

ORDINANCE NO. 04-01

AN ORDINANCE OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA FIXING THE TIME AND PLACE OF REGULAR MEETINGS; PROVIDING FOR THE CALLING OS SPECIAL MEETING OF THE TOWN COUNCIL AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE TOWN COUNCIL OF DEWEY-HUMBOLDT, ARIZONA.

Section 1. Regular Council Meetings

The Council shall hold regular meetings on the 1st and 3rd Tuesday of each month at 5:30 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 which is not a holiday. All regular meetings of the council shall be held at 983 S. Foothill Drive.

Section 2. Special Council Meetings

The mayor or the clerk upon the written request of three members of the Council, may convene the Council at any time by notifying the members of the council of the date, hour and purpose of such special meeting. The public shall be given at least twenty-four hours notice in at least three public places; except that in the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances.

Section 3. Emergency Clause

Whereas the immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health and safety of the Town of Dewey-Humboldt, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage, adoption and approval by the Town Council of Dewey-Humboldt.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA THIS 21ST DAY OF DECEMBER, 2004.

Approved this 21st day of December, 2004, by the affirmative vote of three-fourths of the members of the Common Council of Dewey-Humboldt, Arizona.

Thomas Hintze
Mayor

ATTEST:

Clerk

APPROVED AS TO FORM:

Kenton D. Jones
Attorney

ORDINANCE NO. 05-01

AN ORDINANCE OF THE TOWN OF DEWEY-HUMBOLDT SETTING ITS INTERIM BUDGET FOR PARTIAL FISCAL YEAR ENDING 6/30/05.

WHEREAS, the Common Council of the Town of Dewey-Humboldt has determined the maximum amount of money it may expend for the 2004-2005 partial fiscal year is \$512,964.00.

WHEREAS, it has made an estimate of the amounts required to meet the public expenses for the 2004-2005 partial fiscal year and an estimate of revenues from sources other than direct taxation, and

NOW , THEREFORE, BE IT ORDAINED by the Common Council of the Town of Dewey-Humboldt that the maximum amount of money the town of Dewey-Humboldt may expend for all purposes for the 2004-2005 partial fiscal year is \$512, 964.00;

BE IT FURTHER ORDAINED, that the estimates of revenues and expenditures on the attached schedule is hereby adopted as the Budget of the town of Dewey-Humboldt for Partial Fiscal year 2004-2005.

BE IT FURTHER ORDAINED, that the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately after its passage and adoption.

APPROVED, PASSED AND ADOPTED by the Common Council of the Town of Dewey-Humboldt assembled in Regular Session 1-4-05.

**Thomas Hintze
Mayor**

ORDINANCE NO. 05-02

AN ORDINANCE OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, RELATING TO THE PRIVILEGE LICENSE TAX; ADOPTING THE TAX CODE OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA BY REFERENCE AND FIXING THE EFFECTIVE DATE; PROVIDING FOR SEVERABILITY AND ESTABLISHING PENALITIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA:

Section 1: That certain document known as the Tax Code of the town of Dewey-Humboldt, Arizona, three copies of which are on file in the office of the town clerk of the town of Dewey-Humboldt, Arizona, which document was made a public record by Resolution No. 05-04 of the Town of Dewey-Humboldt, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Section 2: The provisions of this ordinance and the tax code adopted pursuant to the ordinance shall become effective from and after May 1st, 2005, provided however, the tax imposed pursuant to the tax code shall not apply to contracts entered into prior to the effective date of this ordinance as specified in this section.

Section 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein 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.

Section 4: Any person found guilty of violating any provision of this code shall be guilty of a class one misdemeanor. Each day that a violation continues shall be a separate offense punishable as herein above described.

PASSED AND ADOPTED by the mayor and Council of the Town of Dewey-Humboldt, Arizona, this 7th day of February, 2005.

**Thomas Hintze
Mayor**

APPROVED AS TO FORM:

**Kenton Jones
Town Attorney**

ORDINANCE NO. 05-03

AN ORDINANCE OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, AUTHORIZING THE ENTERING INTO OF INTERGOVERNMENTAL AGREEMENTS WITH THE AGENCIES AND DEPARTMENTS OF THE FEDERAL GOVERNMENT, STATE OF ARIZONA, YAVAPAI COUNTY, AND/OR OTHER INCORPORATED MUNICIPLAITIES AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA:

SECTION 1: IN THE COURSE OF THE OPERATIONS OF AN INCORPORATED MUNICIPALITY IT BECOMES NECESSARY AND APPROPRIATE FROM TIME TO TIME TO ENTER INTO AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES, THEIR AGENCIES AND DEPARTMENTS, TOWARD THE PROVISION AND OBTAINING OF CERTAIN SERVICES, MATERIALS AND EQUIPMENT.

SECTION 2: THROUGH SUCH AGREEMENTS IT IS THE INTENTION OF THE PARTIES TO ENHANCES EFFECIENCY, QUALITY AND THE GENERAL AVAILABILITY OF OBTAINABLE SERVICES WHILE DECREASING COST AND DUPLICATION.

SECTION 3: THEREFORE, THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT HEREBY AUTHORIZES THE ENTERING INTO OF SUCH INTERGOVERNMENTAL AGREEMENTS AS ARE APPROVED BY THAT COMMON COUNCIL AND DEEMED NECESSARY, BENEFICIAL AND APPROPRIATE FOR THE TOWN OF DEWEY-HUMBOLDT, WHETHER SUCH AGREEMENTS BE WITH THE AGENCIES AND DEPARTMENTS OF THE FEDERAL GOVERNMENT, STATE OF ARIZONA, YAVAPAI COUNTY, OR OTHER INCORPORATED MUNICIPALITIES.

SECTION 4: WHEREAS, IT IS NECESSARY FOR THE PRSERVATION OF THE PEACE, HEALTH AND SAFETY OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, AN EMBERGENCY IS DECLARED TO EXIST, AND THIS ORDINANCE SHALL BECOME IMMEDIATELY OPEATIVE AND IN FORCE FROM AND AFTER THE DATE OF POSTING HEREOF.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, THIS 15TH DAY OF FEBRUARY, 2005.

Thomas Hintze
MAYOR

Kenton D. Jones
TOWN ATTORNEY

ORDINANCE NO. 05-04

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ADOPTING THE OPTIONAL PROCEDURE FOR MUNICIPAL ELECTIONS AS AUTHORIZED IN A.R.S., 9-821.01; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, AS FOLLOWS:

Section 1. Any candidate who receives at the primary election a majority of all the votes cast shall be declared to the elected to the office for which he is a candidate effective as of the date of the general election, and no further election shall be held as to said candidate; provided that if more candidates receive a majority than there are offices to be filled, those candidates equal in number of the offices to be filled with the highest number of votes shall be declared elected.

Section 2. Nothing on the ballot in any election shall be indicative of the support of the candidate.

Section 3. If at any primary election held as above provided there be any office for which no candidate is elected, then as to such office, the election shall be considered to be a primary election for nomination of candidates for such office, and the general municipal election shall be held to vote for nomination of candidates for such office, and the general municipal shall be held to vote for candidates to fill such office. Candidates to be placed on the ballot at the general municipal election shall be those not elected at the primary election and 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 of names on the primary election ballot. Persons who receive the highest number of votes for the respective offices at such first election shall be the only candidates at such second election, provided that if there be any person who, under the provisions of this ordinance, 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 person receiving an equal number of votes shall likewise become candidates for such office.

Section 4. The candidates equal in number to the person to be elected who receive the highest number of votes shall be declared elected.

Section 5. Whereas, it is necessary for the preservation of the peace, health and safety of the Town, an emergency is declared to exist, and this ordinance shall become immediately operative and in force from and after the date of posting hereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 1st day of march, 2005.

APPROVED this 1st day of March, 2005, by the affirmative vote of three-fourths of the members of the Common Council of the Town of Dewey-Humboldt, Arizona.

**Thomas Hintze
Mayor**

**ATTEST:
Roger Swenson
Town Manager**

APPROVED AS TO FORM:

**Kenton D. Jones
Attorney**

ORDINANCE NO. 05-05

AN ORDINANCE OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA PROVIDING FOR THE DIRECT ELECTION OF THE MAYOR; SPECIFYING THE TERM OF OFFICE OF THE MAYOR; PROVIDING FOR SUBMISSION OF THE QUESTION OF DIRECT ELECTION OF THE MAYOR TO THE VOTERS AT THE PRIMARY ELECTION AND CONDITIONAL ENACTMENT; AND DECLARING AN EMERGENCY.

Be it ordained by the Town Council of Dewey-Humboldt, Arizona.

Section 1. DIRECT ELECTION OF THE MAYOR

Beginning with the election to be held on March 13, 2007, the mayor of the Town of Dewey-Humboldt shall be directly elected by the qualified electors of the Town.

Section 2. TERM OF OFFICE

The term of the office of the mayor shall be 2 years. (The law does not specify the length of term; we suggest that you do so in your ordinance. The term can be either 2 or 4 years in our opinion. Of course, a 4 year term would only be for those cities or towns which have already exercised the option for staggered terms. Just as a side note, a number of charter cities have staggered terms, but still elect their mayor every two years.)

Section 3. CONDITIONAL ENACTMENT

The provisions of this ordinance shall not be effective until approved by a majority vote of qualified electors voting at the regular election to be held on September 13, 2005.

Section 4. EMERGENCY

Whereas the immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health and safety an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the council.

Passed by the Council of the Town of Dewey-Humboldt this 1st day of March, 2005.

**Thomas Hintze
Mayor**

Attest:

**Roger Swenson
Town Manager**

Approved as to Form:

Kenton D. Jones
Town Attorney

**TOWN OF DEWEY-HUMBOLDT
ORDINANCE NO. 05-06
(of the Dewey-Humboldt Town Council)**

**AN ORDINANCE OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA,
DECLARING THE TOWN COUNCIL OF DEWEY-HUMBOLDT TO BE THE
INTERIM PLANNING AGENCY OF THE TOWN AND DECLARING AN
EMERGENCY.**

**BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN
OF DEWEY-HUMBOLDT, ARIZONA:**

**SECTION 1: TITLE 9, CHAPTER 4, ARTICLE 6.1 OF THE ARIZONA REVISED
STATUTES ALLOWS FOR THE CREATION OF A PLANNING
AGENCY DESIGNATED BY LOCAL ORDINANCE TO CARRY
OUT THE PURPOSES OF THAT ARTICLE, SPECIFICALLY
MUNICIPAL ZONING.**

**SECTION 2: PURSUANT TO TITLE 9, SECTION 462A3, SUCH A PLANNING
AGENCY MAY BE THE LEGISLATIVE BODY AUTHORIZED TO
CREATE THAT AGENCY.**

**SECTION 3: THEREFORE, AND TO SERVE IN AN INTERIM CAPACITY
PENDING A SUBSEQUENT ORDINANCE MODIFYING WHAT IS
STATED, HEREIN, THE TOWN COUNCIL OF THE TOWN OF
DEWEY-HUMBOLDT IS HEREBY DECLARED TO BE THE
PLANNING AGENCY OF THE TOWN OF DEWEY-HUMBOLDT
FOR ANY AND ALL MATTERS ARISING UNDER THE ABOVE-
REFERENCE TITLE, CHAPTER AND ARTICLE.**

**SECTION 4: THE IMMEDIATE OPERATION OF THE PROVISIONS OF THIS
ORDINANCE IS NECESSARY FOR THE IMMEDIATE
PRESERVATION OF THE PUBLIC PEACE, HEALTH OR
SAFETY AND AN EMERGENCY IS HEREBY DECLARED TO
EXIST; AND THIS ORDINANCE SHALL BE IN FULL FORCE
AND EFFECT FROM AND AFTER ITS PASSAGE, ADOPTION
AND APPROVAL BY THE MAYOR AND COUNCIL OF THE
TOWN OF DEWEY-HUMBOLDT.**

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE
TOWN OF DEWEY-HUMBOLDT, ARIZONA, THIS 15TH DAY OF MARCH,
2005.**

**Thomas Hintze
MAYOR**

Kenton D. Jones
TOWN ATTORNEY

**TOWN OF DEWEY-HUMBOLDT
ORDINANCE NO. 05-07
(of the Dewey-Humboldt Town Council)**

**AN ORDINANCE OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA,
AUTHORIZING THE CREATION OF THE DEWEY-HUMBOLDT MAGISTRATE
COURT AND EMPOWERING THAT COURT TO ENGAGE IN THE EXERCISE
OF JUDICIAL ACTIVITIES REGULARLY UNDERTAKEN BY SUCH COURTS
AND INCIDENT THERETO.**

**BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN
OF DEWEY-HUMBOLDT, ARIZONA:**

**SECTION 1: EFFECTIVE JULY 1, 2005, DEWEY-HUMBOLDT SHALL BE
RESPONSIBLE FOR THE PROVISION OF COURT SERVICES
WITHIN THE JURISDICTIONAL LIMITS OF THE TOWN.**

**SECTION 2: THEREFORE, AND SO AS TO BE READY TO MEET THE
OBLIGATIONS AND RESPONSIBILITIES AS STATED IN
SECTION 1, THE COMMON COUNCIL OF THE TOWN OF
DEWEY-HUMBOLDT HEREBY AUTHORIZES THE CREATION
OF THE DEWEY-HUMBOLDT MAGISTRATE'S COURT.**

**SECTION 3: SUCH COURT SHALL BE SO ESTABLISHED AS TO EXERCISE
ANY AND ALL JUDICIAL ACTIVITIES REGULARLY
UNDERTAKEN BY SUCH COURTS AND INCIDENT THERETO.**

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE
TOWN OF DEWEY-HUMBOLDT, ARIZONA, THIS 15TH DAY OF MARCH,
2005.**

**Thomas Hintze
MAYOR**

**Kenton D. Jones
TOWN ATTORNEY**

ORDINANCE NO. 05-09

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ADOPTING A DEVELOPMENT SERVICES FEE SCHEDULE.

WHEREAS, the Town of Dewey-Humboldt is newly formed and needs to adopt a Development Services Fee Schedule to accompany the Town of Dewey-Humboldt Planning and Zoning Ordinance; and

WHEREAS, the Town of Dewey-Humboldt has reviewed these fees and declare them to be fair and reasonable; and

WHEREAS, this ordinance has been properly noticed for public hearing and the necessary hearing was completed on May 31, 2005; and

WHEREAS, adopting the Development Services Fee Schedule for the Town of Dewey-Humboldt, Arizona will enhance the health, safety, and welfare of the community; and

NOW THEREFORE, be it ordained by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona that:

Section 1: Adoption of the Town of Dewey-Humboldt Development Services Fee Schedule. The Town of Dewey-Humboldt Development Services Fee Schedule, a copy of which is on file with the Town Clerk, is hereby adopted.

Section 2: Authorization to Prepare Documents. The Town Manager, Town Clerk, Town Engineer, Town Attorney and any other necessary persons are hereby authorized to prepare the agreements, forms and instruments contemplated to be used by the Town in implementing the provisions of the Development Services Fee Schedule.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona, this 21st day June, 2005.

Thomas Hintze
Thomas Hintze, Mayor

ATTEST:

APPROVED AS TO FORM:

Debbie Gifford
Town Clerk

Kenton D. Jones
Town Attorney

ORDINANCE NO. 05-10

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ADOPTING LAND SUBDIVISION REGULATIONS.

WHEREAS, the Town of Dewey-Humboldt is newly formed and needs to adopt Land Subdivision Regulations; and

WHEREAS, the Town of Dewey-Humboldt has reviewed these regulations and declare them to be fair and reasonable; and

WHEREAS, this ordinance has been properly noticed for public hearing and the necessary hearing was completed on May 31, 2005; and

WHEREAS, adopting Land Subdivision Regulations for the Town of Dewey-Humboldt, Arizona will enhance the health, safety, and welfare of the community; and

NOW THEREFORE, be it ordained by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona that:

Section 1: Adoption of the Town of Dewey-Humboldt Land Subdivision Regulations. The Town of Dewey-Humboldt Land Subdivision Regulations, a copy of which is on file with the Town Clerk, is hereby adopted.

Section 2: Authorization to Prepare Documents. The Town Manager, Town Clerk, Town Engineer, Town Attorney and any other necessary persons are hereby authorized to prepare the agreements, forms and instruments contemplated to be used by the Town in implementing the provisions of the Land Subdivision Regulations.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona, this 31st day of May, 2005.

Thomas Hintze
Thomas Hintze, Mayor

ATTEST:

APPROVED AS TO FORM:

Debbie Gifford
Town Clerk

Kenton D. Jones
Town Attorney

*** Please Note Numbering Correction from 05-10 to 05-10A ***

ORDINANCE 05-10-A

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, AMENDING ORDINANCE 04-01, FIXING THE TIME AND PLACE OF REGULAR MEETINGS; TO CHANGE THE PLACE AND TIME OF THE MEETINGS.

WHEREAS, the Town of Dewey-Humboldt Town Hall has been located temporarily at Humboldt Station, 2735 Highway 69, Suite 7, Humboldt, Arizona. Due to space constraints, the Regular Council meetings have been held at Cherry Creek Ranch, 983 S. Foothill Drive, Dewey, Arizona at 5:30 p.m. on the 1st and 3rd Tuesdays of each month.

WHEREAS, the Town of Dewey-Humboldt desires to change the time and location of the Town Council Regular meeting to its permanent location of Humboldt Station 2735 Highway 69, Suite 10, Humboldt, Arizona and meet at 6:30 p.m. on the 1st and 3rd Tuesdays of each month.

NOW THEREFORE IT BE RESOLVED

Section 1. Regular Council Meetings

The Council shall hold Regular meetings on the 1st & 3rd Tuesdays of each month at 6:30 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 hours on the next succeeding day which is not a holiday. All Regular meetings of the Council shall be held at 2735 Highway 69 Suite 10, Humboldt, Arizona.

All Council meetings will follow the requirements of the Arizona Open Meeting Law and apply Robert's Rules of Order in conducting the meetings.

Section 2. Special Council Meetings

The Mayor, or the Clerk upon the written request of three members of the Council, may convene the Council at any time by notifying the members of the Council of the date, hour and purpose of such Special meeting. The public shall be given at least twenty-hour hours notice of any such Special meeting by the posting of such Special meeting by the posting of such notice in at least three public places: except that in the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Yavapai County, Arizona, this 21st day of June, 2005.

Thomas Hintze
Thomas Hintze, Mayor

ATTEST:

Debbie Gifford
Debbie Gifford, MMC
Town Clerk

APPROVED TO FORM:

Kenton D. Jones
Town Attorney

ORDINANCE 05-11

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ESTABLISHING THE PLANNING & ZONING ADVISORY COMMISSION FOR THE TOWN.

WHEREAS, responsibilities for the implementation of the town's Planning and Zoning Ordinance will effective July 1, 2005, and,

WHEREAS, the Common Council of the Town of Dewey-Humboldt desires to involve the public in the interpretation and implementation of the provisions of the Planning and Zoning Ordinance, and,

WHEREAS, the Planning and Zoning Ordinance allows for the establishment of a Planning and Zoning Commission and citizen participation, and

WHEREAS, Ordinance Number 05-06 established the Town Council of Dewey-Humboldt as the Interim Planning Agency of the Town.

NO THEREFORE BE IT RESOLVED that the Town of Dewey-Humboldt hereby amends Ordinance Number 05-06 (adopted March 15, 2005) as follows:

That the Planning and Zoning Advisory Commission is hereby established and replaces the Council as the Planning Agency for the Town.

That the Commission is to be composed of citizen volunteers to be selected by the Council from individuals that have expressed an interest in serving on the Commission and that the Town staff will provide an application form for such interested individuals.

That the Commission will be comprised of seven individuals with no more than two Commission members being non-residents of the Town of Dewey-Humboldt.

That Commission members will serve for a term of four years but may be reappointed to the Commission at the discretion of the Council.

That the Commission may set its own time and place of meeting and will post agendas for such meetings in a manner consistent with the requirements set forth in the Planning and Zoning Ordinance Number 05-10 and that all meetings of the Commission must meet the requirements of the Arizona Public Meetings Law.

Duties of the Commission will be to interpret the various requirements and conditions of the Town's Planning and Zoning Ordinance with Town staff providing support and reports to the Commission regarding issues and requests that re brought to the Commission.

BE IT FURTHER RESOLVED that the Town of Dewey-Humboldt's Planning and Zoning Advisory Commission is an advisory Commission to the Town Council and will provide recommendations to the Town Council by way of voting on the various issues and requests brought to them.

PASSED AND ADOPTED by the mayor and Common Council of the Town of Dewey-Humboldt, Yavapai County, Arizona, this 21st day of June, 2005.

Thomas Hintze
Thomas Hintze, Mayor

ATTEST:

Debbie Gifford
Debbie Gifford, MMC
Town Clerk

APPROVED TO FORM:

Kenton D. Jones
Town Attorney

ORDINANCE NO. 05-12

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ADOPTING THE PUBLIC WORKS CODE.

WHEREAS, the Town of Dewey-Humboldt is newly incorporated and needs to adopt a Public Works Code, also known as Off-Site Construction Improvement Requirements For Property Development,; and

WHEREAS, the Town of Dewey-Humboldt has reviewed these regulations and declared them to be fair and reasonable; and

WHEREAS, the Town Council of the Town of Dewey-Humboldt declared the draft Public Works Code as a public record on June 7, 2005; and

WHEREAS, this Ordinance has been properly noticed for public hearing and the necessary hearing was conducted on July 12, 2005; and

WHEREAS, adopting the Public Works Code for the Town of Dewey-Humboldt, Arizona will enhance the health, safety, and the welfare of the community; and

NOW THEREFORE, be it ordained by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona that:

Section 1: Adoption of the Public Works Code. The Town of Dewey-Humboldt Public Works Code, three copies of which are on file with the Town Clerk and which have been declared a public record by Resolution No. 05-10, is hereby approved and adopted subject to the amendments noted in Exhibit A.

Section 2: Authorization to Prepare Documents. The Town Manager, Town Clerk, Town Engineer, Town Attorney and any other necessary persons are hereby authorized to prepare the agreements, forms and instruments contemplated to be used by the Town in implementing the provisions of the Town Public Works Code.

Section 3: Emergency Clause. Whereas the immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health and safety of the Town of Dewey-Humboldt, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage, adoption and approval by the Town Council of Dewey-Humboldt.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona, this 5th day of July, 2005.

Thomas Hintze

Thomas Hintze, Mayor

ATTEST:

APPROVED AS TO FORM:

Debbie Gifford
Debbie Gifford, Town Clerk

Kenton D. Jones
Kenton Jones, Town Attorney

ORDINANCE NO. 05-13

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ADOPTING THE ADMINISTRATIVE AND BUILDING CODE.

WHEREAS, the Town of Dewey-Humboldt is newly incorporated and needs to adopt Administrative and Building Codes; and

WHEREAS, the Town of Dewey-Humboldt has reviewed these regulations and declare them to be fair and reasonable; and

WHEREAS, the Town Council of the Town of Dewey-Humboldt declared the draft Administrative and Building Code as a public record on June 7, 2005; and

WHEREAS, this Ordinance has been properly noticed for public hearing and the necessary hearing was conducted on July 12, 2005; and

WHEREAS, adopting the Administrative and Building Code for the Town of Dewey-Humboldt, Arizona will enhance the health, safety, and the welfare of the community; and

NOW THEREFORE, be it ordained by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona that:

Section 1: Adoption of the Administrative and Building Code. The Town of Dewey-Humboldt Administrative and Building Code, three copies of which are on file with the Town Clerk and which have been declared a public record by Resolution No. 05-09, is hereby approved and adopted.

Section 2: Authorization to Prepare Documents. The Town Manager, Town Clerk, Town Engineer, Town Attorney and any other necessary persons are hereby authorized to prepare the agreements, forms and instruments contemplated to be used by the Town in implementing the provisions of the Town Administrative and Building Code.

Section 3: Emergency Clause. Whereas the immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health and safety of the Town of Dewey-Humboldt, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage, adoption and approval by the Town Council of Dewey-Humboldt.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona, this 5th day of July, 2005.

Thomas Hintze
Thomas Hintze, Mayor

ATTEST:

APPROVED AS TO FORM

Debbie Gifford
Debbie Gifford, Town Clerk

Kenton D. Jones
Kenton Jones, Town Attorney

ORDINANCE NO. 05-14

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ADOPTING A ROAD IMPROVEMENT DEVELOPMENT FEE ON ALL NEW RESIDENTIAL DEVELOPMENT AT THE TIME OF BUILDING PERMIT ISSUANCE TO SERVE PROJECTED DEMAND RESULTING FROM NEW RESIDENTIAL DEVELOPMENT OVER THE PERIOD FROM 2005 TO 2025.

BE IT ORDERED by the Town Council of the Town of Dewey-Humboldt, Yavapai County, Arizona, as follows:

WHEREAS, the Town of Dewey-Humboldt recognizes that new residential growth will impact the ability of the existing road system to adequately handle future vehicular traffic; and

WHEREAS, the Town of Dewey-Humboldt retained W.C. Scoutten, Inc. as Town Engineer, to analyze and assess growth and development projections from 2005 to 2025 to determine the additional demand for roadways anticipated to be placed on the Town; and

WHEREAS, the Town Engineer conducted a roadway inventory to assess the condition of the existing collector roadway system and prepared estimates to improve and expand the existing system in response to projected residential growth; and

WHEREAS, the Roadway Improvement Costs and Impact Fee analysis has been presented to, and reviewed by, the Mayor and Council of the Town. The Mayor and Council of the Town, having reviewed the analysis in a public session, held the prescribed public hearing on September 6, 2005, and considered public comments has determined that: (1) the road improvement development fee is necessary to offset costs associated with meeting the future demand on the collector road system pursuant to population projections; (2) the road improvement development fee bears a reasonable relationship to the burden imposed upon the Town to provide new and improved collector roads to new residents; (3) the an "essential nexus" exists between the projected new residential development and the need for new and improved collector roads to be funded via the road improvement development fee; and (4) the amount of the road improvement development fee is "roughly proportional" to the pro rata share of new and improved collector roads needed to provide adequate municipal services to new residential development, while maintaining the existing level of service to Town residences; and

WHEREAS, the Town has prepared and released to the public with at least sixty (60) days advance notice, a notice of intent to adopt a road improvement development fee in accordance to A.R.S. § 9-463.05(C), and a written report, including all documentation that support the imposition of a road improvement development fee; and

WHEREAS, the Town has conducted at least one public hearing held in accordance to A.R.S. § 9-463.05(C) on September 6, 2005 on the proposed road improvement development fee at least sixty (60) days after the expiration of the notice of intention to impose a new or increased development fee and at least fourteen (14) days prior to the scheduled date of adoption of the new or increased development fee by the Mayor and Council of the Town; and

WHEREAS, the road improvement development fee adopted pursuant to this Ordinance shall not be effective until at least ninety (90) days after its formal adoption by the Mayor and Council of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona that:

Section 1: Adoption of the Town of Dewey-Humboldt Road Improvement Development Fee pursuant to A.R.S. § 9-463.05. The Town of Dewey-Humboldt Road Improvement Development Fee shall be assessed on all new residential development payable at the time of building permit issuance by the Town excepting those residential dwellings that will replace an existing dwelling on the same parcel, pursuant to this Ordinance as follows:

Residential	\$1,575 per dwelling unit
--------------------	----------------------------------

Section 2: Annual Development Fee Adjustment for Inflation.

(1) On July 1, 2006, and on July 1st of each year thereafter in which the Road Improvement Development Fee is in effect, the amount of the development fee, per dwelling unit, shall be automatically adjusted in compliance with applicable State law to account for inflationary increases in the cost of providing town facilities utilizing the most recent applicable data and construction cost index from the Engineering News Record for the Phoenix metropolitan area.

(2) Nothing herein shall prevent the governing body of the Town from electing to retain the existing Road Improvement Development Fee or from electing to waive the inflation adjustment for any given fiscal year, or years.

Section 3: Separability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance 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.

Section 4: Effective Date.

This Ordinance shall be effective at 12:01 a.m. on January 3, 2006, the ninety-first day following its adoption by the governing body of the Town of Dewey-Humboldt.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona, this 4th day of October, 2005.

Thomas Hintze
Thomas Hintze, Mayor

ATTEST:

APPROVED AS TO FORM:

Debbie Gifford
Debbie Gifford, Town Clerk

Kenton D. Jones
Kenton Jones, Town Attorney

ORDINANCE NO. 05-15

RELATING TO CURFEW HOURS FOR MINORS; ESTABLISHING PENALTIES FOR VIOLATIONS AND PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

WHEREAS, the purpose of this Ordinance is to preserve and secure the health and welfare of the general public, to reduce juvenile crime, to protect the citizens including children of the Town and to reinforce parental authority;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, AS FOLLOWS:

SECTION 1. CURFEW HOURS FOR MINORS

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

- 1. "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action.**
- 2. "Guardian" means a person who, under court order, is the guardian of the person of a minor or a public or private agency with who a minor has been placed by an authorized agency or court; or at least 21 years of age and authorized by a parent or guardian to have the care and custody of a minor.**
- 3. "Insufficient control" means failure to exercise reasonable care and diligence in the supervision of the juvenile.**
- 4. "Minor" means a person under eighteen years of age.**
- 5. "Parent" means a person who is a natural parent, adoptive parent or step-parent of another person.**

B. Offenses:

- 1. It is unlawful for any minor under the age of sixteen years to be in, about, or upon any place in the Town away from the property where the individual resides between the hours of 10:00 p.m. and 5:00 a.m. of the following day.**
- 2. It is unlawful for any minor sixteen years of age or older and under the age of eighteen years, to be in, about, or upon any**

place in the Town away from the property where the individual resides between the hours of 12:00 a.m. and 5:00 a.m.

3. It is unlawful for a parent, guardian, or other person having supervisory custody of the minor to knowingly permit, or by insufficient control, allow a minor to violate the provisions of Section B-1 or Section B-2 of this Ordinance, except as expressly provided herein. It shall not constitute a defense hereto that such parent, guardian, or other person having supervisory custody of the minor did not have knowledge of the minor's violation of Section B-1 or Section B-2, if such parent, guardian, or other person having responsibility for the minor, in the exercise of reasonable care and diligence, should have known of the aforementioned unlawful acts of the minor.
4. It is unlawful for parent, guardian, or other person having the care, custody, or supervision of the minor to fail or refuse to take custody of the minor after such demand is made upon him by a law enforcement officer who arrests the minor for violation of Section B-1 or B-2 as listed.

C. Defenses/Exceptions:

It is a defense to prosecution under Subsection B, including B-3, of this section that the minor was:

1. Accompanied by the minor's parent or guardian or an adult having supervisory custody of the minor.
2. With prior permission of the parent or guardian or an adult having supervisory custody, in a motor vehicle involved in interstate travel.
3. With prior permission of the parent or guardian or an adult having supervisory custody, in an employment activity or going to or returning home from an employment activity without a detour or stop by the most direct route.
4. On an emergency errand.
5. Specifically directed to the location by the parent or guardian or an adult having supervisory custody, on reasonable, legitimate business or some other activity, or going to or returning home from such business or activity.

6. With prior permission of the parent or guardian or an adult having supervisory custody, engaged in a reasonable and legitimate exercise of First Amendment rights protected by the United States Constitution.
7. Married and 16 years of age or over, or in the military.
8. On the sidewalk abutting their residence or on the next door neighbor's property with the consent of the neighbor.

D. Enforcement:

1. Before taking any enforcement action under this section, an enforcement officer shall attempt to ascertain the apparent offender's age and reason for being in the place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based upon the circumstances, the minor's responses and minor's conduct, no defense as provided in Subsection C of this section is probably present.
2. In addition to any other powers he/she may have, any law enforcement officer who arrests a minor for violating any of the provisions of Section B-1 or Section B-2 is also hereby empowered to demand of the parent, guardian, or adult having supervisory custody that such parent, guardian, or other adult come and take the minor into custody. The law enforcement officer is also empowered to take the minor to a designated location where arrangements can be made for a parent, guardian, an adult having supervisory custody or other appropriate part to take the minor into custody. Should there be a failure of the parent, guardian or other person to take custody of such minor, the officer may then be empowered to take the minor home.

SECTION 2. SEPARATE OFFENSES

Each violation of the provisions of Section B shall constitute a separate offense.

SECTION 3. PENALTIES

1. Any person who violates Section 1(B)(1), (2) or (4) of this ordinance is guilty of a Class 1 misdemeanor. This offense is designated as an incorrigible offense for minors under the jurisdiction of the Juvenile Court.

2. Any person who violates Section 1(B)(3) of this ordinance shall be guilty of a petty offense.
3. No fine imposed for violation of this ordinance shall exceed the maximum provided by statute for a petty offense.

SECTION 4. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance 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.

SECTION 5. EMERGENCY CLAUSE

Whereas the immediate operation of the provisions of this ordinance are necessary for the preservation of the public peace, health and safety of the Town of Dewey-Humboldt, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage, adoption and approval by the Town of Dewey-Humboldt.

EFFECTIVE DATE: This Ordinance shall be effective September 6, 2005.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Yavapai County, Arizona, this 6th day of September, 2005.

Thomas Hintze
Thomas Hintze,
Mayor

ATTEST:

Debbie Gifford
Debbie Gifford, MMC
Town Clerk

APPROVED AS TO FORM:

Kenton D. Jones
Kenton Jones,
Town Attorney

ORDINANCE NO. 05-17

AMENDING ORDINANCE NO. 05-16, RELATING TO CONTROL OF RABIES AND ANIMAL CONTROL AND DECLARING AN EMERGENCY;

THIS ORDINANCE IS REPLACES AND SUPERCEDES, ORDINANCE 05-16 IN ITS ENTIRETY.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, AS FOLLOWS:

SECTION 1. DEFINITIONS

- 2. "At Large" means being neither confined by an enclosure nor an electronic fence capable of restraining the animal, nor physically restrained on a leash.**
- 3. "Enforcement Officer" means any person responsible for the Enforcement of this Ordinance and the regulations promulgated hereunder.**
- 3. "Owner" means any person owning, possessing, harboring or maintaining a dog, or any persons acting for, or in the place of, the owner, or having charge of, or having taken charge of, a dog.**
- 4. "Dog" means a member of the familiaris and domesticated wolves and offspring of dogs cross-bred with wild animals or domesticated wolves.**

SECTION 2. GENERAL PROVISIONS

- 1. No dog shall be permitted at large except as provided herein. Dogs shall be confined within a suitable enclosure capable of restraining the animal or otherwise physically restrained to prevent entry of dogs on public or private property other than the owner's, or a leash not to exceed six (six) feet in length and of sufficient strength to control the dog.**
- 2. Any dog over the age of four (4) months shall wear a collar or harness to which is attached a valid license tag. Dogs shall not be required to wear a collar or harness with a valid license attached while being used for control of livestock, while being used or trained for hunting, while being exhibited or trained at a kennel club event, while engaged in races approved by the Arizona Racing Commission or while being transported to and from such events provided that**

they are properly vaccinated, licensed and controlled. In the event the owner can demonstrate that no approved vaccination is available, a license which shall be different from a rabies tag is required.

3. It shall be unlawful for an owner or any other person or designated responsible person to maintain a dog having a propensity to excessively bark, howl or otherwise disturb the peace and quiet of any Town resident.

SECTION 3. ENFORCEMENT

1. Any dog, licensed or unlicensed, which is running at large may be apprehended and impounded by the Town enforcement officer. The Town enforcement officer shall have the right to enter upon private property in order to apprehend any dog that has been running at large, provided the enforcement officer is in reasonable pursuit of such dog.
2. Town enforcement officers may issue citations to: 1) the owner, 2) any other person acting for the owner, or 3) any person exercising control over a dog when a dog is at large. The procedure for the issuance of a notice to appear shall be as provided for peace officers in A.R.S. 13-3903 except that the enforcement officer shall not make an arrest before issuing the notice. The issuance of citations pursuant to this Ordinance shall be subject to the provisions of A.R.S.13-3899
3. Consistent with A.R.S. 11-1015 and Statutes applying to Towns, it is unlawful for any person to interfere with the enforcement officer in the performance of their duties pursuant to this ordinance.

SECTION 4. EXEMPTIONS

1. A dog may run at large while participating in field trials, obedience classes, kennel club events, organized school or park-sponsored shows, while assisting its owner or being trained in legal hunting or in herding livestock, while assisting a police officer engaged in law enforcement duties, or while assisting its blind or deaf master, so long as sufficient control is exercised and such control would permit immediate leashing of the dog upon any person's reasonable request.
2. Dogs are allowed to occupy vehicles, including truck beds, without restraint, but upon leaving a vehicle or truck bed, it is considered to be at large.

SECTION 5. BITING ANIMALS

The procedures set forth in A.R.S. shall be followed for biting animals. Domesticated wolves and offspring of domestic animals bred with wild animals or domesticated wolves shall be considered wild animals consistent with the provisions of A.R.S. Section 11-1014c.

SECTION 6. PENALTIES

- 1. A person who is convicted of a violation of this Ordinance is guilty of a class 2 misdemeanor. As a minimum penalty, a person convicted hereunder shall pay a fine of not less than fifty dollars, which shall not be suspended unless, at the discretion of the court, that person is ordered to perform and complete a minimum of eight hours of community service.**
- 2. Any person requesting the release of an impounded dog shall provide proof of anti-rabies vaccinations and license, or shall obtain any applicable license and vaccination and shall pay for the costs of impoundment. Proof of ownership of the dog may be required prior to release. Any impounded dog which is not claimed within seventy two hours shall be deemed abandoned. Enforcement officers may take possession of abandoned dogs and may place the dog for sale or may dispose of the dog in a humane manner. Any person purchasing an abandoned dog shall obtain applicable anti-rabies vaccinations and pay the applicable license and impoundment fees.**

SECTION 7. EMERGENCY CLAUSE

Whereas the immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health and safety of the Town of Dewey-Humboldt, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage, adoption and approval by the Town of Dewey-Humboldt.

This Ordinance shall be effective October 18, 2005.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Yavapai County, Arizona, this 18th day of October, 2005.

Thomas Hintze

**Thomas Hintze,
Mayor**

ATTEST:

Debbie Gifford
Debbie Gifford, MMC
Town Clerk

APPROVED AS TO FORM:

Kenton D. Jones
Kenton Jones, Town Attorney

TOWN OF DEWEY-HUMBOLDT ORDINANCE NO. 05-18

RELATING TO CONTROL OF EXCESSIVE NOISE

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, AS FOLLOWS:

SECTION 1. DEFINITIONS

“Construction Activity” means any activity that occurs as part of the building, demolishing, alteration or repair of any structure, facility, street, utility or improvement.

“Enforcement Officer” means any person responsible for the enforcement of this Ordinance and the regulations promulgated hereunder.

“Motor Vehicle” means any car, truck, motorcycle, all terrain vehicle or motorized boat.

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

“Plainly Audible” means any sound that can be detected by a person using his or her unaided hearing faculties.

“Sound Amplification System” is any device, instrument or system, whether electrical or mechanical or otherwise designed for amplifying sound or for producing or reproducing sound, including (but not limited to) any radio, stereo, musical instrument, compact disc, tape, phonograph, loudspeaker or public address system.

SECTION 2. POLICY

- A. It is hereby declared to be the policy of the Town of Dewey-Humboldt that creating, permitting or allowing any unreasonably loud and disturbing noise within the Town limits is hereby prohibited. At and above certain levels, noises are detrimental to the health and welfare of the citizens and occupants of the Town.**

- B. It is hereby declared to be a public nuisance, and it unlawful for any person owning or operating or in control of any residence, business, restaurant, hotel, dance hall, show, store or any place of public amusement, entertainment or accommodation, to play or permit to be played any Sound Amplification System in such a loud or unusual manner as to be offensive to the senses.**

SECTION 3. GENERAL PROVISIONS

- A. Sound Amplification Systems. It shall be unlawful for any person to operate a sound amplification system within the Town at any time in such a manner or with such volume that it is plainly audible or causes a person to be aware of vibration accompanying the sound at a distance of seventy five (75) feet or more in any direction from the operator or from any property line where the system is being used.**

If the sound amplification system is used in the normal course of business for a commercial establishment, the sound from such system may exceed limits set forth above between the hours of 8:00 a.m. and 10:00 p.m.

- B. Motor Vehicles. It is unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise.**

It shall be unlawful for any person within the limits of the Town of Dewey-Humboldt to repair, rebuild or test any motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. in such a manner that a reasonable person of normal sensory perception is caused discomfort or annoyance.

It shall be unlawful for any person within the Town of Dewey-Humboldt to use compression braking (e.g. 'Jake' brakes) at any time. It shall also be unlawful to operate a motor vehicle in such a manner as to cause the tires to squeal or screech upon acceleration.

- C. Construction Activity. It is unlawful to engage in any construction activity between the hours of 8:00 p.m. and 7:00 a.m. in such a manner that a reasonable person of normal sensory perception would be caused annoyance or discomfort.**

SECTION 4. EXCEPTIONS

- A. Cases of emergency (in the interest of public health, safety and welfare) with the written permission of the Mayor and Town Manager which**

permission may be granted for a period not to exceed thirty days or the period of the emergency.

- B. Cases where the Town Council determines that the public health, safety and welfare will not be impaired and that loss or inconvenience will not result to any party-in-interest, which permission may be granted prior to application for a building permit or other permit issued by the Town;
- C. Cases of public works construction of all kinds, repair or alteration of public streets, utilities or other facilities, snow plowing, emergency responses of every kind, or other public business or activities by any public agency including its employees, officers, contractors or agents.
- D. Operation of any and all emergency vehicles in the normal course of their operations.

SECTION 5. PENALTIES

- A. Any person 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 fifty dollars (\$50.00) which may be suspended at the discretion of the Magistrate
 - 2. A second offense or first offense which is especially obnoxious, 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), imprisonment for up to one hundred eight days (180) or any combination of both.

A. EFFECTIVE DATE

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Yavapai County, Arizona, this 18th day of October, 2005.

This Ordinance shall be effective November 17, 2005.

Thomas Hintze
Thomas Hintze,
Mayor

ATTEST:

Debbie Gifford
Debbie Gifford, MMC
Town Clerk

APPROVED AS TO FORM:

Kenton D. Jones
Kenton Jones,
Town Attorney

ORDINANCE NO. 05-19

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ADOPTING RULES AND REGULATIONS RELATING TO THE SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE WITHIN THE TOWN LIMITS.

WHEREAS, the use of pseudo-ephedrine products in a tablet form to manufacture illicit drugs is increasing, and,

WHEREAS, the flammable and toxic nature of the chemicals used in methamphetamine production can result in fires, explosions and the release of hazardous materials and contamination, and,

WHEREAS, the manufacture and sale of methamphetamine represents a significant health threat to the people of Dewey-Humboldt, and,

WHEREAS, restricting open access to these products can substantially reduce the number of methamphetamine labs in the Town;

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, AS FOLLOWS:

SECTION 1. Definitions

- 1. “Pseudo-Ephedrine” – any compound, mixture or preparation that contains any detectable quantity of ephedrine or pseudo ephedrine or its salts, optical isomers or salts of optical isomers. Product packaging that lists ephedrine or pseudo ephedrine as an active ingredient shall constitute prima facie evidence that it is a product containing ephedrine or pseudo ephedrine.**
- 2. “Retail Establishment” – is any business, store or other commercial outlet that offers items for sale.**
- 3. “Enforcement Officer” – is a duly authorized sworn officer of the Yavapai County Sheriff’s Department.**

SECTION 2. Security of Pseudo-Ephedrine Products. Any Retail Establishment offering pseudo-ephedrine for sale must hold all such products in an area that is not accessible to the public.

SECTION 3. Requirement to Report Suspicious Sale. The retailer will be required to report to the Sheriff’s Department by telephone any attempt by

an individual to purchase amounts greater than what would be reasonably considered for personal use.

SECTION 3a. Requirement to Report Sales. The retailer will be required to maintain a written record of purchasers of pseudo-ephedrine products that includes the date of sale, the individual's name, address and quantity purchased. The purchaser log will be mailed to the Sheriff's Department at the end of each month. In order to purchase pseudo-ephedrine products, the purchaser must show government issued identification including, but not limited to, driver's license, passport, tribal identification card or military identification card.

SECTION 4. Penalties -- Violation of any provisions of this ordinance shall be considered a misdemeanor.

This ordinance shall be effective December 1, 2005.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Yavapai County, Arizona, this 1st day of November, 2005.

Thomas Hintze
Thomas Hintze, Mayor

ATTEST:

Debbie Gifford
Debbie Gifford, MMC
Town Clerk

APPROVED TO FORM:

Kenton D. Jones
Town Attorney

ORDINANCE NO. 05-20

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ADOPTING A DEFINITION OF VICIOUS ANIMALS AND DOGS AND CREATING AUTHORITY FOR LAW ENFORCEMENT OFFICIALS TO SECURE SUCH ANIMALS AND TAKE ACTIONS AS ARE NECESSARY TO PROTECT RESIDENTS AND PROPERTY.

WHEREAS, in the interests of the public health and safety, it is necessary to provide for the containment and possible destruction of vicious and/or violent animals; and,

WHEREAS, the Town of Dewey-Humboldt desires to eliminate the potential destruction of livestock and human life;

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, AS FOLLOWS:

SECTION 1. Definitions

- 1. “Dangerous or Vicious Animal” – Any animal that bites without provocation, is known to have a propensity, tendency or disposition to bite, or kills or causes injury; including injury to domesticated animals.**

SECTION 2. Determination of the Town Magistrate

- 1. Following a hearing, the Town Magistrate may declare an animal to be dangerous or vicious if the animal is found to have exhibited a pattern of aggressive behavior which threatens the safety or well-being of persons or domesticated animals, or has caused injury, reasonable apprehension of such injury, or intimidation to any person.**

SECTION 3. Control of Dangerous Animal

- 1. No person having charge, care, custody or control of an animal determined to be a vicious or dangerous animal shall permit such animal off their premises unless such animal is securely restrained.**

SECTION 4. Killing of Dangerous Animals

1. Any Law Enforcement Officer is hereby authorized to destroy any animal determined to be a dangerous or vicious animal when immediately necessary to protect any person or property.

SECTION 5. Penalties and Fines

1. Any person violating the conditions herein, or is in charge of a dangerous animal as defined herein, may be fined in the amount \$250.00 and be liable for reimbursement of any costs incurred by Law Enforcement Officials in the exercising of their duties.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Yavapai County, Arizona, this 15th day of November, 2005.

Thomas Hintze
Thomas Hintze, Mayor

ATTEST:

Debbie Gifford
Debbie Gifford, MMC
Town Clerk

APPROVED TO FORM:

Kenton D. Jones
Kenton Jones, Town Attorney

ORDINANCE NO. 06-21

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT PLANNING AND ZONING ORDINANCE.

WHEREAS, the Town of Dewey-Humboldt is newly formed and adopted a Planning and Zoning Ordinance to govern the development of property within the Town limits; and

WHEREAS, the Town Council of the Town of Dewey-Humboldt has directed periodic reviews of the adopted Planning and Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission of the Town of Dewey-Humboldt has recommended adopting several amendments to the Planning and Zoning Ordinance as shown in Exhibit A; and

WHEREAS, this Ordinance has been properly noticed for public hearing and the necessary hearing was completed on January 17, 2006; and

WHEREAS, adopting these amendments to the Planning and Zoning Ordinance for the Town of Dewey-Humboldt, Arizona will enhance the health, safety, and welfare of the community; and

NOW THEREFORE, be it ordained by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona that:

Section 1: Adoption of amendments to The Town of Dewey-Humboldt Zoning Ordinance. The Town of Dewey-Humboldt Zoning Ordinance is hereby approved, adopted and added to the Town Code subject to amendments noted in Exhibit A.

Section 2: Authorization to Prepare Documents. The Town Manager, Town Clerk, Town Engineer, Town Attorney and any other necessary persons are hereby authorized to prepare the agreements, forms and instruments contemplated to be used by the Town in implementing the provisions of the Town Planning and Zoning Ordinance.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona, this 17th day of January, 2006.

Thomas Hintze
Thomas Hintze, Mayor

ATTEST:

APPROVED AS TO FORM:

Debbie Gifford
Town Clerk, Debbie Gifford, MMC

Kenton D. Jones
Kenton Jones, Town Attorney

**ORDINANCE NO. 06-21
EXHIBIT "A"**

- Section 301 Definitions
- Fence – A barrier constructed of materials such as solid wood slats and chain link. Pipe rail and barbwire are permitted in residential zones, only. If a multi-strand barbwire fence is used, the bottom strand must be of smooth wire, only. Barriers constructed with materials not designed for fencing are not included in this definition of a fence.
- Mobile Home – [add to definition] “Mobile Homes can no longer be installed in the Town of Dewey-Humboldt except in Mobile Home Parks.”
- Mobile Home (Manufactured Home) Court – [add to definition] “Installation/units to comply with A.R.S. §41-2154, 2155.”
- Farm Animal – “Llamas” and “Alpacas” to be added.
- Wall – A barrier constructed of materials such as solid block, native stone and rock or wood stucco. Barriers constructed with materials not designed for walls are not included in this definition of a wall.
- Section 410 R1L District
- G1. (amended to read) – “... not to exceed the number allowed as per the Allowed Animal Chart (Section 501 E.) ...”
- Section 412 R1 District
- B (amended to read) – Manufactured Homes are permitted as a dwelling unit for a single family on an individual lot or parcel as set forth in Section 301 (Definitions) and subject to Section 552.
- C2. (amended to read) – “... not to exceed the number allowed as per the Allowed Animal Chart (Section 501 E.) ...”
- Section 501 Accessory Uses and Structures
- A (amended to read) – “... is compatible and common to the district in which it is located ...”

- E (new) – Allowed Animal Chart

ALLOWED ANIMAL CHART	ANIMALS ALLOWED
TYPE	
CATEGORY A - Dairy Cow, Bison, Steer/Heifer, or other similar size/weight.	2 per acre*
CATEGORY B - Ostrich, Miniature Horse, Llama, Alpaca, Sheep, Goat, Emu or other of similar size/weight.	5 per acre*
CATEGORY C - Turkeys, Peacocks, Geese, Pheasants, Ducks, Pigeons, Chinchilla, Rabbits, Chickens or other similar size/weight toward the total. After one year of age, animal off-spring count as adult animals.	8 per acre*

*and proportionately greater for larger properties.

- Section 552 Mobile Homes/Mfg Housing/Multi-Sectional Amended to Read:
 - Section 552 Manufactured Housing/Multi-Sectional Manufactured Housing Standards
- B) ZONING REQUIREMENTS:
 - Multi-Sectional Manufactured Homes/Manufactured Homes are subject to the design/performance standards, which follow.
- B) DESIGN/PERFORMANCE STANDARDS for Multi-Sectional Manufactured Homes/Manufactured Homes:
 1. All manufactured homes located within the incorporated area of the Town of Dewey-Humboldt shall have an affixed “HUD” label certifying that the unit has been manufactured in accordance with the July 1, 1976 Federal Guidelines promulgated by the U.S. Department of Housing and Urban Development (HUD).
 2. Mobile homes, as defined in Section 301 (Definitions), are prohibited as dwelling units on individual lots.
 3. All multi-sectional manufactured and manufactured homes located on a parcel of land are to be serviced by an approved sewage disposal system prior to habitation.
- Section 555 Mobile Home Parks Amended to Read:
- Section 555 Mobile, MFG Home & RV Parks (Travel Trailer)

A. PERMITS:

1. Permits shall be required for all buildings and structures within manufactured home parks. It shall be unlawful for any person to construct, maintain or operate any manufactured home park or trailer camp within the limits of the Town of Dewey-Humboldt unless he, she, or any firm holds a valid clearance issued by the Land Use Specialist in the name of such person, persons or firm for each specific manufactured home, trailer, or structure. The fee for this clearance shall be determined by resolution of Town Council. Upon completion of the Administrative Review with Comment Period process (Section 504), issuance of Zoning Clearances and applicable permits shall be made by the Land Use Specialist and shall be contingent upon:
 - a. Compliance with all health laws and regulations of the State of Arizona and the County of Yavapai.
 - b. Compliance with this local regulation.
2. Applications for Zoning Clearance and building permits to construct or enlarge Manufactured Home Parks, RV Parks or Travel Trailer Camps shall be made in writing, signed by the applicant who shall file with the application proof of ownership of the premises or of a lease or written permission from the owner thereof together with a complete set of plans drawn to scale, showing the location of the proposed manufactured home park, RV park or trailer camp, and which shall include:
 - a. The areas and dimensions of the tract of land.
 - b. The maximum number, location and size of all RV, manufactured home or trailer spaces.
 - c. The location of any existing buildings and any proposed structures.
 - d. The location and width of access driveways, roadways, parking areas, walkways, and turn-arounds.
 - e. The location of electrical, water, storm drainage, and sewer lines and the sewage disposal systems.
 - f. The location and elevation of all flood hazard areas.
 - g. A contour map showing the proposed grading of the park or camp.
3. No person shall construct or enlarge a manufactured home park, RV park or trailer camp without first obtaining favorable outcome of the Administrative Review with Comment Period process or Use Permit.
4. Before giving site plan approval the Development Services Department may require a performance bond from the operator of the park to assure that the park or camp is constructed and maintained in a satisfactory manner. The Development Services Department may require any other improvements and facilities before approving the Manufactured Home Park, RV park or trailer camp, in the interest of public safety, health and welfare. The Development Services Department may accept the proposed plan, accept the proposed plan with recommended changes, or reject the plan.

B. MANUFACTURED HOME PARK STANDARDS: The following regulations shall apply in respect to manufactured home parks and all Recreational Vehicles, manufactured homes and travel trailers in the park:

1. Parks shall provide for individual spaces, access driveways, parking and recreation open spaces.
2. Parks shall provide at least ten percent (10%) of the total area for recreation or other open space purposes.
3. Parks shall be developed in accordance with Section 440 (Planned Area Development), unless otherwise specified in this Section.
4. All utility lines, cable TV, and electric transmission lines shall be placed underground. Each space shall be provided with water, sanitary sewer, electric lines, telephone lines and gas lines if needed in compliance with applicable County and Town Ordinances. Fire hydrants shall be installed by the developer as approved by the Development Services Department and the Fire District in which the park is to be located.
5. Refuse collection areas shall be central and screened from public view.
6. Minimum ratio of community use area shall be ten percent (10%) of the total area. Such land may include all land devoted to recreation and service facilities, landscaping not included within manufactured home spaces, and accessory parking areas, such land shall not include recreational vehicle storage areas, private streets, boundary landscaping areas and refuse areas.
7. Recreational vehicle storage areas, if provided, shall be at the minimum ratio of fifty (50) square feet of land for each manufactured home space and shall be surfaced with surface material. If no recreational vehicle storage is provided, recreational vehicles shall not be stored at individual spaces.

C. PARKING REQUIREMENTS:

1. A minimum of two (2) off-street parking spaces will be provided for each unit space. The parking spaces and the drive shall be dust-proofed and surfaced with crushed rock or similar material. Said parking spaces may be arranged in tandem design.
2. Guest automobile parking shall be provided at a minimum ratio of three (3) parking spaces for each five (5) unit spaces.
3. A minimum of two (2) vehicular entrances shall be provided for each park. One entrance may be kept closed to the public if provision is made for emergency access.
4. Street lighting shall be provided along the park streets for the safety of pedestrians.

5. A sidewalk shall be provided along one side of all streets and drives within the park.
6. A strip of land, twenty feet (20') in width, shall be maintained as landscaped area abutting all park property lines.

D. CERTIFICATE OF COMPLIANCE:

No Certificate of Compliance shall be issued unless and until the following requirements have been met: Unless and until thirty percent (30%) of the spaces planned in any park, or ten (10) such spaces, whichever is greater, shall have been completely prepared, constructed and equipped for use in all respects; and unless and until such portion of the park's community facilities in the category of, but not limited to, driveways, laundry facilities, bath, wash and toilet rooms as the Development Services Department may require, shall have been completely prepared, constructed and equipped for use in all respects.

E. TRAVEL TRAILER CAMP STANDARDS: The following regulations shall apply in respect to all trailer camps:

1. Trailer camps shall provide for individual trailer spaces, access driveways and parking.
2. Each trailer space shall be at least one thousand five hundred (1,500) square feet in area, and at least thirty feet (30') in width and have at a minimum a compacted gravel surface at least ten feet (10') in width and twenty feet (20') in depth.
3. A strip of land at least twenty feet (20') in width shall be maintained as a landscaped area abutting all trailer camp property lines except when the camp boundary is adjacent to residential uses when the landscaped area shall be at least fifty feet (50') in width.

F. NON-CONFORMING USES:

1. Existing mobile home parks may be exempted from the requirements of this Ordinance, except in the expansion of said mobile home park, whereby areas of expansion shall be in conformance with the requirements of this Ordinance. Expansion in addition to the expansion allowed under the non-conforming use provisions shall result in the full compliance of the existing mobile home park with the provisions of this Ordinance.
2. Existing mobile home parks shall be subject to Section 102 (Purpose) for Zoning Clearance and permit issuance.