, Standing, or Parking Prohibited at Specified Places and Times
12-1-9 Parking for Certain Purposes Prohibited
12-1-10 Other Restricted Parking Areas
12-1-11 Stopping for Loading or Unloading Only; By Permit Only
12-1-12 Miscellaneous Parking Provisions
12-1-13 Towing and Impoundment of Vehicles
12-1-14 Regulations for Bicycles; Voluntary; Exception – Rental Agency
12-1-15 Parade, Assembly and Procession Permits
12-1-16 Miscellaneous Traffic Enforcement Rules
12-1-17 Authority to Detain Persons to Service Traffic Complaints
12-1-18 Penalties

Section 12-1-1 Words and Phrases Defined

A. Definition of Words and Phrases. This Code will adopt the definitions and phrases set out in Title 28 of the Arizona Revised Statutes. Any additions will be for the purpose of identifying words or phrases not included in Title 28 of A.R.S.

B. The following words and phrases when used in this Code, have the meanings described to them as follows:

1. "Alley or Alleyway." A public way for vehicular travel, but generally of a width of less than 25 feet.

2. "Fire Alley." A public way for access to and egress from buildings, for fire and emergency services only.

3. "Public Way." Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently provided to the public for public use.

4. "Business District." Any area or building whose street or alley frontage is used for business or commercial purposes.

[Ord. 264, 1/26/1993]

Section 12-1-2 Traffic Administration

Upon recommendation of the Town Marshal (Police) and Public Works Director, the Town Council shall:

A. Determine the installation of proper timing and maintenance of traffic control devices, and honor those placed on State Highway 89A by the Arizona Department of Transportation to control traffic on the stretch of State Highway 89A which is inside the Town limits.

B. Determine the location of all traffic regulatory signs, cross-walks, loading zones, bus loading zones and taxi stands, on any Town street, and act in conjunction with the Arizona Department of Transportation when dealing with State Highway 89A within the Town limits of Jerome.

C. Plan the operations of traffic on the streets and highways of this Town.

D. The driver of any vehicle shall obey the instruction of any official traffic control device applicable thereto placed in accordance with the traffic regulations of the Town of Jerome, or the State of Arizona, unless otherwise directed by the Town Marshal, subject to any of the exceptions granted in this Chapter or by State law. Violation of this subsection is a civil traffic violation.

[Ord. 264, 1/26/1993; Ord. 296, 03/10/1998]

Section 12-1-3 Enforcement of Traffic Regulations

A. The Chief of Police/Town Marshal, officers of the Police Department and such other special officers or aides as designated by the Chief of Police, shall have the authority, responsibility and duty to enforce all street and traffic laws of this Town and all the State vehicle laws applicable to street traffic in the Town.

B. Members of the Fire Department, when at the scene of a fire, or other disaster, may direct or assist the police in directing traffic there or in the immediate vicinity.

[Ord. 264, 1/26/1993]

Section 12-1-4 Snow or Other Disaster Days

When, in the opinion of the Chief of Police and/or the Public Works Director, an emergency condition exists due to snow or other such natural occurrence, the Public Works Director, under the direction of the

Chief of Police or in the absence of the Chief of Police, has the power to regulate traffic in and through the Town, to include, but not limited to, posting temporary no parking signs on the Town's streets.

[Ord. 264, 1/26/1993]

Section 12-1-5 Turning Movements

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any two-way street in the Town unless such movement can be made in safety and without interfering with other traffic, or if the street is signed as not allowing U-turns.

[Ord. 264, 1/26/1993]

Section 12-1-6 One-Way Streets and Alleys

A. Authority to Sign One-Way Streets and Alleys. Upon recommendations from the Chief of Police and Public Works Director, the Town Council shall designate any street or alley within the Town as a one-way street or alley. The Public Works Director shall cause to be placed and maintained signs giving notice of one-way streets and alleys. Such signs shall be placed at every intersection.

B. Posted One-Way Street and Alley Signs. Every person shall drive a vehicle only in the direction indicated by posted signs directing traffic on the roadway, alley or Town right-of-ways.

C. Temporary Markings. When temporary markings, signs, barricades, or other channelization devices are placed on the Town streets by the Public Works and/or Police Departments, directing the location and direction of traffic on the street or portions thereof, regardless of the center line of the roadway, no driver of a vehicle shall disobey the directions of such markings, signs, barricades or other channelization.

[Ord. 264, 1/26/1993]

Section 12-1-7 Methods of Parking

A. Standing or Parking Close to Curb. Except as otherwise provided in this Article, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle within eighteen inches (18") of the right-hand curb. Where angle parking is required, every vehicle stopped or parked upon a roadway shall be so stopped or parked with the right front wheel within eighteen inches (18") of the right-hand curb.

B. Obedience to Parking Signs or Markings. On those streets which have been signed or marked with lines on the roadway by the Town for the purpose of proper control of parking, no person shall park or stand a vehicle in such a position that it shall not be entirely within the space designated by such lines or other markings.

C. Emergency Brake or Securing the Vehicle. No person shall leave a vehicle unattended without first securing the vehicle so it will not roll from a parked position.

D. Parking on Uncurbed Streets. On uncurbed Town streets, every vehicle stopped or parked shall be stopped or parked on the right-hand side of the roadway as far as is practicable.

[Ord. 264, 1/26/1993]

Section 12-1-8 Stopping, Standing or Parking Prohibited at Specified Places and Times

A. No Parking in Alleys. No parking shall be permitted in alleys designated as Fire Zone Alleys. The only exception to this shall be delivery vehicles when loading and unloading, and they must park so as to leave available not less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

B. Use of Alleys as Thoroughfares. No person shall use an alley as a thoroughfare, except authorized emergency vehicles, when such alley is designated or signed by the Town.

[Ord. 264, 1/26/1993]

Section 12-1-9 Parking for Certain Purposes Prohibited

A. No person shall park a vehicle upon any street, sidewalk or alleyway for the principal purpose of:

1. Displaying such vehicle for sale or for storage.

2. Greasing or repairing such vehicle.

B. Parking of Trucks and Truck-Trailers. No trucks having an overall length in excess of twenty (20) feet shall be parked on any street outside the Business District, except for the purpose and during the time of the loading or unloading of such trucks, or without a permit issued by the Police Department.

[Ord. 264, 1/26/1993]

Section 12-1-10 Other Restricted Parking Areas

A. Upon recommendation of the Police and/or Public Works Departments, the Town Council shall designate restricted parking areas by the use of signs and/or painted curbs.

1. If the curb is painted red, parking shall be prohibited in the red area adjacent to the painted curbs at all times.

2. If the curb is painted yellow, the space so painted shall be used exclusively by vehicles during the loading or unloading of freight or passengers. Signs placed at either one or both ends of such zone may further restrict use of a loading zone for specific vehicles or purposes.

B. The Town Council shall establish bus stops, bus stands, taxicab stands, stands for other passenger/carrier motor vehicles, and street vendor sites on such public streets in such places and in such number as shall be determined in accordance with the Town ordinances. Every such bus stop, bus stand, taxicab stand, or other stand or site shall be designated by appropriate signs. The operator of said stand and/or site shall pay a privilege fee, in advance, in an amount determined by Town ordinance.

C. Upon recommendation of the Police and/or Public Works Departments, the Town Council shall determine and cause to be designated by proper signs or markings, locations in which the stopping, standing, or parking of vehicles would create a hazardous condition or would cause delay to traffic.

D. Time Limits

1. No person may park a vehicle upon any roadway or alley for a consecutive period of time longer than indicated by official signs installed to limit such parking. Any violator shall be sanctioned a minimum of five dollars ($5.00) for a first offense and further violations of this subsection may be increased from time to time in accordance with Town ordinances.

2. Any person who violates this subsection two or more times within any 24-hour period shall be subject to a minimum sanction of fifteen dollars ($15.00) for each such second or subsequent violation within any 24-hour period. Sanctions for violations of this subsection may be increased from time to time in accordance with Town ordinances.

3. Any person who violates this Code three or more times within any 30-day period shall be subject to a minimum sanction of fifteen dollars ($15.00) for each third or subsequent violation within any 30-day period. Sanctions for violation of this subsection may be increased from time to time in accordance with Town ordinances.

4. When applicable, a citation may be issued under subsections D. 2 or 3 for a particular violation, but not both.

E. Freight Loading Zones. No person shall stop, stand or park a vehicle or trailer for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading in any place marked by signs and yellow painted curb as a freight curb loading zone. No motor vehicle or trailer shall be parked in a freight curb loading zone during the hours indicated by such signs unless attended by a qualified driver, and unless it is actively being loaded or unloaded. [Ord. 412, 11/6/2014]

F. Physically Disabled Parking Areas. The Town Council shall determine and cause to be designated by proper signs or markings, parking stalls, places, or other areas with the distinguishing insignia of the International Wheelchair symbol. Such stalls, places or areas shall be specifically reserved for motor vehicles bearing proper number places with the International Wheelchair symbol affixed, issued pursuant to the Arizona Revised Statutes.

The Town Council shall cause to be established such stalls, places or areas upon any public roadway or, upon written request of the owner or operator, upon any lot or area within the Town.

No person shall park a motor vehicle in a stall, place or area designated by signs or markings restricting said stall, place or area for physically disabled parking. This prohibition shall apply to roadways and properly designated lots and areas within the Town.

[Ord. 264, 1/26/1993]

Section 12-1-11 Stopping for Loading or Unloading Only; By Permit Only

A. The Police Department may issue temporary permits for the purposes of temporary loading, unloading or emergency work within the Town Commercial District at other than loading zones. In such case, the Police Department shall issue suitable signs. Any person who obtains from the Police Department a permit to conduct temporary loading, unloading, or emergency work shall display said sign or cover in the street in front of the building or establishment where such loading, unloading, or emergency work is being conducted.

B. The Police Department shall make a record specifying an indicated time, date, address or location, and name of the individual obtaining the permit for loading or unloading for emergency purposes. At the conclusion of such work, or at the expiration of the permit, whichever is first, the sign shall be surrendered by the person holding the permit to the Police Department. Overparking, or improper use of the permit, signs and covers shall be punishable by the issuance of a parking citation or court complaint. The cost of such permit shall be a minimum of five dollars ($5.00), or as set by the Town Council.

[Ord. 264, 1/26/1993]

Section 12-1-12 Miscellaneous Parking Provisions

A. The provisions of this Article prohibiting the standing, stopping, or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs or on parking meters, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. The provisions of this Article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the standing, stopping, or parking of vehicles in specified places or at specified times.

B. Vicarious liability of illegally parked vehicles. Whenever any vehicle shall be parked in violation of any of the provisions of any ordinance prohibiting or restricting parking, the person in whose name such vehicle is registered shall be responsible for such violation and is subject to the penalties therefore.

C. Subsection (B) of this Section shall not prevent a person from presenting evidence in any prosecution of a parking violation that a vehicle was not improperly parked or that said vehicle

was not registered to said person at the time of the offense, or said vehicle had been stolen at the time of the alleged offense. Proof that the vehicle was in the possession of another at the time of the violation is irrelevant to the substantive offense.

D. Parking in Conformance with Zoning Ordinance. No person shall park, or permit to be parked, any motor vehicle upon any lot or area within the Town except in conformance with this Code and/or the Zoning Ordinance of the Town.

E. No person may park a motor vehicle upon any lot or area registered with the Police Department of the Town as prohibiting such parking when said lot or area is posted with signs prohibiting parking.

F. Except as herein provided, no person shall park a vehicle for more than 48 hours consecutively on any public street or for more than 72 hours in any public or municipally-owned parking lot without it being moved. If parked for longer than the times permitted herein, such vehicle will be considered abandoned and subject to subsection 12-1-13.

a. Exceptions: Persons with a physical disability or illness which would preclude their ability to move a vehicle within the times permitted herein, or vehicles which are mechanically inoperable, may be permitted by the Chief of Police to remain parked for a longer period of time, at a fee to be set by Resolution of Council. Such permission shall be granted in writing, for a period not to exceed 60 days, and a copy of the permit shall be conspicuously displayed in the parked vehicle. The permit may be renewed at the discretion of the Chief of Police.

[Ord. 264, 1/26/1993; Ord. 395, 3/13/2012]

Section 12-1-13 <u>Towing and Impoundment of Vehicles</u>

A. Authorization. The Police Department may take charge of, remove and keep in custody, under the direction of the Chief of Police, any unoccupied vehicle of any kind or description violating any of the provisions of this Code or any of the ordinances of the Town or the laws of the State of Arizona regulating the standing and parking of vehicles.

B. Impounded Vehicles - Record, Towing Service. The Police department shall maintain a record of all vehicles impounded. Such records shall show the date and the location from which the vehicle was removed, the reason for such removal and impounding, and location at which the vehicle is stored. The Police Department shall further provide for adequate towing service to implement the provisions of the Title. The Police Department is authorized to use a commercial towing service for the towing and storage of any impounded vehicles.

C. Impounded Vehicles - Release. The Police Department shall direct the return to the owner of an impounded vehicle when the owner has furnished evidence of his/her identity and ownership, signed a receipt and paid the cost for towing and storage fees set forth by the commercial towing service authorized and designated to carry out such function under the direction of the Police Department. The payment of such removal and storage fees shall not release the owner

or driver of such vehicles of any other penalty imposed for a violation of this title or any of the ordinances of the Town or the laws of the State of Arizona.

[Ord. 264, 1/26/1993]

Section 12-1-14 Regulations for Bicycles; Voluntary; Exception – Rental Agency

A. License for Bicycle. No person shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license number is attached thereto as provided herein, a voluntary service.

B. License Application. Application for a bicycle license and license number shall be made upon a form provided by the Town. A license fee of one dollar ($1.00) shall be paid to the Town before each license or renewal thereof is granted.

C. Issuance of License

1. The Chief of Police, upon receiving proper application therefore, is authorized to issue a bicycle license to the owner of any bicycle or to any person entitled to the possession of a bicycle. A bicycle license need not be renewed. The Chief of Police may authorize agents to carry out the duties required of the Chief under Section 12-1-14.

2. The Chief of Police shall not issue a license for any bicycle when he/she knows or has reasonable grounds to believe that the applicant is not the owner of, or entitled to, the possession of such bicycle.

3. The Chief of Police shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and the number on the frame of the bicycle for which issued.

D. Number of License

1. The Chief of Police, upon issuing a bicycle license, shall also issue a license number assigned to this bicycle.

2. The Chief of Police shall cause such license number to be firmly attached to the frame of the bicycle for which issued.

3. No person shall remove a license number from a bicycle for which issued except in the event the bicycle is dismantled and no longer operated upon any street in this Town.

E. Inspection of Bicycles. The Chief of Police, or any officer assigned such responsibility, shall inspect each bicycle before licensing the same and shall refuse a license for any bicycle which he/she determines is in unsafe mechanical condition.

F. Rental Agencies. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license number is stamped thereon as provided herein and such bicycle is equipped with the lamps and other equipment required in this Article.

G. Bicycle Dealers. Every person engaged in the business of buying or selling new or secondhand bicycles shall make and keep a record of every bicycle purchased or sold by such dealer, giving a description of such bicycle by name or make and the frame number or serial number thereof. Such record shall be kept and maintained for at least the most recent three year period.

[Ord. 264, 1/26/1993]

Section 12-1-15 Parade, Assembly and Procession Permits

A. No procession or parade, except funeral processions, shall be held without first securing a permit from the Town, and all such requests for permits shall state the time, place of formation, proposed line of march, destination and such other regulations as the Town may set.

B. A funeral procession composed of a procession of vehicles shall be identified by such methods as may be determined and designated by the Town.

C. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or the Police Department.

D. Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

[Ord. 264, 1/26/1993]

Section 12-1-16 Miscellaneous Traffic Enforcement Rules

A. Vehicle Shall Not Be Driven or Parked on Sidewalk. The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway. It is unlawful for any person to park any vehicle, whether in usable condition or not, or for an owner to permit his/her vehicle to be parked upon any sidewalk in Town.

B. Opening and Closing Vehicle Doors. No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so. Nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

C. Unlawful Riding. No person shall ride on any vehicle upon any portion thereof not designated or intended for the use of any passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, nor to persons riding within truck bodies in space intended for cargo or merchandise.

D. Bicycle Riding on Sidewalks. Within the Commercial district:

1. No person shall ride a bicycle upon a sidewalk;

2. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle, or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.

E. Use of Coaster, Roller Skates and Similar Devices Restricted. Within the Commercial district:

1. No person shall ride upon, in or by means of roller skates, coaster, toy vehicle, go-cart, or any similar coasting or skating device, upon a sidewalk within a business district.

2. Whenever any person is riding such a coasting or skating device upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

3. No person upon roller skates, or riding in or by means of coaster, toy vehicle, go-cart or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing, such person shall be walking and be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

F. Pedestrian Regulations

1. Except in a crosswalk, no pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb. A pedestrian shall not cross a roadway where prohibited by appropriate signs, markings, devices or by law.

2. Signal Lights and Pedestrian Signals. When a traffic signal displays both circular green lights for traffic movement and a pedestrian signal for pedestrian movement, any pedestrian facing such signal shall not enter the intersection except in compliance with the pedestrian signal.

[Ord. 264, 1/26/1993]

Section 12-1-17 Authority to Detain Persons to Service Traffic Complaint

Any peace officer or duly authorized agent of the Town may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of this Code and to serve a copy of the traffic complaint for any alleged civil or criminal violation of said Code.

[Ord. 264, 1/26/1993]

Section 12-1-18 Penalties

A. Any person found guilty of violating any provisions of this Code, except as otherwise provided in this Code, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed one thousand dollars ($1,000.00) or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein above described.

B. Any violation of or failure or refusal to do or perform any act required by the Traffic Code of the Town constitutes a civil traffic violation. Civil traffic violations are subject to the provisions of Title 28, Chapter 6, Articles 20 and 21, Arizona Revised Statutes and amendments thereto. Added sanctions for civil traffic violations shall be determined by the Town Magistrate according to the schedule of deposits prepared pursuant to Arizona Revised Statutes 22-424.C.

C. Parking violations that are designated as petty offenses may be issued a parking citation in the amount of ten dollars ($10.00) for each violation. Each citation issued, unless issued as a "No Fee" warning will have a valid appearance date in the Jerome Magistrate Court. Also, payment of such fees will be handled by the Jerome Magistrate Court. A copy of the ticket is attached hereto and incorporated herein by reference.

[Ord. 264, 1/26/1993; Ord. 296, 3/10/1998]

ARTICLE 12-2: **Residential Parking**

12-2-1 Findings and purpose
12-2-2 Definitions
12-2-3 Residential Parking Restrictions and Permits
12-2-4 Issuance of Residential Parking Permits
12-2-5 Transfer or sale of Residential Parking Permit
12-2-6 Parking in residential parking permit zone without permit prohibited
12-2-7 Trailers parked in residential areas
12-2-8 Temporary permits
12-2-9 Residential Parking Lots
12-2-10 Prima Facie Liability
12-2-11 Exemptions

Section 12-2-1 Findings and purpose

The Council finds that, in certain areas of the Town, visitor parking impinges upon the need of residents to be able to utilize a reasonable amount of parking space on a street near their own homes. Additionally, the Town of Jerome has a limited number of public parking spaces and areas for residents to park. This article is adopted in order to allow a reasonable accommodation between the needs of our visitors and the needs of Town residents for parking spaces.

(Ord. 432, 12/12/2017)

Section 12-2-2 Definitions

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Parking" means the stopping or standing of a vehicle, whether occupied or not.

"Street" or "Highway" means the entire width between boundary lines of every right-of-way if a part of the right-of-way is open to the public for purposes of vehicular travel.

"Recognized dwelling unit" means a dwelling unit as defined by the Jerome Zoning Ordinance.

"Trailer" means a vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle.

"Resident" means a person(s) whose domicile is within the town limits of the Town of Jerome.

"Motor Vehicle" means a device in, on or by which a person or property is or may be transported or drawn on a public right-of-way, with motive power, excluding devices moved by human power or used exclusively on stationary rails or tracks.

"Parking space," for the purposes of this ordinance, means an area of approximately 20 feet in length by approximately 8 feet in width. It is understood that the Town of Jerome is unique in the construction of its roads and that it does not conform to the assumptions set forth in the Uniform Traffic Code and therefore usable parking spaces may or may not conform to normally accepted standards.

(Ord. 432, 12/12/2017)

Section 12-2-3 Residential Parking Restrictions and Permits

Parking located on the following streets shall be limited to residents with a residential parking permit only:

A. County Road, School Street, Center Street, First Street (between Verde Ave and Center Street), Second Street (between Verde Ave and Center Street), Third Street (between Verde Ave and Center Street), Fourth Street (between Verde Ave and Center Street), Fifth Street (between Verde Ave and Center Street), Sixth Street (between Verde Ave and Center Street) , Hull Road, Verde Avenue, Holly Street, and East Avenue.

(Ord. 432, 12/12/2017)

Section 12-2-4 Issuance of Residential Parking Permits

Persons occupying residences with frontage along a street or portion of a street designated for residential permit parking, who desire to park a motor vehicle on a public street, may apply to the Police Department for residential parking permits as outlined in this article.

A. Recognized dwelling units with frontage along a street or portion of a street designated for residential permit parking shall be entitled to receive one free residential parking permit, per recognized dwelling unit, for a single motor vehicle owned or operated by a person residing in the dwelling unit by registering the motor vehicle with the Jerome police department. The following information must be submitted to the police department: the name of the registered owner (this information must match the Arizona Department of Motor Vehicle registration for said vehicle), the make and color of the motor vehicle, the vehicle's license plate number and the address of the dwelling unit the vehicle is attached to. No more than one free residential parking permit shall be issued per recognized dwelling unit. Free residential parking permits shall not be issued to households required by zoning to have onsite parking on their property.

B. An inventory of usable parking spaces shall be conducted for each street subject to residential parking by permit. The Jerome Police Chief, Zoning Administrator and Fire Chief will approve the spaces and determine the final number of spaces available on each street. Once the inventory is completed and the number of spaces available is determined, it will be compared to the number of residential parking permit applications. If the number of residential parking permit applications exceeds the number of available parking spaces, permits will be issued by random lottery pick. If the number of available parking spaces exceeds the number of residential parking permit applications submitted, extra spaces will be available for purchase as set forth in 12-2-4(C), with final selection determined by lottery pick.

C. Persons occupying recognized dwelling units with frontage along a street or portion of a street designated for residential permit parking may, subject to availability of parking spaces as set forth in Section 12-2-4(B), purchase up to one additional residential parking permit as authorized by Section 12-2-4(B), by paying a fee to the Town of Jerome as set forth in Section 12-2-4(G).

D. Residential Parking permits shall be issued by the Police Department and shall be valid for that motor vehicle, and the street designated thereon, until such time as ownership of the vehicle changes, or the residency of the owner of the vehicle changes. The permit shall become immediately invalid when (i) the person to whom the permit is issued moves to another residence, whether or not such residence has frontage on the posted area, or (ii) when the vehicle is sold.

E. It shall be the responsibility of the residential parking permit holder to notify the Jerome Police Department regarding any changes in the information provided in their original application, including changes in vehicles or changes in residency.

F. Priority will be given to the issuance of residential parking permits issued to dwelling unit(s) with a motor vehicle bearing Arizona Disability license plates. In the event of a lottery pick for permits pursuant to Section 12-2-4(B) for a specific street, motor vehicles displaying Arizona Disability license plates will be granted a permit before lottery picks are made. Additionally, application can be made to the Town of Jerome for placement of a "Disabled Vehicle Parking Only" sign on the street where the registered owner of a motor vehicle bearing Arizona

Disability license plates occupies a legal dwelling unit. Costs of this installation, if approved, shall be the responsibility of the applicant.

G. The fee for additional residential parking permits issued pursuant to Section 12-2-4(C) shall be set by Resolution of the Town Council.

(Ord. 432, 12/12/2017)

Section 12-2-5 Transfer or sale of residential parking permit

It is unlawful to sell, transfer, or convey, or to offer to sell, transfer, or convey, any parking permit or placard issued pursuant to this article for any money or consideration whatsoever. Additionally, it shall be unlawful to use or display a residential parking permit on any motor vehicle not assigned to that permit.

(Ord. 432, 12/12/2017)

Section 12-2-6 Parking in residential parking permit zone without permit prohibited

No person shall stop, stand or park a motor vehicle in a zone designated for the exclusive use of vehicles which display a residential parking permit issued pursuant to this article unless such person displays a valid residential parking permit or temporary parking permit.

(Ord. 432, 12/12/2017)

Section 12-2-7 Trailers parked in residential areas.

The parking of trailers shall be prohibited on streets restricted to residential parking only as outlined in Section 12-2-3.

No person shall park a trailer in a public parking lot designated for residential parking only, without first obtaining a parking permit for said trailer. The Town of Jerome may designate areas in which trailers may be parked for longer periods of time, and may charge a fee for this parking. The following information must be submitted to the police department for a trailer parking permit; the name of the registered owner (this information must match the Arizona Department of Motor Vehicle registration for said trailer), the description of the trailer, the trailer's license plate number and the address of the dwelling unit the trailer is attached to.

This section does not apply to any trailer parked completely on private property as long as it is in compliance with the Jerome Town Zoning Ordinance.

(Ord. 432, 12/12/2017)

Section 12-2-8 Temporary Permits

The owner or occupant of a residential property with frontage along a street or portion of a street designated for permit parking may make application to the Police Department for a temporary

residential parking permit for use by a visitor to their property. Temporary permits may be obtained by notifying the Jerome Police Department, by telephone or email, of the make, color and registration plate of the motor vehicle, and the residence the vehicle is attached to. Upon notifying the police department, the owner will place a white piece of paper, no smaller than 5 ½ inches by 8 ½ inches, with the following information: the registration plate number of the vehicle, the address in the residential area the vehicle is associated with and the date the temporary permit was placed in the vehicle. This temporary permit will be placed on the dash of the vehicle clearly visible from the outside by any person who may walk by. Such permit will be valid for seven (7) days. There shall be no fee for temporary permits.

(Ord. 432, 12/12/2017)

Section 12-2-9 Residential Parking Lots

The Town of Jerome may designate area(s) as "Residential Parking Lots" in which a resident of the Town of Jerome may apply for a Parking Permit(s) to park motor vehicle(s) and / or trailer(s) that do not qualify for a permit as outlined in Section 12-2-4(A), 12-2-4(B), 12-2-7 or 12-2-8 of this ordinance.

(Ord. 432, 12/12/2017)

Section 12-2-10 Prima Facie Liability

Whenever any motor vehicle shall have been parked in violation of any of the provisions of this ordinance prohibiting or restricting parking, the person in whose name such vehicle is registered shall be *prima facie* responsible for such violation.

(Ord. 432, 12/12/2017)

Section 12-2-11 Exemptions

No residential parking permit will be required for any motor vehicle parked completely upon private property. However, if the motor vehicle will be parked at any time in a residential parking area on a public street, the vehicle must display a permanent or temporary parking permit.

Municipal emergency vehicles shall be exempt for this ordinance.

Trailers parked in residential parking only areas to load or unload for periods of no longer than 8 hours are exempt from enforcement.

Commercial delivery vehicles actively engaged in the delivery or pickup of packages or supplies are exempt from enforcement.

(Ord. 432, 12/12/2017)

CHAPTER 13

WATER

ARTICLE 13-1 **Water System Administration**

13-1-1 Management of Water System
13-1-2 Receipts and Deposits

Section 13-1-1 Management of Water System

The Town Manager shall have the immediate control and management of the administration of the Town water system and shall perform, or cause to be performed, all acts that may be necessary for the prudent, efficient, and economical management and protection of said water system. The Council shall have the power to prescribe such other and further rates, rules and regulations as it may deem necessary.

[Ord. 341, 1/09/2007]

Section 13-1-2 Receipts and Deposits

The Town Manager shall keep a correct account of all receipts, make out all bills for water and materials furnished to consumers, collect the same, and deposit the proceeds so collected to the credit of the Town, and in accordance with the direction of the Council.

[Ord. 341, 1/09/2007]

ARTICLE 13-2 **Application for Service and Discontinuance of Service**

13-2-1 Application for Water Service
13-2-2 Grounds for Rejection of Application
13-2-3 Violation of Application Provisions

Section 13-2-1 Application for Water Service

Application for the use of water service shall be made in person, at the Town Hall, to the Clerk by the owner or agent of the property to be benefited, designating the location of the property and stating the purpose for which the water may be required.

Section 13-2-2 Grounds for Rejection of Application

The Town may reject any application for water service for any good and sufficient reasons including the following: service not available under a standard rate, service which involves excessive service expense, service which may affect the service to other consumers, service when the applicant is delinquent in payment of bills incurred for service previously supplied at any location.

Section 13-2-3 Violation of Application Provisions

For violation of any of the provisions relating to application for service, the Town shall, at the expiration of seven days after mailing written notice to the last known address of the consumer, at its option, remove the meter and discontinue service. Where the meter is thereafter reinstalled, the consumer shall first pay to the Town a reinstallation charge of five dollars ($5.00).

ARTICLE 13-3 **Deposit**

13-3-1 Deposit Required
13-3-2 Payment Responsibility

Section 13-3-1 Deposit Required

There shall be charged to all persons applying for water service to be provided to any premises, before such service commences, a deposit of twenty two dollars and fifty cents ($22.50) for water service, or, at the option of the Clerk, a deposit equal to but not less than twice the estimated amount of the probable monthly bill. Deposits shall be non-interest bearing and shall be refunded to the consumer upon discontinuance of service and payment of charges, provided that charges may be deducted from said security deposit before the refund is made.

Section 13-3-2 Payment Responsibility

The record owner of all real property receiving Town utilities services including water service, sewer service, and/or garbage collection service, shall be ultimately responsible for payment of charges for said services to the Town, regardless of who resides at the property. In the event the record owner leases said property or a portion thereof, the record owner shall notify the Town and the record owner shall further advise the Town of the termination of the tenant's occupancy. The record owner shall be billed for the utilities and services.

[Ord. 198, 2/14/1984; Ord. 278, 8/21/1995; Ord. 317, 2/25/2003]

ARTICLE 13-4 **Discontinuance of Service**

13-4-1 Notice Required
13-4-2 Service May Be Discontinued Under Certain Conditions

Section 13-4-1 Notice Required

Any person who desires to discontinue the use of water service shall file written notice with the Clerk at least three days in advance of intended termination of service. Responsibility for water service consumed extends to the time of departure or to the time specified for departure, whichever occurs last.

Section 13-4-2 Service May Be Discontinued Under Certain Conditions

The Town may discontinue water service upon any of the following conditions:

A. To prevent fraud or abuse.

B. Disregard of Town rules pertaining to water service.

C. Emergency repairs.

D. Insufficient supply caused by factors outside the control of the Town.

E. Legal process.

F. Direction of public authorities.

G. Local emergency requiring emergency measures.

H. Tampering with meter or other equipment by the consumer.

I. Non-payment of water, sewer or sanitation charges, as provided in Section 13-5-3 of this Chapter.

[Ord. No. 368, 1/12/10]

ARTICLE 13-5 **Rates and Bills**

13-5-1 Water Rates
13-5-2 Minimum Rate
13-5-3 Water Bills; Disconnection of water service for non-payment of water, sewer or sanitation charges.
13-5-4 Notice Prior to Disconnect; Appeal and Lien
13-5-5 Turn Offs and Turn Ons
13-5-6 Unoccupied Units Liable
13-5-7 Commencement of Charges

Section 13-5-1 Water Rates

A. Monthly Water Service Rates	Regular	Out of Town
1. Residential Rates		
a. Single Resident	$25.36	$28.99
b. Double Resident	$33.20	$40.90
c. Triple Resident	$41.05	$51.56
d. Multi Resident	$41.05	$51.56
e. Artist Studio (non-residential light water and sewer use)	$25.36	$28.99
f. Construction	$42.24	$42.24

2. Commercial Rates*

a. Small Business (1-5 employees)	$38.99
b. Small Business (Shared Restroom)	$19.49
c. Medium Business (6-10 employees)	$52.72
d. Large Business (11+ employees)	$66.39
e. Bar Only	$52.72
f. Small Restaurant Only (0-39 seats)	$66.39
g. Medium Restaurant Only (40-79 seats)	$71.90
h. Large Restaurant Only (80+ seats)	$85.21
i. Small Restaurant & Bar (0-39 seats)	$97.57
j. Medium Restaurant & Bar (40-79 seats)	$100.94
k. Large Restaurant & Bar (80+ seats)	$107.66
l. Hotels/Rooms/B & B per unit	$10.18
m. Construction	$42.24

3. Industry Rates*

a. Small Industry (2-5 employees)	$50.70
b. Medium Industry (6-10 employees)	$64.38
c. Large Industry (11+ employees)	$78.07
d. Construction	$42.24

4. Vineyards, per parcel, as defined in Chapter 16 of the Jerome Town Code $100.94

* Water and sewer service for out of Town commercial entities will be considered by the governing body on a case-by-case basis, and, if approved, rates will be set individually by contract.

B. Water Hook Up Fees/Charges

Requests for water hookups shall be made by the property owner, in writing, to the Town Manager on forms provided by the Town. The following hookup fees shall be assessed:

1.	Residential	
	For properties with a structure thereon constructed before 1953	NO FEE
	For properties with a structure thereon constructed between 1953 and 1979	$2,500.00
	All other properties	$5,000.00
2.	Small Business	$5,800.00
3.	Medium Business	$ 6,200.00
4.	Large Business	$ 7,000.00
5.	Small Industry	$ 6,200.00
6.	Medium Industry	$ 7,000.00
7.	Large Industry	$11,000.00

8. Vineyards, per parcel, as defined in Chapter 16 of the Jerome Town Code $ 7,000.00

For the purposes of this section, “Residential” shall mean a lot, whether buildable or not, located in a residential, commercial or agricultural zoning district, with or without a dwelling thereon, which is not used for commercial purposes.

For the purposes of this section, “Structure” shall mean a building, such as a house, barn, shed, church, hotel, or similar construction, which was created principally to shelter any form of human activity. If a structure has lost any of its basic structural elements, such as its roof, it is considered a "ruin" and not a structure for the purposes of this section.

In order to be eligible for reduced rates based on the age of a structure, the property owner must demonstrate to the Town Manager the age of any structure which Property Owner claims was constructed prior to 1980 with the submission of reliable and definitive documentation such as building permits, real property tax assessments, and/or dated photography.

Materials, equipment and labor involved in connection, including the cost of the water meter, will be charged in addition to the above listed hook up fees. Hook up fees may be paid no earlier than two years prior to issuance of a building permit. If a building permit is not issued before the two year anniversary date of the payment, paid fees shall be refunded to the depositor and fees must be repaid at that time at the rates then in effect prior to issuance of a building permit.

C. Miscellaneous Water Fees and Charges

1. Installation/Initiation Charges
   - a. New Account $ 15.00
   - b. Service Inspection/Building Inspector Turn-On/Public Works $ 50.00
2. Customer Maintenance Support
   - a. Turn-off/Turn-on (at customer’s request) $ 25.00
   - b. Disconnect/Reconnect (for lack of payment) $25.00
3. Delinquency Charges
   - a. Returned Check - $25.00 plus any actual charges assessed to the Town by the financial institution
   - b. Delinquent Payment - flat fee of $10.00 for every thirty days on any amount remaining past due on Town utility bill.
4. Construction or Outside of Town Water Trucks, etc.
   - a. 0-5,000 gallons $25.00 per 1,000 gallons
   - b. 5,001-10,000 gallons $30.00 per 1,000 gallons
   - c. 10,001-50,000 gallons $35.00 per 1,000 gallons
   - d. 50,001 gallons and over $40.00 per 1,000 gallons

D. Monthly Sewer Service Fees

Monthly sewer service fees shall be calculated at 128.3% of monthly water service rates.

E. Sewer Hook Up Fees/Charges

Requests for sewer hookups shall be made by the property owner, in writing, to the Town Manager on forms provided by the Town. The following hookup fees shall be assessed:

1.	Residence – per connection	
	For properties with a structure thereon constructed before 1953	NO FEE
	For properties with a structure thereon constructed between 1953 and 1979	$2,750.00
	All other properties	$5,500.00
2.	Bar Only – per seat	$ 550.00
3.	Hotel/Motel/B&B	$ 5,500.00
4.	Manufacturing – per connection	$ 5,500.00
5.	Public Restroom – per fixture	$ 550.00
6.	Office - per 100 sq. ft.	$ 150.00
7.	Restaurant – per seat	$ 550.00
8.	Retail Shop	$ 5,500.00

For the purposes of this section, “Structure” shall mean a building, such as a house, barn, shed, church, hotel, or similar construction, which was created principally to shelter any form of human activity. If a structure has lost any of its basic structural elements, such as its roof, it is considered a "ruin" and not a structure for the purposes of this section.

In order to be eligible for reduced rates based on the age of a structure, the property owner must demonstrate to the Town Manager the age of any structure which Property Owner claims was constructed prior to 1980 with the submission of reliable and definitive documentation such as building permits, real property tax assessments, and/or dated photography.

Materials, equipment and labor involved in connection will be charged in addition to the above listed hook up fees. Hook up fees may be paid no earlier than two years prior to issuance of a building permit. If a building permit is not issued before the two year anniversary date of the payment, paid fees shall be refunded to the depositor and fees must be repaid at that time at the rates then in effect prior to issuance of a building permit.

[Ord. 227, 8/08/1979; Ord. 272, 11/08/1994; Ord. 278, 8/21/1995; Ord. 281, 10/10/1995; Ord. 284, 10/10/1996; Ord. 307, 01/23/2001; Ord. 315, 10/08/2002, effective 12/01/2002; Ord. 337, 10/10/2006; Ord. 366, 12/17/09; Ord. 394, 3/12/2012; Ord. 397, 5/8/2012; Ord. 396, 8/14/2012; Ord. 398, 8/14/2012].

Section 13-5-2 <u>Minimum Rate</u>

Service for a time period less than a month shall be charged at the minimum monthly rate.

Section 13-5-3 Water Bills; Disconnection of water service for non-payment of water, sewer or sanitation charges

A. All notices sent out by the Town regarding water or sewer user or sanitation accounts, and all notices regarding any other matter pertaining to users of the Town water or sewer system, shall be sent to the address on record for such property. To insure proper delivery of notices, all errors in address should be promptly reported to the Town.

B. All rates and service charges for water, sewer and sanitation are due and payable when rendered and shall be delinquent thirty (30) days after the date rendered. Any delinquent account requiring special collection effort may be assessed a delinquent collection charge to cover the additional cost as established by the Council. If the total of such bill shall not be paid within five days after the date of the delinquency and notice of delinquency having been given, water service may be disconnected from the premises of the delinquent consumer and a disconnect fee charged to the customer's account. The delinquent collection charge, the disconnect fee plus the total amount of the bill due and any deposit, if such deposit is required, shall be collected before again providing water service.

C. A consumer's water service may be disconnected for non-payment of a bill for water or sewer service rendered or sanitation charges assessed at a previous location served by the Town, provided such bill is not paid within thirty (30) days after the unpaid bill has been presented to the consumer at his/her new location.

D. When a user of the water or sewer system has been notified of the amount of water, sewer and/or sanitation charges remaining due after the deduction of his/her security deposit, and payment for same has not been received, the Town may assign the account to a *bona fide* collection agency and/or proceed in accordance with the provisions of Section 13-5-4 below.

[Ord. 278, 8/21/1995; Ord. No. 368, 1/12/10]

Reviser's Note: Paragraph D of Section 13-5-3 was labeled "E" in Ordinance 278 but was corrected to "D" for purposes of consistency.

Section 13-5-4 Notice Prior to Disconnect, Appeal and Lien

A. Before discontinuing water service for non-payment of any water or sewer user charge, sanitation charge, deposit or other assessment provided for in this Chapter, the Town Clerk shall give written notice to the person of the discontinuance and an opportunity to appear before the Town Manager or his/her designee on any disputed matter relative to the discontinuance of water service.

B. If no protest is made regarding the amount of any charge, deposit or other assessment provided for in this Chapter, or if a protest is made and the Town Manager has affirmed or modified the amount of the charge, deposit or other assessment, the original charge, deposit or assessment, or

as so modified, shall be recorded in the office of the county recorder and from the date of its recording shall be a lien on said lot or tract of 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. A sale of the property to satisfy a lien 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 lien in the superior court 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 *prima facie* evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this section shall not be a bar to a subsequent assessment or assessments for such purposes and any number of liens on the same lot or tract of and may be enforced in the same action.

[Ord. 278, 8/21/1995; Ord. No. 368, 1/12/10]

Section 13-5-5 Turn Offs and Turn Ons

A charge of five dollars ($5.00) shall be made for each turn off and each turn on of water service for reasons other than change of occupancy.

Section 13-5-6 Unoccupied Units Liable

The above minimum charges for additional units or trailer spaces shall apply regardless of whether the unit or trailer space is occupied or unoccupied.

Section 13-5-7 Commencement of Charges

The Town shall commence service charges for a consumer when the water meter is installed and the water connection is made, regardless of whether the water service is used or not.

ARTICLE 13-6 **Consumer Responsibilities**

13-6-1 Consumer Water Facilities
13-6-2 Consumer Negligence
13-6-3 Right of Way
13-6-4 Installation of Lines
13-6-5 Protection of Town Property
13-6-6 Supplying Water to Others Prohibited
13-6-7 Commercial Use
13-6-8 Sprinkling Restrictions
13-6-9 Waste of Water Prohibited
13-6-10 Inspections

Section 13-6-1 Consumer Water Facilities

The consumer shall have complete responsibility for the installation and maintenance of adequate water facilities on the premises and the Town shall not in any way be responsible for the installation, maintenance, inspection, or damage of such facilities or damage caused by any defect in such facilities on the consumer's premises. Such facilities shall be maintained by the consumer in full compliance with any and all rules and regulations of the Town in addition to applicable state statutes.

Section 13-6-2 Consumer Negligence

If any damage to the Town water system or injury to Town employees is caused by the negligence of any consumer which requires any repairs, replacements or damages, the cost of such shall be added to that consumer's bill, and if such charges are not paid, the Town may utilize all remedies available to it under this Chapter for non-payment.

[Ord. 278, 8/21/1995]

Section 13-6-3 Right of Way

Each consumer shall provide to the Town such easement and right of way as is necessary to provide water service to that consumer.

Section 13-6-4 Installation of Lines

The Town may refuse to provide service unless the lines or piping are installed on the premises so as to prevent cross connections or backflow.

Section 13-6-5 Protection of Town Property

The consumer shall guarantee proper protection for Town property placed on his/her premises.

Section 13-6-6 Supplying Water to Others Prohibited

No occupant or owner of any building into which water is introduced will be allowed to supply water to other persons or families or for use on any other property, except that an owner of one lot may provide water to a non-occupied, noncontiguous lot owned or leased by the same owner, provided that both lots are situated within the Town of Jerome, and that the owner has legal access to the other noncontiguous lot. The Town reserves the right to shut off the water supply for abuses of water privileges.

[Ord. 399, 8/14/2012]

Section 13-6-7 Commercial Use

Any water service for commercial use shall not be included in a residential service account and shall have a separate meter and connection.

Section 13-6-8 Sprinkling Restrictions

In case of water shortage or scarcity, the Council may by resolution place any restrictions which it deems necessary upon the use of water for irrigation or sprinkling purposes.

Section 13-6-9 Waste of Water Prohibited

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. All water outlets, including those used in conjunction with hydrants, urinals, water closets, bath tubs and other fixtures, must not be left running for any purpose other than the use for which they were intended. In addition to the penalty provided herein for code violations, the water supply may be turned off where any such waste occurs.

Section 13-6-10 Inspections

Whenever in the judgment of the Council it is deemed necessary, it may provide for the inspection of the premises or buildings of any water or sewer consumer for the purpose of examining the condition of all pipes, motors, meters and fixtures, or the manner in which such facilities are used.

[Codifier's note: Section 13-6-11, "Special Restrictions for Slow Flow Months or Extreme Drought Conditions," was removed after being superseded by new Article 13-9, added by Ord. 419, 8/8/16]

[Ord. 237, 6/27/1990; Ord. 346, 6/12/2007; Ord. 419, 8/8/16]

ARTICLE 13-7 **Liability**

13-7-1 Interruption of Service
13-7-2 Liability Limited

Section 13-7-1 Interruption of Service

The Town shall notify the consumer in advance of any anticipated interruption of service when such advance notice is possible. The Town shall not be responsible for any interruption of water service caused by forces beyond its control.

Section 13-7-2 Liability Limited

No liability shall attach to the Town for any injury or damages that may result from turning on or shutting off the water in any main, service connection, or pipe; or the restriction of use or discontinuance of any water service, or any failure of the water supply, regardless of any notice or lack of notice thereof. The Town shall not be held liable, in any respect, for the condition, defects, failure, or use of any pipe, connection, fixture, or appurtenance, not belonging to the Town, on any premises, or for loss or damage resulting therefrom.

ARTICLE 13-8 **Regulations Part of Contract**

All regulations contained in this chapter shall be considered a part of the contract of every resident of the Town taking water service from the Town and such resident taking water service shall be considered as having expressly consented to be bound thereby. Consumers outside the Town limits, shall, upon application for water service, be required to sign a statement agreeing to the regulations set forth in this chapter.

ARTICLE 13-9 **Drought and Water Shortage Preparedness Plan**

13-9-1 Definitions
13-9-2 Executive Summary
13-9-3 Purpose and Objectives
13-9-4 Authority
13-9-5 Best Practices/Industry Standards
13-9-6 Demand Reduction Strategies
13-9-7 Demand Reduction Strategy Implementation
13-9-8 Violations, Warnings, Surcharges
13-9-9 Appeal of Assessment of Surcharge
13-9-10 Plan Review and Amendments

Section 13-9-1 Executive Summary

The Town of Jerome recognizes the necessity for protection of its water supply by monitoring water use to existing, pending, and future development within its water service areas in order to ensure the continuing stability of the Town, and to promote the health, safety and welfare of all citizens, visitors and users of Jerome water. This Drought and Water Shortage Preparedness Plan (DWSPP) addresses the options and drought mitigation strategies to reduce the impact of drought and other water shortages to the Jerome water users.

Section 13-9-2 Definitions

In this Article, unless the context otherwise requires, the following definitions shall apply:

Account - the individual identification of a property being served water by the Town.

Customer - the individual, partnership, business, or corporation in whose name the application for water service is made.

Demand Reductions - Demand reductions are all measures taken by the Town to reduce the use of potable water in response to water drought or supply insufficiency conditions. Demand reduction includes measures which would restrict water further than a normal, conservation-minded desert lifestyle.

Drought - Water drought is a long period of abnormally low precipitation (rain or snow), especially one that adversely affects growing or living conditions.

DWSPP – means Drought and Water Shortage Preparedness Plan.

Effluent - means outflow from a sewer treatment facility or sewage disposal system and remains effluent until it acquires the characteristics of ground water or surface water. Effluent that is reused is treated to a quality suitable for non-potable applications such as landscape irrigation, decorative water features, and non-food crops.

Emergency Authority - The Town Manager, or a certified operator acting under the direction of the Town Manager, has the authority to make operational adjustments and/or changes to the potable water system for the purpose of protecting the system from damage, maintaining water supply, or restoring the system to operation after a system failure.

Fountain – Any water feature that is solely or partially used for decorative purposes.

Irrigate - To supply landscaping or crops with potable water from the Town's water system or private well.

Maximum Storage Capacity - The total water resources available when all existing water storage tanks are full.

Potable Water – means water suitable for drinking or cooking purposes from both health and aesthetic considerations, and which meets the quality standards prescribed in the Safe Drinking Water Act.

Reclaimed Water – Recycled wastewater treated to improve its quality. Reclaimed water can serve in many capacities where it is unnecessary to use high-quality potable (or drinking) water.

Safe Storage Capacity – Water resources available based on seventy-five percent (75%) of maximum storage capacity.

Supply Insufficiency - Supply insufficiency occurs when water available is not sufficient to meet immediate unrestricted demand. A supply insufficiency can be of relatively short duration. Supply insufficiencies can be caused by unforeseen increases in water demand, failure of a part of the storage or delivery system, water quality problems or any number of other natural or man- made situations that result in an inability to provide a sufficient, unrestricted supply of water.

Town – means the Town of Jerome, Arizona.

User – means the owner, tenant, trustee, mortgagee, receiver or occupier whether person, corporation, firm or municipality of property that is connected to the municipal water system.

Wasting Water - To use or expend water unnecessarily, thoughtlessly or carelessly. Examples include, but are not limited to, allowing water to run into the street/gutter, allowing water to pool, irrigating during precipitation events, and failing to repair water leaks. A representative of the Town shall make the determination of Wasting Water.

Section 13-9-3 Purpose and Objectives

The purpose of the DWSPP is to provide strategies and procedures for periods of time when the Town's normal and customary water supplies may not be able to meet the Town's needs due to below normal precipitation or other issues that have affected the municipality's water supply. A DWSPP plan is also a resource that can be used should a meteorological drought last for several years. The objective of the plan is to provide ways for the Town, businesses, and residents to aid in water demand reduction when a water supply insufficiency occurs, and to provide a framework for operations during times of drought and water shortage.

Section 13-9-4 Authority

A. Town Manager: The Town Manager, or his/her designee, in consultation with the Public Works Department and/or the Fire Chief, is hereby authorized to declare and suspend Demand Reduction Strategies and elements of Strategies. These may be initiated and suspended based upon Resource Status Levels, or other pertinent information, which evaluate the relationship between water demand and safe storage capacity. The Town Manager is further authorized to take any operational measures deemed necessary to protect the potable water system. The Town Manager shall inform the Council within 24 hours regarding any such actions taken by him or her.

B. Town Council: The Town Council may authorize exemptions to Strategies and/or elements of strategies when necessary for the protection and preservation of the public health, welfare and safety.

C. Applicability: This DWSPP is applicable to ALL users of Town water, regardless of whether they live within or without the corporate limits of the Town.

Section 13-9-5 Best Practices/Industry Standards

A. Preparedness: The DWSPP provides Town leaders the opportunity to react quickly and implement appropriate restrictions early, while making allowances to suit situational needs. During drought, water shortage, or at all other times, the ultimate goal for the municipality is to protect and preserve public health, welfare and safety and minimize adverse impacts.

B. Responsiveness to Citizens: Jerome's goal is to continue to provide sufficient water to meet the needs of its citizens. Should water shortage conditions arise, the Town of Jerome wants to be sensitive to the needs of its citizens and water customers and wants to be sure that residential customers and business interests are provided with the information necessary in order to comply with demand reduction measures when they are necessary.

C. Equity and Fairness During Water Shortages: The impacts and hardships caused by drought or other water shortages should be shared equitably and in proportion to the magnitude of the shortage. Not all uses of water are the same. Some uses, such as reserves for fire suppression, critical cooling applications, and medical necessity will have to take priority over less universally beneficial applications of the available resource, such as lawn and park irrigation, maintenance of decorative fountains or water features, and cooling of outdoor recreation areas.

D. Public Education: In order to effectively provide ways for the residents and businesses to participate in water demand reduction when a water supply shortage occurs, the Town must provide the public with education and information about the Drought and Water Shortage Preparedness Plan and the Town's Demand Reduction Strategies, in the manner set forth in Section 13-9-7.

E. Water Conservation: Water conservation, by its very nature, should be a normal component of a well run town, which seeks to maintain a reliable water resource, and is particularly applicable to communities like Jerome, that are located in desert environments. Water conservation should be an ongoing practice of the citizens of the community.

F. Common Practice of the Town: As a common practice, the Town of Jerome will make every effort to adhere, to the extent possible, to the provisions outlined in Section 13-9-6 (D)(1), "Demand Reduction Strategy I – Water Alert," regardless of whether that particular Reduction Strategy has been ordered by the Town Council and/or the Manager.

G. Adherence Mandatory: Adherence to Water Resource Status Levels I, II, and III, and their corresponding Demand Reduction Strategies I, II, and III – "Water Alert", "Water Emergency", and Water Crisis", are mandatory whenever any one of those particular Demand Reduction Strategies have been declared, and are strictly enforced.

H. Encouragement: The Town of Jerome strongly encourages all Town of Jerome water users to adhere to the provisions outlined in Section 13-9-6 (D)(1), "Demand Reduction Strategy I – Water Alert" on a daily basis, regardless of whether that particular Reduction Strategy has been ordered by the Town Council and/or the Manager.

I. New Landscaping for Commercial Projects: New landscaping for commercial projects should only be accomplished with plant materials that require little or no supplemental irrigation water.

Section 13-9-6 Demand Reduction Strategies

A. The Demand Reduction Strategies outlined in this plan incorporate a variety of measures to reduce the use of potable water in response to water drought or supply insufficiency conditions. Demand reduction includes measures, which would restrict water further than a normal conservation-minded desert lifestyle.

B. COMPLIANCE WITH DEMAND REDUCTION STRATEGIES IS MANDATORY FOR ALL JEROME WATER USERS, AND ANY VIOLATION OF THE DEMAND REDUCTION STRATEGIES MAY RESULT IN SURCHARGES BEING ADDED TO A JEROME WATER USER'S UTILITY BILL, AS FURTHER PROVIDED IN SECTION 13-9-8 OF THIS DROUGHT AND WATER SHORTAGE PREPAREDNESS PLAN.

C. Water demand reduction during a drought may incorporate both voluntary and mandatory measures. Many of the organizational demand reduction strategies to a drought condition, including conservation measures, are appropriate for responding to a short-duration supply insufficiency. Generally, responses to a systemic failure will be more rapid and may omit intermediate steps normally associated with an incremental drought response plan.

D. It is evident that drought is not a constant or totally predictable condition in occurrence or duration. Rather, there are levels of drought and levels of drought impact, and therefore, levels of demand reduction strategies. This plan includes three (3) levels of Demand Reduction Strategies, as follows:

1. DEMAND REDUCTION STRATEGY I -- "WATER ALERT"

Goal: The normal, correct state of the Cleopatra Hill water tanks is full to the brim and slightly overflowing. During the period May 1 through September 30 or each year, or if there has been no overflow from the tanks for 48 consecutive hours, Demand Reduction Strategy I will be implemented to reduce demand and return the tanks to their normal state. The Town Manager, or his/her representative, will monitor the tanks on a regular basis to determine when and if such overflow is occurring. Strategy I mandates:

a. Water shall be conserved both inside and outside the home or business using best practices available to minimize waste. No person shall waste water.
b. Outdoor water use shall not occur between the hours of 9:00 AM to 5:00 PM.
c. Vehicle washing shall only be undertaken with a bucket and hose with a shut off nozzle or other water saving devices such as a pressure washer.
d. Cooling of outdoor areas with water or misting devices is prohibited.
e. Restaurants shall serve water to customers upon request only and shall display table tents or other types of public notice to this effect.
f. Construction projects shall use only reclaimed water or effluent or supply their own water for on-site use and dust control.

During a "Water Alert" the Town of Jerome will read water meters on a monthly basis.

2. DEMAND REDUCTION STRATEGY II – "WATER EMERGENCY"

Goal: If Demand Reduction Strategy I fails to return the Cleopatra Hill tanks to their normal state and the water tanks drop to under 90% full for 48 consecutive hours, Demand Reduction Strategy II will be implemented to return the tanks to their normal state. Strategy II includes all points in Strategy I and also mandates:

a. Outdoor water usage shall be restricted to the hours between 6:00 PM and 6:00 AM. Watering days shall be restricted: properties with even numbered addresses may irrigate only on Wednesday, Friday and Sunday; properties with odd numbered addresses may irrigate only on Tuesday, Thursday and Saturday. Where there is no discernable address, the even numbered address schedule shall apply. No irrigation shall be allowed on Monday, except by the Town. No more than 450 gallons per site per 24-hour period shall be permitted. For those with hose and/or sprinkler systems, a maximum of 45 minutes per watering is permitted; for those with a low flow drip system, four hours is permitted.
b. No vehicle washing or watering down of sidewalks, decks, parking areas, patio or other similar surfaces shall take place at any time.
c. Water shall not be added to fountains, water features, recreational swimming pools, spas or wading pools holding more than one hundred (100) gallons, except to support animals and maintain fish ponds.
d. Transient lodging facilities shall wash customers' linens, if a stay is in excess of one night, upon request only, and the facility shall display a notice to that effect.

3. DEMAND REDUCTION STRATEGY III -- "WATER CRISIS"

Goal: Demand Reduction Strategy III will be implemented in the event of a catastrophic failure in the water collection or distribution system or when the tanks are under 80% full for 48 consecutive hours. Strategy III includes all points in Strategy II and also mandates:

a. No potable water shall be used for outdoor purposes, except to support animals and maintain fish ponds.
b. No potable water may be used in violation of any other restriction deemed necessary by the Jerome Town Council for the purpose of protecting the welfare of the citizens of Jerome.
c. Water system connection permits shall not be issued and permitted new connections shall not be activated.

Section 13-9-7 <u>Demand Reduction Strategy Implementation</u>

A. The Jerome Public Works Department shall monitor the projected supply and demand for water on a daily basis during periods of emergency or drought and shall recommend to the Town Manager the extent of the demand reduction measures required to prudently plan and supply water to the water users.

B. The Town Manager, or his/her designee, in consultation with the Public Works Department and the Fire Chief, is hereby authorized to declare and suspend the Demand Reduction Strategies and elements of Strategies that are set forth in this Plan. The Strategies may be initiated and suspended based upon Resource Status Levels, or other pertinent information, which evaluate the relationship between water demand and safe storage capacity. The Town Manager shall inform the Council within 24 hours regarding any such actions taken by him or her.

C. The declaration of any change in the Demand Reduction Strategy level may be made by:

1. Declaration by the Town Manager; and

2. Issuance of a Press Release to radio stations and newspapers of general circulation in the community; and

3. Appropriate postings at the Town's official posting locations and on the Town of Jerome website; and

4. Appropriate signage at strategic locations throughout the Town, that clearly advise citizens that the prevailing Demand Reduction Strategy is then existing (i.e., "Water Alert," "Water Emergency" or "Water Crisis"); and,

5. In the event that restrictions are increased, personal notice delivered by Town employees or volunteers.

D. The Demand Reduction Strategy designated shall become effective immediately upon posting by the Town.

E. The Notice of Demand Reduction shall give the extent, terms and conditions regarding the use and consumption of water. Upon such declaration and posting, due and proper notice shall be deemed to have been given to each and every Jerome water user.

F. This implementation may require the reallocation of current staff to enforce the provisions of this Plan.

G. The Town Manager has emergency authority to take any operational measures deemed necessary to protect the potable water systems. In the event such action is taken, he/she shall notify the Town Council within 24 hours.

Section 13-9-8 <u>Violations, Warnings, Surcharges</u>

A. All Demand Reduction Strategies of the Plan shall be enforced administratively by the Town of Jerome.

B. Enforcement of the Plan may require the reallocation of current Town of Jerome staff.

C. Enforcement shall consist of public education forums, on-site inspections by Town employees, written warnings, and, as a last resort, the addition of surcharges to the monthly utility bills of any Town of Jerome water user found in violation of the Plan.

D. Violations of this Plan shall result in the levying of the following surcharges:

1. First violation - $25 surcharge

2. Second violation - $100 surcharge

3. Third violation - $250 surcharge

4. Fourth violation – $250 surcharge plus water service shut off, with the provision that all outstanding surcharges must be paid prior to reconnection of water service

Section 13-9-9 Appeal of Assessment of Surcharge

A. The assessment of a surcharge may be informally appealed, in writing, within fourteen (14) calendar days of the notice of the surcharge assessment.

B. The written appeal shall be received by the Town Manager within said fourteen (14) calendar day time limit, or the right to such appeal shall be permanently waived.

C. The written appeal shall be reviewed by the Town Council, who shall determine whether the appeal has merit, taking in to account all the available facts and circumstances. In assessing the merits of any appeal, the Council shall have full authority to review all documentation of the account of record under appeal.

F. The Town Council shall have the authority to hear testimony on behalf of the appellant and the Town.

G. The Arizona Rules of Evidence do not apply in the appeal process.

H. The Town Council shall render a written decision to the appellant within ten (10) calendar days after receipt of the appeal.

I. Decisions of the Town Council are final.

J. All surcharge-related correspondence shall be addressed to:

Town of Jerome Manager
PO Box 335, Jerome, AZ 86331

Section 13-9-10 Plan Review and Amendments

A. In an effort to meet the purpose, objectives and goals of this Plan, the Town Council shall review this DWSPP every five years.

B. The Town Council may amend this Plan, by Ordinance, pursuant to prevailing facts and circumstances at any given point in time.

C. If any provision of this Plan is found to be in violation of any Arizona law, statute, ordinance, case opinion or regulation by any court of record, the remaining provisions of this Plan shall remain in full force to the degree possible under Arizona law.

(Ord. 419, 8/8/16)

CHAPTER 14

STREETS AND SIDEWALKS

ARTICLE 14-1 **Repair and Maintenance of Existing Sidewalks**

14-1-1 Duty of Public Works Director
14-1-2 Service of Notice
14-1-3 Duty of Owner
14-1-4 Failure to Construct
14-1-5 Statement of Expenses
14-1-6 Hearing on Objection
14-1-7 Expense Constitutes Lien
14-1-8 Penalty for Nonpayment

Section 14-1-1 Duty of Public Works Director

It shall be the duty of the Public Works Director to inspect all sidewalks, to keep informed as to the condition of the same; and whenever any sidewalk or any portion thereof shall be broken, decayed or otherwise in bad condition or repair, he/she may notify the owner or owners of the lot or lots or part of lot or lots adjoining such sidewalk or portion thereof, in writing, to repair or renew the same within fifteen (15) days after the service of such notice.

[Ord. 273, 11/08/1994]

Section 14-1-2 Service of Notice

Such notice may be served by the Public Works Director by personally delivering the same to such owner or owners, or by depositing the same in the United States Post Office in the Town, addressed to such owner or owners at his/her or their last known place of residence, with the proper postage affixed thereto, and upon delivery or deposit, as aforesaid, service of such notice shall be deemed completed.

[Ord. 273, 11/08/1994]

Section 14-1-3 Duty of Owner

It shall be the duty of the owner or owners of such lot or lots or portions of lot or lots, within fifteen (15) days after the service of such notice as aforesaid, to obtain a building permit from the Town's Building Inspector and to place the sidewalk or portion of sidewalk mentioned or described in such notice in good condition and repair using therefor material similar in character and dimensions to that with which such sidewalk was originally constructed; provided that such sidewalk shall comply with the provisions and specifications for the laying and constructing of sidewalks as are on file in the Public Works Department of the Town.

[Ord. 273, 11/08/1994]

Section 14-1-4 Failure to Construct

Whenever, within 15 days after the service of said notice, the owner or owners so served shall fail to repair the sidewalk or any portion thereof in such notice directed, it shall be the duty of the Public Works Director to repair the same.

[Ord. 273, 11/08/1994]

Section 14-1-5 Statement of Expenses

Whenever the Public Works Director shall repair or renew any sidewalk or portion thereof, as provided in the preceding Section, he/she shall, within 10 days after completion of such repair or renewal, file in the office of the Clerk a verified, itemized statement of the cost of such repairs or renewal, which statement when so filed shall be deemed and taken as *prima facie* evidence of the cost of such repairs or renewals, and unless such owner or owners file with the Clerk objections in writing thereto within 10 days after the filing of such statement, such statement shall be conclusive evidence of the amount of such cost.

[Ord. 273, 11/08/1994]

Section 14-1-6 Hearing on Objection

The owner or owners so filing objections as aforesaid, may appear before the Council at its next regular monthly meeting and present evidence in support of their said objections. The Council shall then determine the cost of such repairs or renewals and said determination shall be conclusive of the amount thereof.

[Ord. 273, 11/08/1994]

Section 14-1-7 Expenses Constitute Lien

The cost of such repairs or renewals, together with all costs and penalties herein provided for, shall constitute a lien upon the lot or lots fronting or adjoining the said sidewalk so repaired or renewed in favor of the Town, and said lien shall be extended as a tax against the property to be collected at the next period at which Town taxes may become due and payable.

[Ord. 273, 11/08/1994]

Section 14-1-8 Penalty for Nonpayment

If the costs of such repairs be not paid to the Treasurer within 10 days after the filing of the statement herein provided for, and if no objection be filed as herein provided, or within 10 days after the determination of such objections, if same be filed, fifty percent (50%) of the amount of the cost thereof shall be added to the cost and become a charge upon the property in like manner as the original cost.

[Ord. 273, 11/08/1994]

ARTICLE 14-2 **Construction of New Sidewalks**

14-2-1 Council Resolution
14-2-2 Notice to Abutting Property Owners
14-2-3 Construction Specifications
14-2-4 Failure of Owner to Comply; Construction by Town; Recovery of Costs
14-2-5 Contracts Awarded by Town

Section 14-2-1 Council Resolution

A. The Common Council may pass a resolution providing for the construction of sidewalks, in which the sidewalks to be constructed shall be briefly described. The resolution shall state the width and location of the sidewalk to be constructed. The resolution shall order and direct that the construction of the sidewalk shall be made by the owner or owners of the abutting property and also that in the event of the failure of the abutting property owner or owners to construct such sidewalk, the Town shall do the work and the expense shall be charged to the abutting property owners in the manner herein provided for.

B. The resolution shall be published in a weekly newspaper in four successive issues and the Public Works Director shall cause to be placed along the line of the proposed improvements a copy of the resolution.

[Ord. 273, 11/08/1994]

Section 14-2-2 Notice to Abutting Property Owners

In addition to the posting of the copy of the resolution mentioned in the preceding paragraph, the Public Works Director shall notify the owner of each lot or parcel abutting upon any sidewalks to be constructed of the passage of the resolution and that they shall commence work within thirty (30) days from the date of the notice and that, upon failing to commence such work and complete the same within thirty (30) days, the Town will proceed to construct the sidewalk and make the cost of same a lien upon the abutting lot or parcel and have such lien extended as a tax against the property to be collected at the next period at which Town taxes may become due and payable.

[Ord. 273, 11/08/1994]

Section 14-2-3 Construction Specifications

All sidewalks hereafter constructed shall be built under the supervision and control of the Town and according to the specifications and requirements on file in the office of the Public Works Director, and there maintained at all times for public inspection. Such construction shall require that the owner of each lot or parcel obtain a building permit from the Town's Building Inspector prior to commencing construction.

[Ord. 273, 11/08/1994]

Section 14-2-4 Failure of Owner to Comply; Construction by Town; Recovery of Costs

A. It shall be the duty of the owner of any lot or parcel abutting upon any proposed sidewalk to proceed to construct such sidewalk as provided by the terms of the resolution of the Common Council. Upon failure of the owner or owners to comply with the resolution and the notice provided in Section 14-1-2, the Town shall have the right to construct the sidewalks and assess the costs and expenses thereof to the abutting property owner or owners.

B. At the time of development of the property adjacent to and abutting such sidewalk construction, the Common Council shall fix, levy and assess the amount to be repaid upon such property and collect the amounts of such improvements as Town taxes are collected. All statutes providing for the levy and collection of state, county, and Town taxes, including collection of delinquent taxes and sale of property for nonpayment of taxes are applicable to the assessments provided for in this article.

[Ord. 273, 11/08/1994]

Section 14-2-5 Contracts Awarded by Town

The Town may contract for the construction of any sidewalk. Such contracts shall specify a reasonable time for the completion of the improvement. All work must be done under the direction of the Public Works Director subject to such rules and regulations relating to the supervision of the work as the Common Council may order or direct.

[Ord. 273, 11/08/1994]

ARTICLE 14-3 **Damaging Sidewalks**

It shall be unlawful for any person to willfully damage, injure, destroy, deface, alter or change any sidewalk without first obtaining a permit to do so from the Design Review Board. Any person receiving a permit to alter or change any sidewalk shall do so upon such restrictions and conditions as may be imposed by the Design Review Board for the protection of the public and shall further repair any damage to said sidewalk as required by the Design Review Board as soon as is reasonably possible. Any person damaging a sidewalk without a permit shall be guilty of a misdemeanor and shall further be required to pay any and all expenses of repairing such sidewalk or shall be required to repair such damage as directed by the Public Works Director.

[Ord. 273, 11/08/1994]

ARTICLE 14-4 **Work in Town Rights-of-Ways**

14-4-1 Permit Required
14-4-2 Permit Fee
14-4-3 Bonding
14-4-4 Minimum Standards for Public Works Constructions
14-4-5 Liability

14-4-6 Violations and Enforcement
14-4-7 Work Intended to Become Public Property
14-4-8 Use of Town Rights-of-Way
14-4-9 Priority of Public Works Code and Standard Specifications for Street Classifications
14-4-10 Variances

Section 14-4-1 Permit Required

A. A permit is required for all construction work in, or encroachments on public rights-of-way, sidewalks, curbs, bridges, pedestrian walks, and bicycle paths owned or maintained by the Town of Jerome where held by deed, easement, dedication, or other claim of right. Construction work includes excavation, pavement cuts, or structural alterations such as sidewalks, curb cuts, or drainage structures. The permit shall be applied for on a form provided by the Public Works Department.

B. In the event of an actual emergency threatening public health and safety, encroachments, including excavations for necessary public utility repairs, are allowed without a permit, provided that a permit is applied for the next workday, all traffic control and safety devices necessary are used, and final repairs are not performed until authorized by the Town of Jerome.

[Ord. 328, 6/27/2006]

Reviser's Note: Ordinance 328 was not dated. Minutes of the June 27, 2006 Council meeting evidence its approval on that date.

Section 14-4-2 Permit Fee

Permit fees are due upon the issuance of a permit and will be in an amount set by a resolution of the Town of Jerome Council.

[Ord. 328, 6/27/2006]

Section 14-4-3 Bonding

The Town of Jerome reserves the right to require a performance bond, in an amount determined by the Town Public Works Director.

[Ord. 328, 6/27/2006]

Section 14-4-4 Minimum Standards for Public Works Construction

The certain document known as MAG or "Public Works Standard Codes", is hereby referred to and adopted as the Public Works Code of the Town of Jerome and made a part hereof as if fully set out in this Article.

[Ord. 328, 6/27/2006]

Section 14-4-5 Liability

The Permittee assumes all responsibility and liability for any damage to any property or injury to any person while using a public road caused by or arising out of the exercise of the permit and will hold the Town of Jerome harmless from any liability or responsibility for same. The Permittee shall and will provide and maintain at all times sufficient barriers, danger signals, lanterns, and detours, and shall and will take other such safety measures until satisfactory completion of work.

[Ord. 328, 6/27/2006]

Section 14-4-6 Violations and Enforcement

A. In the event the conditions of a permit are violated or a permit is not obtained, the Town of Jerome's Public Works Director may order that all work cease until the violation is corrected or a permit obtained. If the work is abandoned and not repaired to Town specifications, the Town may repair the work and recover the costs of repair from the Permittee responsible. In the event an obstruction of a public road occurs without a permit so as to cause an immediate public hazard, the Town may remove the obstruction and seek reimbursement of all costs involved from the responsible person. Any person commencing work without a permit shall be required to obtain a permit and shall pay twice the usual permit fee.

B. Any person who shall violate any provisions of the MAG or "Public Works Standard Codes" hereby adopted or fails to comply therewith, or who shall violate or fails to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Building Office, within the time fixed herein, shall severally, for each and every such violation and noncompliance, respectively, be guilty of a Class 1 misdemeanor. This is punishable by a fine or by imprisonment or by both such fine and imprisonment as set forth by the court. The imposition of one penalty of any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

[Ord. 328, 6/27/2006]

Section 14-4-7 Work Intended to Become Public Property

All improvements which are intended to become public property of the Town of Jerome shall be constructed in accordance to the standards and specifications set forth in this article and shall be constructed according to the plans approved by the Public Works Director.

[Ord. 328, 6/27/2006]

Section 14-4-8 Use of Town Rights-of-Way

Commercial traffic shall not be allowed on any Town roadway, unless in service to a property owner, resident, or business on that roadway. All commercial traffic must abide by State Highway and Arizona Department of Transportation Regulations.

[Ord. 328, 6/27/2006]

Section 14-4-9 Priority of Public Works Code and Standard Specifications for Street Classifications

The Town of Jerome shall not accept for ownership, or maintenance, any street that is not in conformance with the Public Works Code and Standard Specifications for Street Classification, except when the Town Council determines it, to be in the best interests of the Town of Jerome to accept, for ownership or maintenance, substandard streets.

[Ord. 328, 6/27/2006]

Section 14-4-10 Variances

The Public Works Director is authorized to grant variances from the restrictions and conditions specified herein provided the public safety and welfare will be protected.

[Ord. 328, 6/27/2006]

CHAPTER 15

FLOOD DAMAGE PREVENTION

ARTICLE 15-1 **Delegation of responsibility**

The Town of Jerome delegates the responsibility of floodplain management to the Flood Control District of Yavapai County as provided for in A.R.S. 48-3610. The Jerome Town Manager is designated as the National Flood Insurance Program Floodplain Administrator for the Town and is responsible for coordinating with the Flood Control District of Yavapai County, and will serve as the community point of contact on National Flood Insurance Program issues for County, State and Federal officials.

ARTICLE 15-2 **Flood Insurance Study**

Those public records entitled "Flood Insurance Study (FIS) for Yavapai County" dated September 3rd, 2010, with accompanying Flood Insurance Rate Maps (FIRMs) dated September 3rd, 2010, and all subsequent amendments and/or revisions, three copies of which shall be kept on file in the office of the Town Clerk, are hereby adopted by reference, as the basis for establishing the special flood hazard areas for floodplain management in the Town of Jerome. The special flood hazard areas documented in the Flood Insurance Study and Flood Insurance Rate Maps are the minimum area of applicability of the floodplain management regulations and may be supplemented by studies for other areas as allowed in the regulations.

ARTICLE 15-3 **Flood Damage Prevention Ordinance**

That public record designated as Yavapai County Flood Control District Ordinance 2010-1, "Flood Damage Prevention Ordinance," and all subsequent amendments and/or revisions, three copies of which shall be kept on file in the office of the Town Clerk, is hereby adopted as the legal basis for implementing floodplain management in this community.

ARTICLE 15-4 **Providing for penalties**

Penalties for noncompliance with this Ordinance shall be as provided in the Yavapai County Flood Control District Ordinance 2010-1, "Flood Damage Prevention Ordinance."

[Created chapter "Sign Regulations": Ord. 171, September 1975; Chapter deleted: Ord. 367, 1/12/2010; New chapter added, "Flood Plain Regulations": Ord. 411, 10/14/2014]

CHAPTER 16

VINEYARDS

[Ord. 372, 5/11/2010]

ARTICLE 16-1 **Definitions**

16-1-1 Definitions

Section 16-1-1 Definitions

For the purposes of this Chapter, the following definitions shall apply:

"Vineyard" is an area of land planted with cultivated grapevines.

"Viniculture" is the science, cultivation and study of grapes which deals with the series of events that occur in a vineyard, which vineyard produces grapes specifically for winemaking, whether for commercial, non-commercial or domestic use. The term "viniculture" shall not apply to plantings of one hundred (100) vines or less.

"Parcel" is any area of land with one hundred (100) or more grapevines, up to one-half acre.

"Irrigation" or "Irrigate"- the artificial application of water, whether delivered by the Town or other sources, to the soil for assisting in growing crops.

[Ord. 381, 10/12/2010]

ARTICLE 16-2 **Parcels; Irrigated Areas Not to Exceed One-Half Acre**

16-2-1 Irrigated areas not to exceed one-half acre
16-2-2 Adjoining parcels not to be combined

Section 16-2-1 Irrigated areas not to exceed one-half acre

The irrigated area in any parcel of viniculture shall not exceed one-half (1/2) acre.

Section 16-2-2 Adjoining parcels not to be combined

Adjoining parcels including up to one-half (1/2) acre of irrigated area shall be considered separate parcels for the purposes of this Article.

ARTICLE 16-3 **Water Meters; Application for Water Service; Hookup Fees**

16-3-1 Water Meters; Application for Water Service; Hookup Fees

Section 16-3-1 Water Meters; Application for Water Service; Hookup Fees

A separate water meter shall be required for each parcel of viniculture, and each shall require an application for water service and payment of applicable water hookup fees, in accordance with the provisions of Chapter 13, "Water," of the Jerome Town Code.

ARTICLE 16-4 **Water Restrictions; Irrigation**

16-4-1 Water Usage
16-4-2 Irrigation

Section 16-4-1 Water Usage

A. Water usage for each parcel used for viniculture shall be subject to Town water restrictions.

B. If water availability decreases for any reason, including but not limited to drought, climate conditions or system failure, restrictions may be placed on water use according to the Town's Demand Reduction Strategies or any emergency measures in place or enacted at any future time.

C. The Town of Jerome shall not be held responsible for any loss of revenue or crop failures experienced as a result of water restrictions placed by the Town.

Section 16-4-2 Irrigation

A. Flood irrigation will not be permitted.

B. A plan for a drip irrigation system must be submitted as provided in Section 16-5-2 below.

ARTICLE 16-5 **Conditional Use Permit Required**

16-5-1 Conditional Use Permit Required
16-5-2 Additional Requirements for Conditional Use Permits for Viniculture

Section 16-5-1 Conditional Use Permit Required

Each parcel used for viniculture activities shall require a Conditional Use Permit in accordance with the requirements of the Jerome Zoning Ordinance.

Section 16-5-2 Additional Requirements for Conditional Use Permits for Viniculture

In addition to requirements set forth in Section 302, "Conditional Use Permits," of the Jerome Zoning Ordinance, applicants for Conditional Use Permits for viniculture activities shall be required to:

1. Provide estimated peak monthly water usage for each parcel of viniculture.

2. Demonstrate that fifty percent (50%) of the proposed peak monthly water use can be provided through methods other than metered distribution, such as catchment, cistern, hauling, greywater or overflow.

3. Provide a plan for drip irrigation in conjunction with the site plan.

4. Provide a written release holding the Town of Jerome harmless for any loss of revenue, crop failures, or additional expenses experienced as a result of restrictions and regulations imposed by the Town for purposes of controlling water supply, soil erosion, vista protection, slope restrictions, water drainage, planning and zoning, and restoration of natural vegetation upon termination of conditional use permit.

5. Provide a fully-executed agreement to waive rights and remedies under Arizona Revised Statutes §12-1134 (Prop 207).

ARTICLE 16-6 **Organic Methods Encouraged; Right of Town to Place Restrictions on Herbicides, Fertilizers, and Methods**

16-6-1 Organic methods encouraged; Right of Town to Place Restrictions on Herbicides, Fertilizers, and Methods

Section 16-6-1 Organic methods encouraged; Right of Town to Place Restrictions on Herbicides, Fertilizers, and Methods

Viniculture operations are strongly encouraged to utilize organic methods and minimize the use of chemicals. The Town reserves the right to place restrictions in this regard in accordance with regulations or recommendations which may be promulgated by the Town, County, State or Federal government.

ARTICLE 16-7 **Vineyards Located Outside of Town Limits**

16-7-1 Provision of water; Restrictions
16-7-2 Applicability of Jerome Town Code

Section 16-7-1 Provision of water; Restrictions

A. Town water shall not be provided for irrigation, agriculture or viniculture located outside of Town limits, except as provided herein.

B. Vineyards located outside of Town limits which are in existence and which purchase water from the Town of Jerome as of the adopted date of this Ordinance will be entitled to continue to purchase Town water at rates established from time to time by the governing body, subject to the provisions of Articles 16-3 and 16-4 above.

C. Vineyards located outside of Town limits which are in existence and which purchase water from the Town of Jerome as of the adopted date of this Ordinance will be required to submit

documentation to the Town regarding the size of the area of their plantings and the number of vines planted. This information will be subject to verification by the Town of Jerome.

D. Any expansion of an existing vineyard outside of Town limits shall be considered a new vineyard for the purposes of this Article, and will not be eligible to purchase water from the Town of Jerome.

Section 16-7-2 Applicability of Jerome Town Code

Vineyards located outside of Town limits which receive water from the Town of Jerome shall be subject to all of the provisions of Chapter 13, "Water," of the Jerome Town Code.

CHAPTER 17

CIVIL UNIONS

ARTICLE 17.1 **Purpose.**

The Town of Jerome supports the right of every person to enter into a lasting and meaningful personal relationship with the partner of his or her choice, regardless of the gender or sexual orientation of the parties to that relationship. The Town of Jerome exercises its inherent powers of self government to attempt to lessen the impact of discriminatory practices upon all persons within the Town of Jerome, specifically including lesbian, gay, bisexual and transgender ("LGBT") persons. For that purpose, the Town of Jerome seeks to respect, support, and facilitate the rights of all persons to enter into contractual relationships and to designate agents, to the full extent permitted by the law, to manage their property, to make important life decisions, and otherwise to provide and care for loved ones within a meaningful and lasting personal relationship.

ARTICLE 17.2 **Definitions.**

In this Chapter, unless the context otherwise requires:

A. "Town of Jerome Certificate of Civil Union" means a document that certifies that the persons named on the certificate have registered a contractual relationship in the Town of Jerome, Arizona pursuant to this Chapter.
B. "Civil Union" is a contractual relationship established by two eligible persons and which has been registered pursuant to this Chapter.
C. "Party to a Civil Union" means a person who has registered a Civil Union with the Town of Jerome.

ARTICLE 17.3 **Requirements for a Valid Civil Union; Filing Fee.**

A. Two persons who meet all of the following requirements may enter into a Civil Union:

1. Are at least eighteen years of age.
2. Are not related by blood in a way that would disqualify them from marriage pursuant to A.R.S. §25-101.A.
3. Are not presently married pursuant to Arizona law.
4. Are competent to enter into a contract.
5. Are not party to any existing civil union, domestic partnership, marriage, or other legally recognized domestic relationship with any third party.

B. A Civil Union is established by the following process:

1. Two eligible individuals seeking to register a Civil Union must complete and file a notarized affidavit, in a form to be prescribed by the Town Clerk, declaring their intention to register a Civil Union. This form shall include the name, age, and address of each applicant; a statement that both parties are eligible to register this Civil Union; and a statement that it is the intent of each party to register this Civil Union.

2. With this affidavit declaring their intentions, the parties may, at their option, also submit a statement of some or all of the contractual rights, obligations, and expectations they have agreed will govern their relationship. Such a statement shall not be required in order to register a Civil Union.

3. The Town Clerk shall file the affidavit and any accompanying statement of contractual terms in the records of the Town and shall issue a Civil Union Certificate, upon the payment of the required fee.

4. The fee for the registration of a Civil Union and the issuance of a Civil Union Certificate is Seventy-three Dollars ($73.00).

ARTICLE 17.4 **Responsibilities and Benefits of Parties to a Civil Union.**

A. Each party to a Civil Union shall have such rights, responsibilities, and obligations as provided in their contractual agreement or agreements, whether or not such terms are set forth in the affidavit filed pursuant to Article 17.3.

1. The TOWN Clerk may provide the applicants with a form that will allow the applicants the option of designating and documenting certain rights and obligations that have been agreed to by the parties. Such form may also provide each applicant the option to make certain legal designations permitted by applicable law, which may include, but are not limited to, the following:

   a. The designation of a party to serve as the health care representative of the other party.

   b. The nomination of a party to be given preference for appointment as guardian or conservator of the other party.

   c. The designation of a party to make any decisions concerning anatomical gifts, to provide for the disposition of the remains of the other party, and to make decisions concerning any funeral arrangements, upon the death of the other party.

   d. The designation of the other party as a domestic partner and support person for purposes of hospital visitation.

2. The parties may also include such other agreements in their specific agreement as they may determine to be appropriate for their particular circumstances.

These may include, but are not limited to, agreements addressing the following matters:

a. Agreements between the parties regarding the management and ownership of their respective real and personal property.

b. Agreements between the parties regarding the obligations that either or both may have agreed to assume regarding the existing children or other family members of one or both of the parties.

c. Agreements between the parties regarding the obligations that either or both may have agreed to assume regarding prospective children of one or both of the parties

d. Agreements between the parties regarding the disposition of their property upon the death of either party.

e. A means for resolving any disputes that may arise should the relationship dissolve, through alternative dispute resolution procedures or otherwise.

f. Any other rights or obligations that may be legally exchanged by and between the parties.

Certain of these agreements may require additional documentation and other formalities in execution in order to effectuate this intent, pursuant to the laws of the State of Arizona. The Town of Jerome makes no warranty or guarantee regarding the legality or enforceability of any agreements or nominations of the parties.

B. The following rights of two people who have entered into a Civil Union will be recognized by the Town of Jerome:

1. The right of any party to a Civil Union who is an employee of the Town of Jerome to designate his or her Civil Union partner as a beneficiary of any of the benefits provided by the Town of Jerome to spouses of employees of the Town, to the extent that the Town is able to do so.

2. The right of parties to a Civil Union to be treated as family members for all purposes by the Town of Jerome.

ARTICLE 17.5 **Modification of Terms; Termination of Designation.**

A. The Parties to a Civil Union may amend the terms of their particular agreements, designations, and nominations, in whole or in part, in the same manner as such agreements, designations, and nominations may be modified under applicable law.

B. The Town Clerk of the Town of Jerome shall include in the registration records for Civil Unions any amendments or modifications that are provided to the Town Clerk as set forth above.

C. One or both parties may request that the Town Clerk terminate the registration of the Civil Union for those parties by submitting a signed and notarized statement to the Town Clerk. Upon the receipt of such a signed and notarized request, the Town Clerk will terminate the registration of such Civil Union. Any such termination of registration shall not alter any remaining contractual obligations or legal designations that have been made by the respective parties or the ability of either party to enforce any contractual rights that may continue to be enforceable under applicable law.

D. A registered Jerome Civil Union shall not prevent the parties to that status from entering into any other type of legal status between those two parties in another jurisdiction, including a marriage where the laws of such other jurisdiction permits them to enter that status. For any two parties who are married or in a civil union or domestic partnership under the laws of another jurisdiction, a Jerome Civil Union may provide a means of effectuating portions of that relationship under the laws applicable within the Town of Jerome to the extent set forth herein.

ARTICLE 17.6 **Formalization; Right of Nonparticipation.**

A. The Town of Jerome does not require any religious organization or judicial officer to participate in formalizing a Civil Union.

B. The persons listed in A.R.S. § 25-124 are hereby authorized to solemnize a Civil Union.

C. A document affirming that a Civil Union has been solemnized may be submitted along with the Affidavit submitted to the Town Clerk pursuant to Article 17.3(B)(1).

D. A formal solemnization ceremony may be performed at the sole option of the parties, and will have no effect on the validity of the registration of the Civil Union or on the contractual obligations, nominations, and designations made by the parties to the Civil Union.

ARTICLE 17.7 **Public Records.**

A. The Certificate of Civil Union shall be treated as a public record pursuant to the laws of the State of Arizona and shall be subject to disclosure upon request.

B. The statement of contractual rights may contain private, privileged, or confidential information that is protected from disclosure under the laws of the State of Arizona. The parties to each Civil Union will have the opportunity to designate which, if any, of the components of this statement they intend to be subject to public disclosure. In the event that a third party may request information from this statement that has not been designated for disclosure, the parties to that Civil Union shall be advised of this request and offered the opportunity to assert their position regarding the disclosure of that information.

CHAPTER 18

ENFORCEMENT PROCEDURES FOR VIOLATIONS OF THE TOWN CODE AND ZONING ORDINANCE

ARTICLE 18-1 **General Provisions.**

Section 18-1-1. Violations of this Town Code and Zoning Ordinances of the Town may be filed under the criminal or civil enforcement procedures of this Chapter and under Article 1.8 of this Town Code. A person shall not be charged with both a civil and criminal offense for the same violation on the same date, but a subsequent violation against the same property or person may be charged as civil or criminal pursuant to this Article 18.

Section 18-1-2. For the purpose of enforcement of this Town Code and the Zoning Ordinance, unless otherwise stated, there is hereby created the position of Code Enforcement Officer, which officer shall be the Zoning Administrator for enforcement of this Town Code (other than the Building Code and Fire Code) and the Zoning Ordinance. The Code Enforcement Officer for the Fire Code shall be the Town Fire Chief, and the Code Enforcement Officer for the Building Code shall be the Building Official.

ARTICLE 18-2 **Criminal Citation.**

Section 18-2-1. A criminal citation is used when: the offense is serious and requires immediate action, the alleged violator has ignored previous warnings or notice, has refused to work with the Town toward compliance, or the violation is a repeat of a previous offense.

ARTICLE 18-3 **Civil Citation.**

Section 18-3-1. Violations of the Town Code or Zoning Ordinance may be filed under civil enforcement procedures and declared to be civil offenses. A person shall not be charged with both a civil and criminal offense for the same violation on the same date, but a subsequent violation against the same property or person may be charged as criminal rather than civil.

Section 18-3-2. The Council shall periodically appoint a hearing officer to hear and determine Town Code and Zoning Ordinance violations under the civil violation procedure. The hearing officer shall not be an employee or member of any Town board or commission.

Section 18-3-3. Civil complaints shall be filed using either the uniform Arizona Traffic Ticket and Complaint form, or one substantially similar, which shall cite to this Article 18-3 as well as the particular subsection of the Town Code or Zoning Ordinance applicable to the alleged violation. Complaints may be sworn to by any building inspector or Zoning Code officer for the Town. The citation shall contain the date and time of the alleged violation, and direct the defendant to appear before the Hearing Officer at the specified time to enter a plea either admitting or denying the complaint. Citations will be served by personal delivery upon the

defendant by the responsible inspector or code enforcement officer, or by registered mail together with a summons, in the manner set forth in Rule 3.4 of the Arizona Rules of Criminal Procedure. The citation will state that if the defendant fails to appear, the Hearing Officer will enter a default judgment against him in favor of the State, and impose sanctions not to exceed $250 for each alleged violation. Subpoenas for witnesses shall be prepared and signed at the request of either the defendant or the Town., and served by personal service, certified mail, or first class mail, pursuant to A.R.S. § 13-4072, as may be amended.

Section 18-3-4. Hearing Procedures. Unless otherwise modified therein, civil enforcement procedures herein shall follow the Arizona Rules of Court for Civil Traffic Violations. The Town Attorney or designee will present evidence of the charges in the complaint. The defendant may present evidence pro per or through counsel. The defendant will not have a right to a jury trial. If the Hearing Officer finds that the charges are proven by a preponderance of the evidence, judgment shall be entered against the defendant for the Town, and sanctions imposed up to $250 per offense. If the Hearing Officer finds the charges not proven, the case shall be dismissed. Any sanction shall be imposed immediately, without setting a sentencing date or probationary period, except that the Hearing Officer may allow the defendant a time to pay the sanction not more than 30 days from the hearing date.

Section 18-3-5. The defendant may appeal the decision of the Hearing Officer to the Town Magistrate, pursuant to ARS 22-402.B, as may be amended, who shall conduct a review of the matter limited to whether the Town Code or Zoning Ordinance has been correctly interpreted or applied by the hearing officer. It shall not be a trial de novo unless the Court determines that the records are insufficient, or there is no record preserved. A record for purposes of this Section 18-3-5 consists of audio tape recordings, any written rulings of the Hearing Officer, and exhibits admitted at the hearing. Further appeal to the Superior Court, either pursuant to A.R.S. § 12-124.A, as may be amended, is hereby granted.

ARTICLE 18-4 **Notice and Citation Procedure.**

Unless otherwise stated in this Town Code the following notice procedure shall be used:

Section 18-4-1. A verbal or written warning may be provided by the Code Enforcement Officer to the alleged party in violation, as a courtesy, when the violation is not considered immediately serious to the health, safety, or property of others, permitting a minimum of 10 days to correct, or make timely arrangements to correct, the violation.

Section 18-4-2. A written notice of violation is provided when (i) personal contact cannot be made, (ii) because access to the property is prevented, (iii) the occupant is not on the premises or (iv) the occupant has ignored an earlier courtesy warning. The time frame for compliance (not to exceed sixty days from the first courtesy warning) is at the discretion of the Code Enforcement Official.

Section 18-4-3. A criminal citation is used when: the offense is serious and requires immediate action, the alleged violator has ignored previous warnings, has refused to work with the Town toward compliance, or the violation is a repeat of a previous offense. For the purpose of enforcement of the Town Code, violations of any adopted Building Code in conjunction with a Town Code violation will be considered violations of the Town Code as well, and appropriate, simultaneous enforcement action shall be taken by the Building Official as permitted by the Building Code.

ARTICLE 18-5 **Inspection Warrant.**

Section 18-5-1. An "inspection warrant" is an order, in writing, in the name of the people, signed by a judge or magistrate of a court of competent jurisdiction, directed to a state, county or local official, commanding him to conduct any inspection required or authorized by state, county or local law or regulation relating to building, fire, safety, plumbing, electrical, health or zoning.

Section 18-5-2. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the place, dwelling, structure, premises or vehicle to be searched and the purpose for which the search is made. In addition, the affidavit shall contain either a statement that consent to inspect has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent.

Section 18-5-3. Cause shall be deemed to exist if either reasonable legislative or administrative standards for conducting a routine or area inspection are satisfied with respect to the particular place, dwelling, structure, premises or vehicle, or there is reason to believe that a condition of nonconformity exists with respect to the particular place, dwelling, structure, premises or vehicle.

Section 18-5-4. Before issuing an inspection warrant, the judge may examine on oath the applicant and any other witnesses, and shall satisfy herself or himself of the existence of grounds for granting such application.

Section 18-5-6. If the judge is satisfied that cause for the inspection exists, she or he shall issue the warrant particularly describing each place, dwelling, structure, premises or vehicle to be inspected and designating on the warrant the purpose and limitations of the inspection.

Section 18-5-7. An inspection warrant shall be effective for the time specified therein, but not for a period of more than fourteen (14) days, unless extended or renewed by the judge who signed and issued the original warrant upon satisfying herself or himself that such extension or renewal is in the public interest. Such inspection warrant must be executed and returned to the issuing judge within the time specified in the warrant or within the extended or renewed time. After the expiration of such time the warrant, unless extended, is void.

Section 18-5-8. An inspection pursuant to this warrant may not be made between 6:00 p.m. of any day and 8:00 a.m. of the succeeding day, nor in the absence of an owner or occupant of the particular place, dwelling, structure, premises or vehicle unless specifically authorized by the judge upon a showing that such authority is reasonably necessary to effectuate the purpose of the regulation being enforced. An inspection pursuant to a warrant shall not be made by means of forcible entry; except that the judge may expressly authorize a forcible entry where facts are shown sufficient to create a reasonable suspicion of violation of a state, county or local law or regulation relating to buildings, fire, safety, plumbing, electrical, health or zoning, which, if such violation existed, would be an immediate threat to health or safety, or where facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful. Where prior consent has been sought and refused, notice to the owner or occupant that a warrant has been issued must be given at least twenty-four (24) hours before the warrant is executed, unless the judge finds that immediate execution is reasonably necessary in the circumstances shown.

Section 18-5-9. Any person who willfully refuses to permit an inspection lawfully authorized by warrant issued pursuant to this Article is guilty of a misdemeanor punishable as set forth in Article 1-8 of this Town Code.

[Ord. 436, 2/10/2018]