

Ordinance No. 2024-945

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING VARIOUS SECTIONS IN CHAPTER 6 “ANIMAL CONTROL” AND CHAPTER 9 “HEALTH AND SANITATION” OF THE TOWN CODE TO AUTHORIZE THE NEW NEIGHBORHOOD SERVICES DEPARTMENT TO ADMINISTER AND ENFORCE THE TOWN’S PROPERTY MAINTENANCE AND ANIMAL CONTROL CODES AND TO ENACT REQUIREMENTS RELATED TO THE REASONABLE RESTRAINT OF DOGS; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES, AND SECTIONS OF THE TOWN CODE, NOT HEREIN AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, on July 1, 2023, the Town created a new Neighborhood Services Department to provide various essential services to Town neighborhoods, including (without limitation) Animal Control services and Property Maintenance and other Town Code enforcement; and

WHEREAS, prior to July 1, 2023, the Development Services Department had administered the Property Maintenance and Zoning codes, and the Prescott Valley Police Department had administered the Animal Control codes; and

WHEREAS, it is necessary to amend various sections in Chapters 6 and 9 of the Town Code to transfer administration and enforcement of the Town’s Property Maintenance and Animal Control codes to the Neighborhood Services Department in furtherance of its goal to proactively engage with the community to maintain and elevate the quality of life in the Town’s diverse neighborhoods; and

WHEREAS, with the increase in the number of complaints received by Animal Control staff related to dogs being unreasonably restrained to the point of injury or neglect, staff recommends provisions be enacted to define and prohibit unreasonable restraint of dogs; and

WHEREAS, at its Study Session held October 2, 2024, the Town Council discussed the necessary amendments to Town Code Chapters 6 & 9 in order to coordinate between the Development Services Department and the new Neighborhood Services Department; and

WHEREAS, the Council has determined that the proposed amendments to Town Code Chapters 6 and 9 the administration and enforcement of the Town’s Property Maintenance and Animal Services codes by the Neighborhood Services Department are in the best interests of the community, and meet the health, safety, and welfare needs thereof;

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

SECTION ONE. That that certain document entitled “Town Code Coordination Neighborhood Services & Development Services”, attached hereto as Exhibit “A”¹, be hereby declared to be a public record, and adopted as if fully set forth herein in accordance with ARS §9-802.

¹ Exhibits on file in the office of the Town Clerk for public review.

SECTION TWO. That the following penalty clause in Section 6-03-010 "Disturbing the Peace; Nuisances; Notice to Abate" in Article 6-03 "ANIMAL NUISANCES" in Chapter 6 "ANIMALS" of the Town Code be hereby amended to read as follows:

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

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

...

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

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(Ord. No. 46, Enacted, 12/11/80; Ord. No. 95, Ren&Amd, 02/09/84, 6-04-010; Ord. No. 127, Amended, 03/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 194, Amended, 11/10/88; Ord. No. 223, Amended, 01/11/90; Ord. No. 594, Amended, 05/27/04; Ord. No. 600, Amended, 07/22/04; Ord. No. 746; Rep&ReEn, 09/09/10; Ord. No. 824, Amended, 02/23/17; Ord. No. 2024-945, Amended, 10/24/24)

SECTION THREE. That the following penalty clause in Section 6-04-010 "Animal Care" in Article 6-04 "ANIMAL CARE" in Chapter 6 "ANIMALS" of the Town Code be hereby amended to read as follows:

6-04-010 Animal Care.

A. For purposes of this Section, "animal" means a mammal, bird, reptile or amphibian.

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

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

CD. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to

the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the Police Department or to the Animal ~~Control~~Services Officer.

- ~~DE~~. The Animal Control Officer, on a reasonable belief that very prompt action is required to protect the health or safety of an animal or the health or safety of other animals may immediately impound any animal that appears to be cruelly neglected or otherwise cruelly mistreated as described in this Section. The Animal Control Officer shall then request a hearing pursuant to Section 6-05-030 of this Chapter for the disposition of the impounded animal.
- ~~EE~~. Nothing contained herein shall prohibit or restrict any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock or is permitted by or pursuant to Title 3 of the Arizona Revised Statutes.

(Ord. No. 95, Enacted, 02/09/84; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 770, Amended, 10/25/12; Ord. No. 2024-945, Amended, 10/24/24)

SECTION FOUR. That the following penalty clause in Section 6-05-010 "Violations and Penalties" in Article 6-05 "VIOLATIONS" in Chapter 6 "ANIMALS" of the Town Code be hereby amended to read as follows:

6-05-010 Violations and Penalties.

- A. Civil Violations. A first violation of Town Code §6-01-110(A) "Dogs Not Permitted at Large", §6-02-030 "Domestic Animals Other Than Dogs and Cats", and §6-03-010 "Disturbing the Peace, Nuisances; Notice to Abate" (as amended) shall constitute a civil offense, and any person who is served with a civil citation charging such violation and who admits to or is found responsible for the offense at a hearing shall pay a civil sanction not to exceed \$500 in accordance with A.R.S. §11-1005(A)(6)(b) (as amended). A second violation of any of the above-referenced sections within a twelve (12)-month period or a first violation resulting in physical injury to any person or damage to the property of another shall may be a class 2 misdemeanor. Upon conviction, the Court shall order the person to pay a fine in an amount fixed by the Court, not to exceed \$750 in accordance with A.R.S. §13-802.

...

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 95, Ren&Amd, 02/09/84, 6-03-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 257, Repealed, 06/27/91; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 844, Amended, 06/28/18; Ord. No. 2023-919, Amended, 04/13/23; Ord. No. 2024-945, Amended, 10/24/24)

SECTION FIVE. That the following penalty clause in Section 6-05-020 "Hearing on Disposition of Vicious Animals; Forfeiture" in Article 6-05 "VIOLATIONS" in Chapter 6 "ANIMALS" of the Town Code be hereby amended to read as follows:

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

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

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

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(Ord. No. 8, Enacted, 06/28/79; Ord. No. 95, Ren&Amd, 02/09/84, 6-03-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 257, Repealed, 06/27/91; Ord. No. 746, Enacted, 09/09/10; Ord. No. 770, Amended, 10/25/12; Ord. No. 824, Amended, 02/23/17; Ord. No. 2024-945, Amended, 10/24/24)

SECTION SIX. That the following penalty clause in Section 9-04-080 "Assessment for Abatement" in Article 9-04 "PROPERTY MAINTENANCE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code be hereby amended to read as follows:

9-04-080 Assessment for Abatement.

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C. If no appeal is taken from the amount of the assessment or if an appeal is taken and the Council has affirmed or modified the amount of the assessment, and the assessment is not paid within the time specified:

1. Owner-occupied property or residential property of more than four (4) units - the original assessment or the assessment as so modified shall be recorded in the office of the County Recorder. Any assessment recorded after July 15, 1996, is prior and superior to all other liens, obligations, mortgages, or other encumbrances, except liens for general taxes.
2. Tenant-occupied Property - for residential properties of 4 or fewer units, if a property is serving as a rental and is occupied by a tenant during the time of the abatement, the ~~Development Services~~ Neighborhood Services Director, or his designee, will petition a court of competent jurisdiction for an order of judgment against the tenant in the amount of the assessment.

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(Ord. No. 117, Enacted, 09/05/85; Ord. No. 178, Ren&Amd, 05/26/88, 5-04-080; Ord. No. 283, Amended, 09/24/92; Ord. No. 396, Amended, 08/08/96; Ord. No. 810, Amended, 01/14/16; Ord. No. 894, Amended, 01/13/22; Ord. No. 2024-945, Amended, 10/24/24)

SECTION SEVEN. That all other Chapters, Articles, and Sections of the Town Code not herein amended, shall remain in full force and effect.

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

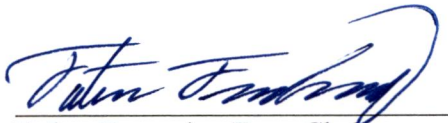
SECTION NINE. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 24th day of October, 2024.



Kell Palguta, Mayor

ATTEST:


Fatima Fernandez, Town Clerk

APPROVED AS TO FORM:


Ivan Legler, Town Attorney



EXHIBIT "A"

Town Code Coordination Neighborhood Services & Development Services

SECTION ONE. That Article 6-01 "GENERAL ANIMAL CONTROL" in Chapter 6 "ANIMALS" of the Town Code of the Town of Prescott Valley, Arizona, be hereby renamed "GENERAL ANIMAL SERVICES."

SECTION TWO. That Section 6-01-010 "Definitions" in Article 6-01 "GENERAL ANIMAL SERVICES" in Chapter 6 "ANIMALS" of the Town Code be hereby amended to read as follows:

6-01-010 Definitions.

In this Chapter, unless the context requires otherwise:

...

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

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(Ord. No. 95, Enacted, 02/09/84; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 770, Amended, 10/25/12; Ord. No. 824, Amended, 02/23/17; Ord. No. 844, Amended, 06/28/18; Ord. No. 2024-945, Amended, 10/24/24)

SECTION THREE. That Section 6-01-020 "Animal Services Officer" in Article 6-01 "GENERAL ANIMAL SERVICES" in Chapter 6 "ANIMALS" of the Town Code be hereby amended to read as follows:

6-01-020 Animal ~~Control~~Services Officer.

The Town Manager or designee shall designate or employ Animal ~~Control~~Services Officers to administer and enforce the provisions of this Chapter and to issue citations for the violation of its provisions. Such Animal ~~Control~~Services Officers shall be under the umbrella of the Police Department within the Town organizational structure and the direct immediate supervision of the ~~Police Chief~~Neighborhood Services Director.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 95, Rep&ReEn, 02/09/84; Ord. No. 178, Ren&Amd, 05/26/88, 6-02-010; Ord. No. 257, Amended, 06/27/91; Ord. No. 375, Amended, 12/28/95; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. 844, Amended, 06/28/18; Ord. No. 2024-945, Amended, 10/24/24)

SECTION FOUR. That Section 6-01-120 "Biting Animals and Animal Bites" in Article 6-01 "GENERAL ANIMAL SERVICES" in Chapter 6 "ANIMALS" of the Town Code be hereby amended to read as follows:

6-01-120 Biting Animals and Animal Bites.

- A. Whenever any animal bites any person, the incident shall be reported immediately to the Animal

~~Control Services~~ Officer or the Police Department by any person with first-hand knowledge of the incident.

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(Ord. No. 746, Enacted, 09/09/10; Ord. No. 770, Amended, 10/25/12; Ord. No. 824, Amended, 02/23/17; Ord. No. 839, Amended, 02/22/18; Ord. No. 2023-928, Amended, 09/28/23; Ord. No. 2024-945, Amended, 10/24/24)

SECTION FIVE. That Section 6-03-010 "Disturbing the Peace; Nuisances; Notice to Abate" in Article 6-03 "ANIMAL NUISANCES" in Chapter 6 "ANIMALS" of the Town Code be hereby amended to read as follows:

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

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

...

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

...

(Ord. No. 46, Enacted, 12/11/80; Ord. No. 95, Ren&Amd, 02/09/84, 6-04-010; Ord. No. 127, Amended, 03/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 194, Amended, 11/10/88; Ord. No. 223, Amended, 01/11/90; Ord. No. 594, Amended, 05/27/04; Ord. No. 600, Amended, 07/22/04; Ord. No. 746; Rep&ReEn, 09/09/10; Ord. No. 824, Amended, 02/23/17; Ord. No. 2024-945, Amended, 10/24/24)

SECTION SIX. That Section 6-04-010 "Animal Care" in Article 6-04 "ANIMAL CARE" in Chapter 6 "ANIMALS" of the Town Code be hereby amended to read as follows:

6-04-010 Animal Care.

- A. For purposes of this Section, "animal" means a mammal, bird, reptile or amphibian.

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

- ~~BC.~~ No person shall beat, cruelly ill-treat, abandon, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.
- ~~CD.~~ Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the Police Department or to the Animal ~~Control~~Services Officer.
- ~~DE.~~ The Animal Control Officer, on a reasonable belief that very prompt action is required to protect the health or safety of an animal or the health or safety of other animals may immediately impound any animal that appears to be cruelly neglected or otherwise cruelly mistreated as described in this Section. The Animal Control Officer shall then request a hearing pursuant to Section 6-05-030 of this Chapter for the disposition of the impounded animal.
- ~~EE.~~ Nothing contained herein shall prohibit or restrict any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock or is permitted by or pursuant to Title 3 of the Arizona Revised Statutes.

(Ord. No. 95, Enacted, 02/09/84; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 770, Amended, 10/25/12; Ord. No. 2024-945, Amended, 10/24/24)

SECTION SEVEN. That Section 6-04-030 "Reserved" in Article 6-04 "ANIMAL CARE" in Chapter 6 "ANIMALS" of the Town Code be hereby repealed and reenacted to read as follows:

6-04-030 ~~Reserved~~Unlawful Restraint of Dog.

A. For purposes of this Section:

“Collar” means any collar constructed of nylon, leather, metal, or similar material specifically designed to be used on a dog.

“Extreme weather conditions” means:

1. The actual or effective outdoor temperature is below 32 degrees Fahrenheit or above 100 degrees Fahrenheit;

2. A heat advisory has been issued by a local, state, or national authority for the area; or

3. A monsoon, hurricane, tropical storm, dust storm, or tornado warning has been issued for the area by a local, state, or national authority.

“Owner” means a person who owns or has custody or control of a dog.

“Properly fitted” means a collar that measures the circumference of a dog’s neck plus one inch.

“Restraint” means a rope, tether, leash, cable, or other device other than a chain that attaches a dog to a stationary object or trolley system.

B. An owner shall not restrain a dog outside by use of a choke collar or pinch collar, or a restraint that unreasonably limits the dog's movement, or during extreme weather conditions.

A restraint unreasonably limits a dog's movement if the restraint:

1. Uses a collar that is not properly fitted to the dog;
2. Is a chain used as a collar or a tether;
3. Is in length shorter than twenty feet;
4. Places the dog in unsafe or unsanitary conditions;
5. Causes injury to the dog; or
6. Does not permit the dog access to food, water, shade, dry ground, or adequate shelter at all times.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 194, Amended, 11/10/88; Ord. No. 243, Amended, 10/25/90; Ord. No. 245, Amended, 11/08/90; Ord. No. 312, Amended, 01/06/94; Ord. No. 594, Rep&ReEn, 05/27/04; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 2024-945, Rep&ReEn, 10/24/24)

SECTION EIGHT. That Section 6-05-010 "Violations and Penalties" in Article 6-05 "VIOLATIONS" in Chapter 6 "ANIMALS" of the Town Code be hereby amended to read as follows:

6-05-010 Violations and Penalties.

A. Civil Violations. A first violation of Town Code §6-01-110(A) "Dogs Not Permitted at Large", §6-02-030 "Domestic Animals Other Than Dogs and Cats", and §6-03-010 "Disturbing the Peace, Nuisances; Notice to Abate" (as amended) shall constitute a civil offense, and any person who is served with a civil citation charging such violation and who admits to or is found responsible for the offense at a hearing shall pay a civil sanction not to exceed \$500 in accordance with A.R.S. §11-1005(A)(6)(b) (as amended). A second violation of any of the above-referenced sections within a twelve (12)-month period or a first violation resulting in physical injury to any person or damage to the property of another shall may be a class 2 misdemeanor. Upon conviction, the Court shall order the person to pay a fine in an amount fixed by the Court, not to exceed \$750 in accordance with A.R.S. §13-802.

...

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 95, Ren&Amd, 02/09/84, 6-03-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 257, Repealed, 06/27/91; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 844, Amended, 06/28/18; Ord. No. 2023-919, Amended, 04/13/23; Ord. No. 2024-945, Amended, 10/24/24)

SECTION NINE. That Section 6-05-020 "Hearing on Disposition of Vicious Animals; Forfeiture" in Article 6-05 "VIOLATIONS" in Chapter 6 "ANIMALS" of the Town Code be hereby amended to read as follows:

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

A. The Animal ~~Control~~Services Officer or a peace officer who has impounded an animal pursuant to Sections 6-02-010 and 6-02-020 of this Chapter, on a showing of probable cause that the animal is

vicious or may be a danger to the safety of any person or other animal, shall request a disposition hearing before the Magistrate Court to determine whether the animal is vicious. The hearing shall be set within fifteen (15) business days after the request for a disposition hearing has been filed.

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

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(Ord. No. 8, Enacted, 06/28/79; Ord. No. 95, Ren&Amd, 02/09/84, 6-03-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 257, Repealed, 06/27/91; Ord. No. 746, Enacted, 09/09/10; Ord. No. 770, Amended, 10/25/12; Ord. No. 824, Amended, 02/23/17; Ord. No. 2024-945, Amended, 10/24/24)

SECTION TEN. That Section 6-05-030 "Seizure of Abused or Abandoned Animals; Notification; Bonding; Hearing" in Article 6-05 "VIOLATIONS" in Chapter 6 "ANIMALS" of the Town Code be hereby amended to read as follows:

6-05-030 Seizure of Abused or Abandoned Animals; Notification; Bonding; Hearing.

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

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...

(Ord. No. 8, enacted, 06/28/79; Ord. No. 95, Ren&Amd, 02/09/84, 6-03-040; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 257, Repealed, 06/27/91; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 770, Rep&ReEn, 10/25/12; Ord. No. 2024-945, Amended, 10/24/24)

SECTION ELEVEN. That Section 9-04-040 "Notice to Comply" in Article 9-04 "PROPERTY MAINTENANCE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code be hereby amended to read as follows:

9-04-040 Notice to Comply.

Notwithstanding any criminal or civil action that may be brought under Section 9-04-035 above against any owner, lessee or occupant of property who fails, neglects or refuses to comply with the requirements of Sections 9-04-020 and 9-04-030 above, the ~~Development Services~~Neighborhood Services Director, or his designee, may give written notice to the owner and to the lessee or occupant, if any, to comply with the applicable provisions thereof prior to the date for compliance on the notice. Such notice shall be given not less than thirty (30) days before the date set thereon for compliance and shall include the legal description of the property, an estimate of the cost of abatement by the Town, and a statement that unless the responsible person complies therewith by the date shown in the notice, the Town will, at the expense of such person,

abate said violation. In such case, said notice shall include an explanation of the right to appeal said determination to the Town Council in accordance with Section 9-04-060 hereinafter.

(Ord. No. 117, Enacted, 09/05/85; Ord. No. 178, Ren&Amd, 05/26/88, 5-04-040; Ord. No. 283, Amended, 09/24/92; Ord. No. 396, Amended, 08/08/96; Ord. No. 559, Amended, 07/10/03; Ord. No. 810, Amended, 01/14/16; Ord. No. 894, Amended, 01/13/22; Ord. No. 2024-945, Amended, 10/24/24)

SECTION TWELVE. That Section 9-04-050 "Service of Notice" in Article 9-04 "PROPERTY MAINTENANCE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code be hereby amended to read as follows:

9-04-050 Service of Notice.

- A. The ~~Development Services~~Neighborhood Services Director, or his designee, shall serve the notice to remove to the owner, the owner's authorized agent or the owner's statutory agent and to the occupant or lessee. The notice shall be served either by personal service or by certified mail. If notice is served by certified mail, it shall be mailed to the last known address of the owner, the owner's authorized agent or the owner's statutory agent and to the address to which the tax bill for the property was last mailed. For purposes of this Article, the notice shall be considered given either upon delivery of the notice by personal service, or upon mailing.

...

(Ord. No. 117, Enacted, 09/05/85; Ord. No. 178, Ren&Amd, 05/26/88, 5-04-050; Ord. No. 283, Amended, 09/24/92; Ord. No. 396, Amended, 08/08/96; Ord. No. 559, Amended, 07/10/03; Ord. No. 894, Amended, 01/13/22; Ord. No. 2024-945, Amended, 10/24/24)

SECTION THIRTEEN. That Section 9-04-060 "Appeal to Council" in Article 9-04 "PROPERTY MAINTENANCE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code be hereby amended to read as follows:

9-04-060 ~~Appeal to Council.~~

- A. Prior to the date set for compliance on the notice, the owner, occupant or lessee may file a written request for appeal to the Council~~an independent Hearing Officer designated by the Town~~ from the demand of the ~~Development Services~~Neighborhood Services Director, or his designee. The Hearing Officer shall hear and determine the appeal within 20 days of receipt of the application to appeal. The decision of the Hearing Officer shall be final and may affirm, reverse or modify the requirements of the notice. Any such appeal must be heard during a regular meeting of the Council prior to the compliance date, and a written request to be placed on the regular agenda for that purpose must be received by the Town Manager no later than 5:00 p.m. on the Tuesday prior to the meeting. Upon receiving such a request, the Council shall hear and determine the appeal at the next meeting. The decision of the Council shall be final and may affirm, reverse or modify the requirements of the notice.

...

(Ord. No. 117, Enacted, 09/05/85; Ord. No. 178, Renumbered, 05/26/88, 5-04-060; Ord. No. 283, Amended, 09/24/92; Ord. No. 396, Amended, 08/08/96; Ord. No. 894, Amended, 01/13/22; Ord. No. 2024-945, Amended, 10/24/24)

SECTION FOURTEEN. That Section 9-04-080 "Assessment for Abatement" in Article 9-04 "PROPERTY MAINTENANCE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code be

hereby amended to read as follows:

9-04-080 Assessment for Abatement.

...

C. If no appeal is taken from the amount of the assessment or if an appeal is taken and the Council has affirmed or modified the amount of the assessment, and the assessment is not paid within the time specified:

1. Owner-occupied property or residential property of more than four (4) units - the original assessment or the assessment as so modified shall be recorded in the office of the County Recorder. Any assessment recorded after July 15, 1996, is prior and superior to all other liens, obligations, mortgages, or other encumbrances, except liens for general taxes.
2. Tenant-occupied Property - for residential properties of 4 or fewer units, if a property is serving as a rental and is occupied by a tenant during the time of the abatement, the ~~Development Services~~ Neighborhood Services Director, or his designee, will petition a court of competent jurisdiction for an order of judgment against the tenant in the amount of the assessment.

...

(Ord. No. 117, Enacted, 09/05/85; Ord. No. 178, Ren&Amd, 05/26/88, 5-04-080; Ord. No. 283, Amended, 09/24/92; Ord. No. 396, Amended, 08/08/96; Ord. No. 810, Amended, 01/14/16; Ord. No. 894, Amended, 01/13/22; Ord. No. 2024-945, Amended, 10/24/24)

SECTION FIFTEEN. That Section 9-04a-060 "Right of Entry" in Article 9-04a "JUNKED MOTOR VEHICLES" in Chapter 9 "HEALTH AND SANITATION" of the Town Code be hereby amended to read as follows:

9-04a-060 Right of Entry.

The Chief of Police or any police officer, a Town authorized certified stormwater inspector, or employees of the ~~Building~~ Development Services Department and ~~Planning and Zoning~~ Neighborhood Services Department of the Town are hereby authorized access to any property upon which a junk vehicle is located for the purpose of carrying out any and all actions required by this Article.

(Ord. No. 559, Enacted, 07/10/03; Ord. No. 2024-945, Amended, 10/24/24)

SECTION SIXTEEN. That Section 9-06-030 "Standards for Storage, Transportation and Disposal" in Article 9-06 "STORAGE, TRANSPORTATION AND DISPOSAL OF HAZARDOUS MATERIALS" in Chapter 9 "HEALTH AND SANITATION" of the Town Code be hereby amended to read as follows:

9-06-030 Standards for Storage, Transportation and Disposal.

A. Procedure for storage or transportation of any hazardous material.

1. A permit will be required from the Fire Department and the ~~Planning and Zoning~~ Development Services Department of the Town prior to the storing or transporting of any hazardous material or other material within the scope of this

Article. Each such permit shall list the restrictions and requirements necessary in relation to the storage or transportation of such materials. Any application for the storage or transportation of such materials must be made in writing to the Planning and Zoning Development Services Department of the Town at least three (3) days prior to the issuance of any such permit and shall require an application fee as may be set from time to time by resolution.

2. Any permit issued for the transportation of hazardous or other materials within the scope of this Article shall expire within ten (10) days of its issuance unless otherwise indicated on the permit specifically and in writing.
3. Any permit for the storage of any hazardous or other materials falling within the scope of this Article shall terminate within one (1) year of such permit's issuance and shall be renewable at the option of the Planning and Zoning Development Services Department for a similar period of time upon the tendering of a renewal fee as may be set from time to time by resolution.
4. The requirements and restrictions necessary in relation to the issuance of a permit for the storage or transportation of such materials shall be set from time to time by the Planning and Zoning Development Services Department unless a specific instruction of the Town Council shall specify specific requirements and restrictions herein.

B. Appeals. Whenever the ~~Building Department or Planning and Zoning Development Services~~ Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Building Department or Planning and Zoning Development Services Department within thirty (30) days from the date of the decision appealed. Such appeal shall be directed to the Planning and Zoning Commission.

C. New materials, processes or occupancies which may require permits. ~~The Zoning Inspector~~The Development Services Director, the Town Manager (or his designee), and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in this Code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 50, Enacted, 05/14/81; Ord. No. 178, Ren&Amd, 05/26/88, 5-02-050, 5-05-030; Ord. No. 268, Renumbered, 12/12/91, 9-05-030; Ord. No. 2024-945, Amended, 10/24/24)

SECTION SEVENTEEN. That Section 9-07-070 "Inspection; Police Powers" in Article 9-07 "SEXUALLY-ORIENTED BUSINESS STANDARDS" in Chapter 9 "HEALTH AND SANITATION" of the Town Code be hereby amended to read as follows:

9-07-070 Inspection; Police Powers.

A. An applicant or licensee shall permit representatives of the Prescott Valley Police Department, County Health Department, Fire Department, Development Services Department, Neighborhood Services Department, or other Town departments or agencies to inspect the premises of a sexually-

oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

- B. A person who operates a sexually-oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is open for business.
- C. The police powers set forth in Section 8-02-080 shall apply to this Article.

(Ord. No. 552, Enacted, 03/13/03; Ord. No. 894, Amended, 01/13/22; Ord. No. 2024-945, Amended, 10/24/24)