

**TOWN COUNCIL OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE**

**Tuesday, January 19, 2016, 6:30 P.M.**

**COUNCIL REGULAR MEETING  
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL  
DEWEY-HUMBOLDT, ARIZONA**

## **AGENDA**

The issues that come before the Town Council are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Council believes that the meeting be a safe place for people to speak. With this in mind, the Council asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Council may vote to go into Executive Session for legal advice regarding any matter on the open agenda pursuant to A.R.S. 38-431.03 (A) (3), which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda. Agenda items may be taken out of order. Please turn off all cell phones. The Council meeting may be broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Council may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

**1. Call To Order.**

**2. Opening Ceremonies.**

**2.1. Pledge of Allegiance.**

**2.2. Invocation.**

**3. Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Dennis Repan, Nancy Wright; Vice Mayor Doug Treadway; and Mayor Terry Nolan.

**4. Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.

**5. Town Manager's Report.** Update on Current Events.

**5.1.A Student project with Northern Arizona University (NAU) and Greater Prescott Regional Economic Partnership (GPREP) for the Town of Dewey-Humboldt.**

**5.2. 2016 Citizen Survey update.**

**6. Consent Agenda.**

**6.1. Minutes.** Minutes from the December 8, 2015 Study Session Council Meeting.

**7. Comments from the Public (on non-agendized items only).** The Council wishes to hear from

Citizens at each meeting. Those wishing to address the Council need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Council. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Council members are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for

discussion and legal action. A 3 minute per speaker limit may be imposed. The audience is asked to please be courteous and silent while others are speaking.

8. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

9. **Discussion Agenda – New Business.** Discussion and Possible Action on matters not previously presented to the Council.

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**9.1. Town Attorney Service Agreement with Gust Rosenfeld, PLC.**

n/a

**9.2. Evaluation of Town Manager. Give bonus if warranted.**

**9.2.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03 (A)(1)**

Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body.

**9.2.2. Reconvene Regular Meeting.**

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**9.3. Ordinance 16-124 Amending Town Code of Ordinances, Title IX General Provisions, Chapter 90 Animals.** [As directed at the January 12<sup>th</sup> meeting]

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**9.4. Requesting information and briefing of the meeting of Jan., 2016 with attendees Senator John McCain and Mayor Terry Nolan.** [CAARF requested by CM Repan]

43

**9.5. Review and discussion of regular council meeting, agenda item 4, “Announcements, Appointments and Proclamations” during council meeting of 1/5/16.** [CAARF requested by CM Repan]

55

**9.6. Update from Mayor Nolan on property located at 12980 E. Prescott Street (APN 402-09-030C).** [CAARF requested by CM Repan]

**9.6.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03 (A)(7)**

Discussions or consultations with designated representative of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase of real property located at 12980 E. Prescott Street, Dewey-Humboldt, Arizona, (APN 402-09-030C).

**9.6.2. Reconvene Regular Meeting.**

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**9.7. Create committee of citizens to go through animal ordinances.** [CAARF requested by Mayor Nolan]

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**9.8. To discuss [and possibly approve] the Mayor attending [GAMA] legislative dinner on January 27, 2016.** [CAARF requested by Mayor Nolan]

**10. Public Hearing Agenda.**

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**10.1. Ordinance 16-123 “Reasonable Accommodations”:** Adopting the “Arizonans with Disabilities Act” by reference; amending sections of Town Code Title XV Land Usage Chapter 150 Building Codes and Chapter 153 Zoning Regulations. Public hearing, discussion and possible adoption, modification, tabling to a future meeting, or rejection.

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**THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.**

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**11. Adjourn.**

**For Your Information:**

Next Town Council Meeting: Tuesday, February 2, 2016, at 6:30 p.m.  
Next Planning & Zoning Meeting: Thursday, February 4, 2016, at 6:00 p.m.  
Next Town Council Work Session: Tuesday, February 9, 2016, at 2:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

**Certification of Posting**

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the \_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.  
By: \_\_\_\_\_, Town Clerk's Office.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

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## Town of Dewey-Humboldt Citizen Survey & Analysis

Project Timeline:

September	Purpose: Review the community overview report with the Council. ✓ The report is inclusive of demographic, household, occupational, and industry data. This will help determine if questions can be removed because the information is already available. Review edits from 2009 survey with Council and verify purpose of the survey. ✓ Discuss need for survey and future application of survey results.
September-October	Prepare survey based on 2009 survey and input gathered from council at the first meeting. The survey will be distributed electronically to council for review.
October	Discuss any further input on the survey and finalize the document for distribution.  Consult with council as to how the survey will be conducted (mail, in-person at events and community areas, etc.) Gather ideas on community gatherings and outreach to garner the greatest number of respondents.
December-January	Conduct Survey
February	Aggregate data and prepare final report for council to review. The report will include a synopsis of direct responses, identification of policy priorities and an assessment of strengths, weaknesses, and opportunities as identified by the citizenry.
March	Present report to council for questions or clarifications needed. Prepare Council for next steps.

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**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
STUDY SESSION MINUTES  
DECEMBER 8, 2015, 2:00 P.M.**

**A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, DECEMBER 8, 2015, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.**

1. **Call To Order.** The meeting was called to order at 2:02 p.m. Mayor Nolan presided.
2. **Roll Call.** Town Council Members Arlene Alen, Mark McBrady (absent at roll-call, arrived late at 2:07 p.m.), Dennis Repan, Doug Treadway, Nancy Wright; Vice Mayor Jack Hamilton; and Mayor Terry Nolan were present.
3. **Study Session.** No legal action to be taken.

**3.1. Town Website Redeveloping Options and next steps.**

Town Clerk Judy Morgan gave an overview on the process followed and recommendation for selection of website developer. Council asked for clarification on a few specific questions: Migration costs; search engine tool improvement; timeline; provide active sites utilizing templates for council's review. Council gave direction to focus on one developer proposal (Revize) and for Staff to come back with the answers to their questions and additional information requested.

**3.2. Fiscal Year 2015-16 Financial Statement review.** Presentation by Town Accountant Deni Thompson.

New Accounting Administrative Assistant, Mickey Moore was introduced to Council. Accountant Deni Thompson reviewed the financial statement for FY2014-15 with Council and answered their questions.

**3.3. "Municipal Bill of Rights" (AZ Senate Bill 1598) implementation overview.** Presentation by Community Planner/Code Officer Steven Brown.

Community Planner/Code Officer Steven Brown gave an overview on the Municipal Bill of Rights (regulatory process) and gave a PowerPoint presentation (included in packet). He spoke on the timelines required and posting information on town website, as well as other requirements and limitations. CM Hamilton suggested changing timelines to business days rather than weeks and factoring in flexibility for vacations and such. Mr. Brown showed the Council the binder with all the packet information for each type of process. The legal review of this project should be done in February.

**3.4. Discussion and consensus on changing Town Code 30.031(D) on choosing the vice-mayor or any other part of the code 30.031(D).** [CAARF requested by CM Wright]

Councilmember Wright gave an overview explaining the foreseeable time when all Councilmembers have served as Vice Mayor at one time and updating the code to address this situation.

Another concern brought up by Council was having a brand new Councilmember being appointed as Vice Mayor once seated. Council agreed Council members should serve at least one year before being eligible to be appointed to the Vice Mayor position.

Other suggestions were made such as having the Town Mayor nominate with the decision ratified by Council.

Councilmember Alen recommended the following wording: Council shall appoint the most senior member who has not already .... Should there be no candidate for that position who

has served for at least one year, the most senior member of council shall be appointed for one year. After that year it reverts back to the most senior member who has not served.

The suggested wording will be submitted to the attorney with instructions to generate an ordinance to bring back for approval. This will probably be available for the January 5<sup>th</sup> meeting.

**3.5.A group of Town Manager evaluation forms for consideration by Council and process formulation.** [Directed at the November 10<sup>th</sup> meeting upon CM Wright's CAARF; continued from the December 1<sup>st</sup> meeting]

Council expressed their opinions on which form they preferred, with most liking the Clarkdale form. They considered how the process would work and when they would need to set the goals for the Town Manager (TM) and when to judge the TM on those goals; who would compile the Council's input; whether to hold a retreat for the goal setting process to occur; when to consider offering a bonus to TM; using the budget goals for TM evaluation.

Council considered how to talk about the process of evaluating the Town Manager as she came under a contractual agreement that is now changing. They asked to have an Executive Session on the next Regular meeting for this purpose.

Councilmember Alen stated the outcome of the Executive Session is to have a smooth and mutually agreeable process for review of a town manager in Dewey-Humboldt. Ms. Kimball said she will discuss this with the Town Attorney so the wording allows for discussion in Executive Session (as requested by Council) on the January meeting agenda.

There was discussion on the contract and whether there would need to be wording to address renegotiating the TM contract in Executive Session. Councilmember Repan asked for something on the agenda in Executive Session that addresses dialog on negotiation of the contract if necessary. Councilmember Alen agreed with including the ability to discuss the contract in Executive Session and adding that verbiage on the agenda.

**4. Special Session.** Legal action can be taken.

**4.1. Whether to hold additional special session(s) this month.** This is an established agenda item for Council's discussion on whether to add an additional special study session and if so, to set the date.

No action taken, no meeting added.

**5. Adjourn.** The meeting was adjourned at 4:43 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk

Agenda Item 9.1.

**GUST  
ROSENFELD**  
ATTORNEYS SINCE 1921 P.L.C.

■ ONE E. WASHINGTON, SUITE 1600 ■ PHOENIX, ARIZONA 85004-2553 ■ TELEPHONE 602-257-7422 ■ FACSIMILE 602-254-4878 ■

Susan D. Goodwin  
602.257.7671  
sgoodwin@gustlaw.com

January 7, 2016

Yvonne Kimball, Town Manager  
Town of Dewey-Humboldt  
P.O. Box 69  
Humboldt, AZ 86329

Re: Assignment of Contract for Legal Services to Gust Rosenfeld, P.L.C.

Dear Yvonne:

As we have previously discussed, Phyllis Smiley, Trish Stuhan and myself have joined the law firm of Gust Rosenfeld, P.L.C. ("Firm"), a well-established law firm in Arizona with a large public practice. In addition, the Firm provides legal services in the areas of municipal finance, litigation, real estate law, environmental law, labor law and business law. We are excited with this new opportunity and look forward to continuing to provide to the Town of Dewey-Humboldt the high quality legal services you have come to expect, enhanced by the additional resources available at Gust Rosenfeld. I will continue to serve as the attorney primarily responsible for the Firm's representation of the Town. Phyllis Smiley will continue to assist. Other professional are available to provide services as appropriate. As we discussed at the Council meeting, the Agreement for Town Attorney Services can be terminated by the Council at any time for any reason.

Ethics rules governing attorneys in Arizona require that our fees be set forth in writing. Curtis, Goodwin, Sullivan, Udall & Schwab, PLC currently has a Contract for Legal Services with the Town of Dewey-Humboldt. We propose to assign that Contract to Gust Rosenfeld with no change in the existing fees. A copy of the current Contract for Legal Services is enclosed.

Because Gust Rosenfeld is a financial service provider, federal law requires that we provide you with the Firm's policy regarding protecting the privacy of client information. The Firm will protect its clients' confidential information.

Types of Nonpublic Personal Information That We Collect. We only collect nonpublic personal information about our clients that is provided to us by clients or obtained by us with their authorization.

Yvonne Kimball  
Town Manager  
January 7, 2016

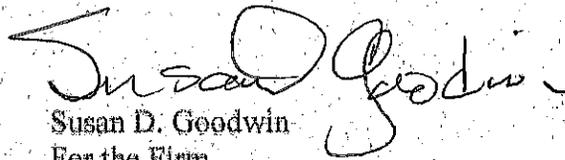
Parties to Whom We Disclose Information. For current and former clients, we do not disclose any nonpublic personal information obtained in the course of our practice except as required by law or permitted by our clients.

Protecting the Confidentiality and Security of Current and Former Clients' Information. We retain records relating to professional services that we provide so that we are better able to assist our clients with their professional needs and, in some cases, to comply with professional guidelines. In order to guard clients' nonpublic personal information, we maintain physical and procedural safeguards that comply with professional standards for law firms.

We request that you place this on an upcoming agenda for the Town Council for approval. If approved by the Council, please sign at the signature line below indicating acceptance of the assignment of the existing Contract for Legal Services to Gust Rosenfeld, P.L.C.

Please do not hesitate to give us a call if you wish to discuss the enclosed.

Very truly yours,

  
Susan D. Goodwin  
For the Firm

SDG/mjw

Enclosure: Existing Contract for Legal Services

ACCEPTANCE OF ASSIGNMENT

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Town of Dewey-Humboldt

The Law Offices of  
**CURTIS, GOODWIN, SULLIVAN,  
UDALL & SCHWAB, P.L.C.**

Michael A. Curtis  
Susan D. Goodwin  
Kelly Y. Schwab  
Phyllis L.N. Smiley

501 East Thomas Road  
Phoenix, Arizona 85012-3205  
Telephone (602) 393-1700  
Facsimile (602) 393-1703  
E-mail [insert name]@cgsuslaw.com

William P. Sullivan  
Larry K. Udall  
Anja K. Wendel  
Michelle Swann

Of Counsel  
Joseph F. Abate  
Thomas A. Hine

REFER TO FILE NO. 1908

August 16, 2010

Hon. Len Marinaccio, Mayor  
Town of Dewey-Humbolt, Arizona  
2735 South Highway 69, Suite 10  
Humboldt Station Dewey-Humbolt, AZ

**Re: Agreement on Retention of Legal Services**

Dear Mayor Marinaccio:

As we discussed with Don Zavalos last week, we present this engagement letter related to our role in assisting the Dewey-Humbolt Town Council through the provision of legal services related to an analysis of the Town Manager's contract. We are gratified for the opportunity to be of service and look forward to working with you.

This letter and the enclosed Summary of Scope of Representation and Billing Practices are intended to enhance the attorney/client relationship and ensure a mutual understanding about our fees, payments and billing practices. Unless modified by us in writing, they will govern the scope of our representation and the terms and conditions of our retention. After reading these documents completely, we ask that you sign and return the letter to our office, keeping a copy for your file.

The scope of our representation initially encompasses the following: Analysis of the current contract between the Town of Dewey-Humbolt and William Emerson as Town Manager.

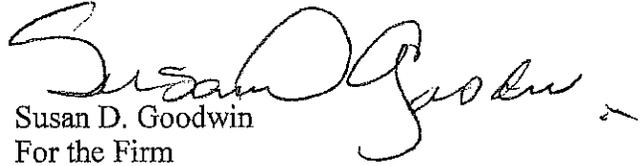
Given the specifics and parameters you have provided regarding these matters, our fees for services rendered will initially be billed at a rate of \$125.00 per hour. You understand this unit rate blends the skills and values of the services of the members of our staff that may render service on your behalf and is subject to adjustment as set forth in the Summary. You understand these rates are subject to adjustment as set forth in the Summary.

While we normally require an initial Advance Deposit, we are waiving that requirement for this matter.

Hon. Len Marinaccio, Mayor  
August 16, 2010  
Page 2

While normally one or more of the Firm's attorneys is assigned to each matter, please feel free to contact any of the named members of the Firm if you have any questions regarding the matter or the Firm's provision of legal services. Every member of the Firm is committed to providing all our clients quality legal service at competitive rates. Thank you for retaining us.

Very truly yours,

  
Susan D. Goodwin  
For the Firm

**ACKNOWLEDGED BY:**

Town of Dewey-Humbolt

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By: Mayor Len Marinaccio

Enclosures: Two Originals - Agreement on Retention Legal Services  
Summary of Scope and Billing  
Stamped Return Envelope

cc: Bookkeeping

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## AGREEMENT FOR TOWN ATTORNEY SERVICES

(Independent Contractor Agreement)

THIS AGREEMENT made this 17<sup>th</sup> day of November 2010, by and between the Town Council of the Town of Dewey-Humboldt, a municipal corporation organized pursuant to the laws of the State of Arizona (hereafter referred to as "the Town"), and the law firm of Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C., an Arizona professional limited liability company ("Firm") (the Town and Firm are hereafter collectively referred to as "the Parties") witnesseth:

WHEREAS, the Town desires to enter into an Agreement with Firm to serve as Town Attorney for the Town and to provide for the terms and conditions upon which Firm might be so contracted;

WHEREAS, the Town Council met on November 16, 2010, in a properly noticed and agendized regular meeting, and designated Firm as its Town Attorney; and

WHEREAS, Firm is willing to serve in such position, under the terms and conditions outlined, herein.

NOW THEREFORE, in consideration of the foregoing and based upon the mutual covenants, promises and payments hereinafter set forth, it is agreed between the Parties as follows:

1. **APPOINTMENT OF TOWN ATTORNEY:** The Town hereby appoints Firm as the Town Attorney to handle all civil legal matters of the Town. In that regard, Firm shall perform the functions and duties of Town Attorney as allowed for by the controlling rules of professional ethics for attorneys, applicable Federal and Arizona Statute, and any lawfully enacted Codes and Ordinances of the Town of Dewey-Humboldt. The attorney primarily responsible for communication with the Town and management of the Town's legal matters is attorney Susan D. Goodwin (hereafter "Goodwin"). Firm will not replace Goodwin as the Town's primary contact without the express written permission of the Town of Dewey-Humboldt. Nothing in this Agreement shall prohibit the Firm from using other attorneys in the Firm at the same hourly rates as set forth in Paragraph 3 to provide legal services as described herein, so long as Goodwin provides supervision over such attorneys.

2. **TERM:** The term of this Agreement shall be for two years, beginning as of November 17, 2010, and ending on November 16, 2012, with such term being served at the pleasure of the Town and terminable, any time, by the Town Council without cause. In light of this Agreement being terminable without cause at the direction of the Town Council, Firm shall, likewise, be entitled to resign at any time. Firm shall provide a minimum of thirty (30) days notice in the event of such resignation. This Agreement shall automatically renew on November 17, 2012 and each November 17<sup>th</sup> thereafter unless sooner terminated by written notice from one party to the other.

3. **COMPENSATION:** Firm's compensation for the services provided, hereunder, shall be as follows: \$165 per attorney hour worked and billed to the Town for general counsel services and \$175 per hour for litigation, water and natural resources, environmental, telecommunications, and electric power, plus reimbursable expenses. Any additional costs that may be necessary to the representation, such as court filing fees, process service fees, recording fees, etc., must be approved in advance by the Town. Online legal research, if necessary, must be approved in advance by the Town. Compensation for paralegals and law clerks (not admitted to practice) will be at the rate of \$90 per hour. Such sums shall be billed and payable monthly in the course of the regular and normal bill paying cycle of the Town. There shall be no additional charges for travel time or travel expenses between Phoenix and the Town. Any other travel time and expenses that may be necessary in the representation of the Town must be agreed to in

advance. Beyond those sums stated herein, Firm shall be entitled to no additional or further compensation of any type for the services contracted for, herein. Firm hereby acknowledges and agrees that the Town is a municipal corporation and subject to the state laws regarding municipal budgeting; as such, Firm will use its best efforts to work with the Town Manager to the end that all civil legal expenses of the Town remain as nearly as reasonably possible within the budgeted allocation by Town Council for civil legal expenses, excluding litigation when covered by insurance (as it typically is).

#### 4. MISCELLANEOUS.

4.1. **INDEPENDENT CONTRACTOR STATUS:** Nothing agreed upon, hereunder, creates or shall be construed to create any nature or form of employment relationship between Firm and the Town, and the Parties acknowledge, understand and agree that Firm shall be deemed an independent contractor with the Town, pursuant to this Agreement and for all purposes for which this Agreement is made. In that regard, the Town shall provide Firm with a form 1099 to verify and report all contract payments, hereunder, to Federal and State taxing authorities, as required by law. Firm understands that it is its sole responsibility to report all income earned pursuant to this Agreement, as required by law, and that it shall be solely responsible for all related taxes due to any and every taxing authority as and for social security, income, and every other applicable governmental tax.

4.2. **NON-EXCLUSIVE NATURE OF SERVICES:** It is specifically understood and agreed by the Parties that this Agreement is a non-exclusive contract for services and Firm shall be and is fully entitled, during the term of this Agreement, to take any other or further employment as it deems appropriate so long as such other or further work does not professionally conflict with his responsibilities and obligations to the Town, hereunder; and the Town may engage other attorneys for similar work.

4.3. **CANCELLATION:** Pursuant to the specific language and allowances of A.R.S. § 38-511, the Town may cancel this Agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the Agreement on behalf of the Town of Dewey-Humboldt is at any time while the Agreement or any extension of the Agreement is in effect, an employee or agent of any other party to the contract in any capacity or a consultant to any other party of the Agreement with respect to the subject matter of the Agreement.

4.4. **ENTIRE AGREEMENT:** The text of this Agreement constitutes the entire Agreement between the Parties. With the execution of this Agreement, any further or additional representations, statements, promises, or understandings not contained herein shall be of no continued force, effect or validity.

4.5. **SEVERABILITY:** The invalidity, in whole or in part, of any provision hereof, shall not affect the validity of any other provision, hereof, and this Agreement shall remain in full force and effect except as to such invalid provision.

4.6. **COMPLIANCE WITH IMMIGRATION LAWS AND REGULATIONS:** Pursuant to the provisions of A.R.S. § 41-4401, Firm warrants to the Town that Firm and all its agents are in compliance with all Federal Immigration laws and regulations that related to their employees and with the E-Verify Program under A.R.S. § 23-214(A). Firm acknowledges that a breach of this warranty by Firm or any of its agents is a material breach of the Agreement subject to penalties up to and including termination of the Agreement or any subcontract. The Town retains the legal right to inspect the papers of any employee of Firm or any agent who works on the Agreement to ensure compliance with this warranty.

4.6.1. The Town may conduct random verification of the employment records of Firm and any of its agents to ensure compliance with this warranty.

4.6.2. The Town will not consider Firm or any of its agents in material breach of the foregoing warranty if Firm and its agents establish that they have complied with the employment verification provisions prescribed by 8 USCA § 1324(a) and (b) of the Federal Immigration and Nationality Act and the e-verify requirements prescribed by A.R.S. § 23-214(A).

4.6.3. The provisions of this Article must be included in any contract Firm enters into with any and all of its agents who provide services under the Agreement or any subcontract. As used in this Section, "services" are defined as furnishing labor, time or effort in the State of Arizona by a contractor or subcontractor. Services include construction or maintenance of any structure, building or transportation facility or improvement to real property.

4.7. PROHIBITION OF DOING BUSINESS WITH SUDAN AND IRAN: Pursuant to A.R.S. §§ 35-391.06 and 35-393.06, Firm hereby certifies to the Town that Firm does not have "scrutinized" business operations, as defined in A.R.S. §§ 35-391 and 35-393, in either Sudan or Iran. Firm acknowledges that, in the event either of the certifications to the Town by Firm contained in this paragraph is determined by the Town to be false, the Town may terminate the Agreement and exercise other remedies as provided by law, in accordance with A.R.S. §§ 35-391.06 and 35-393.06.

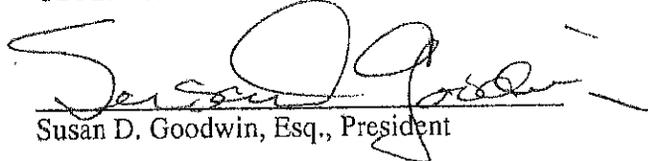
IN WITNESS WHEREOF, the Town of Dewey-Humboldt, Arizona, has caused this Agreement to be signed and executed on its behalf by its Mayor, and duly attested by its Town Clerk and Firm has signed and executed this Agreement as well; both signing in duplicate, on the day and year stated above.

TOWN OF DEWEY-HUMBOLDT:

CURTIS, GOODWIN, SULLIVAN,  
UDALL & SCHWAB, P.L.C.

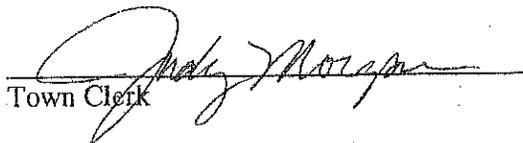
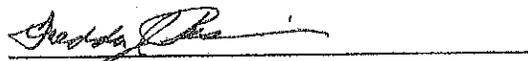


Len Marinaccio, Mayor

  
Susan D. Goodwin, Esq., President

ATTEST:

APPROVED AS TO FORM:

  
Town Clerk

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**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-7362 ▪ Fax 928-632-7365**

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**TOWN COUNCIL REGULAR SESSION**

**January 19, 2016 6:30 p.m. Town Council Meeting Chambers**

**Agenda Item: # 9.3. Ordinance 16-124 Amending Town Code of Ordinances, Title IX General Provisions, Chapter 90 Animals.**

**To: Mayor and Town Council Members**

**From: Yvonne Kimball, Town Manager; Steven Brown, Community Planner/Code Officer**

**Date submitted: January 14, 2016**

**Recommendation options – proceed with adoption, or hold off until Chapter 153 amendments are ready**

**Summary:**

Recently, at the January 12<sup>th</sup> Study Session, the Council collectively directed this ordinance to proceed to the next regular session for possible adoption with three changes. The changes have been made. In the second attached document, these changes are in a mark-up version; the first attachment is the clean copy of the ordinance.

This ordinance went back to the November 10, 2015 meeting when the Council reviewed and discussed the proposed amendments to both Town Code Section 90 and Zoning Code Section 153 dealing with the management of animals in the Town of Dewey-Humboldt with the Town Attorney, Town Magistrate, and YSCO Animal Control Division.

Staff believes that the revised amendments to Section 90 Animals are sufficient and asks Council to review it again and direct us possibly to:

1. Proceed with adoption
2. Hold off adoption until Chapter 153's amendments are ready. These two sets of amendments do not have to be adopted at the same time. However, they are somewhat related to one another.

**ORDINANCE No. 16-124**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE IX GENERAL REGULATIONS, CHAPTER 90 ANIMALS, RELATED TO ANIMAL CONTROL, REGULATION OF DOGS, DANGEROUS AND BITING ANIMALS, LIVESTOCK, MAINTENANCE STANDARDS FOR ANIMALS AND ENFORCEMENT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR PENALTIES**

Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title IX Administration, Chapter 90 Animals, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

ANIMAL CONTROL

§ 90.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AT LARGE.** Being neither confined by an enclosure nor an electronic fence capable of restraining the animal, nor physically restrained on a leash.

**CRUELLY MISTREAT.** TO BEAT, CRUELLY ILL-TREAT, ABANDON, TORMENT, OVERLOAD, OVERWORK OR OTHERWISE ABUSE AN ANIMAL TORTURE OR OTHERWISE INFLICT UNNECESSARY SERIOUS PHYSICAL INJURY ON AN ANIMAL OR TO KILL AN ANIMAL IN A MANNER THAT CAUSES PROTRACTED SUFFERING TO THE ANIMAL.

**CRUELLY NEGLECT.** TO FAIL TO PROVIDE AN ANIMAL WITH NECESSARY FOOD, WATER OR SHELTER.

**DANGEROUS ANIMAL.** ANY ANIMAL THAT BITES WITHOUT PROVOCATION, IS KNOWN TO HAVE A HISTORY, TENDENCY OR DISPOSITION TO BITE, OR KILLS OR CAUSES INJURY, INCLUDING INJURY TO DOMESTICATED ANIMALS.

**DOG.** A member of the canis lupis familiaris and domesticated wolves and offspring of dogs cross-bred with wild animals or domesticated wolves.

**ENFORCEMENT OFFICER.** Any person responsible for the enforcement of this subchapter and the regulations promulgated hereunder.

**FARM ANIMALS.** HORSES, CATTLE, BISON, SHEEP, GOATS, RABBITS, CHICKENS, TURKEYS, PHEASANTS, GEESE, DUCKS, PIGEONS, PEACOCKS,

**OWNER.** Any person owning, possessing, harboring or maintaining a dog OR FARM ANIMAL, or any persons acting for, or in the place of, the owner, or having charge of, or having taken charge of, a dog OR FARM ANIMAL.

#### **§ 90.02 GENERAL PROVISIONS.**

(A) No dog shall be 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 on a leash of sufficient LENGTH AND strength to control the dog.

(B) Any dog over the age of THREE (3) ~~four~~ months shall HAVE A CURRENT IDENTIFICATION NUMBER ISSUED BY YAVAPAI COUNTY AND, EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH, wear a collar or harness to which is attached a valid rabies tag. Dogs shall not be required to wear a collar or harness with a valid rabies tag attached while being used for control of FARM ANIMALS, 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 and controlled ON THE PROPERTY OF OWNER.

(C) It shall be unlawful for an owner or any other person or designated responsible person to maintain a dog ~~having a propensity to~~ THAT excessively barks, howls or otherwise disturbs the peace and quiet of any town resident.

(D) IT SHALL BE UNLAWFUL FOR THE OWNER OF FARM ANIMALS, TO PERMIT SUCH FARM ANIMALS TO RUN AT LARGE WITHIN THE CORPORATE LIMITS OF

THE TOWN. FARM ANIMALS ROAMING AT LARGE WITHIN THE CORPORATE LIMITS OF THE TOWN SHALL BE RETRIEVED BY THE OWNER WITHIN A REASONABLE PERIOD OF TIME AFTER NOTIFICATION.

(E) IT SHALL BE UNLAWFUL FOR THE OWNER OF AN ANIMAL OR FOWL TO PERMIT THE ANIMAL OR FOWL TO EMIT FREQUENT OR HABITUAL HOWLING, YELPING, BARKING, CROWING OR THE MAKING OF OTHER NOISES.

(F) ANIMAL CARE.

(1) 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.

(2) NO PERSON SHALL, CRUELLY MISTREAT OR NEGLECT, AN ANIMAL, OR CAUSE, INSTIGATE OR PERMIT ANY DOGFIGHT, COCKFIGHT, BULLFIGHT OR OTHER COMBAT BETWEEN ANIMALS OR BETWEEN ANIMALS AND HUMANS.

(3) THE ENFORCEMENT 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 ENFORCEMENT OFFICER SHALL THEN REQUEST A HEARING PURSUANT TO THIS CHAPTER FOR THE DISPOSITION OF THE IMPOUNDED ANIMAL.

(4) 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.

**90.03 ENFORCEMENT.**

~~—(A) Any dog, 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 the dog.~~

~~—(B) Town enforcement officers may issue citations to the owner, any other person acting for the owner, or 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 subchapter shall be subject to the provisions of A.R.S. § 13-3899.~~

~~—(C) 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 his or her duties pursuant to this subchapter.~~

#### § 90.04 90.03 EXEMPTIONS – DOGS RUNNING AT LARGE.

(A) 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 the control would permit immediate leashing of the dog upon any person's reasonable request.

(B) A dog is allowed to occupy vehicles, including truck beds, without restraint, but upon leaving a vehicle or truck bed, it is considered to be at large.

#### ~~§ 90.05 BITING ANIMALS.~~

~~—(A) The procedures set forth in Arizona Revised Statutes shall be followed for biting animals.~~

~~—(B) 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. § 11-1014c.~~

#### 90.04 ENFORCEMENT- RUNNING AT LARGE.

(A) ANY DOG OR FARM ANIMAL, WHICH IS RUNNING AT LARGE, MAY BE APPREHENDED AND IMPOUNDED BY THE ENFORCEMENT OFFICER. THE ENFORCEMENT OFFICER SHALL HAVE THE RIGHT TO ENTER UPON PRIVATE PROPERTY IN ORDER TO APPREHEND ANY DOG OR FARM ANIMAL THAT HAS BEEN RUNNING AT LARGE, PROVIDED THE ENFORCEMENT OFFICER IS IN REASONABLE PURSUIT OF THE DOG OR FARM ANIMAL.

(B) ENFORCEMENT OFFICERS MAY ISSUE CITATIONS TO THE OWNER, ANY OTHER PERSON ACTING FOR THE OWNER, OR ANY PERSON EXERCISING CONTROL OVER A DOG OR FARM ANIMAL WHEN A DOG OR FARM ANIMAL 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 SUBCHAPTER SHALL BE SUBJECT TO THE PROVISIONS OF A.R.S. § 13-3899.

(C) IF FARM ANIMALS ARE RUNNING AT LARGE, THE COSTS OF ENFORCEMENT SHALL BE BORNE BY THE OWNER OF THE FARM ANIMALS.

~~§ 90.06~~ 90.05 RELEASE OF IMPOUNDED DOG OR FARM ANIMAL.

(A) ANY PERSON REQUESTING THE RELEASE OF AN IMPOUNDED DOG SHALL PROVIDE PROOF OF ANTI-RABIES VACCINATIONS, OR SHALL OBTAIN ANY APPLICABLE VACCINATION AND SHALL PAY FOR THE COSTS OF IMPOUNDMENT. PROOF OF OWNERSHIP OF THE DOG MAY BE REQUIRED PRIOR TO RELEASE.

(B) ANY IMPOUNDED DOG OR FARM ANIMAL WHICH IS NOT CLAIMED WITHIN 72 HOURS SHALL BE DEEMED ABANDONED. ENFORCEMENT OFFICERS MAY TAKE POSSESSION OF ABANDONED DOGS OR FARM ANIMALS AND MAY PLACE THE DOG OR FARM ANIMAL FOR SALE OR MAY DISPOSE OF THE DOG OR FARM ANIMAL IN A HUMANE MANNER. ANY PERSON PURCHASING AN ABANDONED DOG SHALL OBTAIN APPLICABLE ANTI-RABIES VACCINATIONS AND PAY THE APPLICABLE AND IMPOUNDMENT FEES.

~~VICIOUS DANGEROUS AND BITING ANIMALS~~

~~§ 90.15 DEFINITIONS.~~

~~For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.~~

~~**DANGEROUS or VICIOUS ANIMAL.** Any animal that bites without provocation, is known to have a propensity HISTORY, tendency or disposition to bite, or kills or causes injury, including injury to domesticated animals.~~

§ 90.16 DETERMINATION OF TOWN MAGISTRATE.

(A) IF THE ENFORCEMENT OFFICER HAS REASON TO BELIEVE AN ANIMAL IS A DANGEROUS ANIMAL, HE MAY FILE A PETITION WITH THE TOWN'S MAGISTRATE COURT FOR A DETERMINATION THAT THE ANIMAL IS DANGEROUS AS DEFINED IN SECTION 90.01.

(B) THE TOWN'S MAGISTRATE SHALL NOTIFY THE OWNER OF THE ANIMAL OF THE DATE, TIME AND PLACE OF A HEARING FOR A DETERMINATION OF A DANGEROUS ANIMAL.

(C) 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 AS DEFINED IN SECTION 90.01.~~

#### § 90.17 CONTROL OF DANGEROUS ANIMALS.

No person having charge, care, custody or control of an animal determined to be a vicious or dangerous animal shall permit the animal off his or her premises unless the animal is securely restrained.

#### § 90.18 KILLING OF DANGEROUS ANIMALS.

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.

#### § 90.19 BITING ANIMALS.

The procedures set forth in Arizona Revised Statutes A.R.S. § 11-1014 shall be followed for biting animals.

### LIVESTOCK

#### ~~§ 90.30 DEFINITIONS.~~

~~—For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.~~

~~—**LIVESTOCK.** Cattle, horses, pigs, sheep, goats, or other similar animals, other than dogs or domestic house cats.~~

#### ~~§ 90.31 LIVESTOCK ROAMING AT LARGE.~~

~~—It shall be unlawful for the owner of livestock, a person acting for the owner of livestock or a person exercising control over livestock to permit such livestock to roam at large within the corporate limits of the town. Livestock roaming at large within the corporate limits of the town shall be retrieved by the owner, the person acting for the owner or the person exercising control over such livestock within a reasonable period of time after notification.~~

#### ~~§ 90.32 INVESTIGATION AND ENFORCEMENT.~~

~~—Enforcement will only occur upon signed complaint and a preliminary investigation to verify that a violation has in fact occurred. Enforcement of § 90.31 shall be the same as contained in § 90.03 of this chapter. Costs of enforcement shall be borne by the owner of such livestock. Any livestock~~

~~roaming at large may be impounded by the Enforcement Officer so designated by the town.~~

~~§ 90.33 PAYMENT OF CITATION IN LIEU OF PENALTIES.~~

~~—(A) *Fines.* The fines for violating the provisions of § 90.31 90.05 shall be adopted from time to time by resolution of the Council. Unless the Council determines otherwise, the fines shall be those applicable under § 90.99 of this chapter. Any citation must be paid as stated therein.~~

~~—(B) *Appearance if fine not paid.* Any person charged with a violation of this CHAPTER WHO DOES NOT PAY THE FINE AS PROVIDED IN § 90.31 § 90.33 shall appear in the Magistrate's Court at a date and time set by the Court for disposition in accordance with § 90.99, unless all fines imposed have been paid at least 24 hours in advance of the scheduled court appearance.~~

MAINTENANCE; NUISANCE

90.50 MAINTENANCE STANDARDS

PREMISES ON WHICH ANIMALS OR FOWL ARE KEPT SHALL BE MAINTAINED IN A MANNER NOT TO UNREASONABLY INTERFERE WITH THE USE AND ENJOYMENT OF THE PROPERTIES OF OTHERS, INCLUDING BUT NOT LIMITED TO COMPLIANCE WITH THE FOLLOWING MAINTENANCE STANDARDS:

(A) ALL ANIMALS AND FOWL AND THE PENS, STALLS, STABLES, YARDS, SHELTERS, CAGES, AREAS, PLACES AND PREMISES WHERE THEY ARE HELD OR KEPT, SHALL BE SO MAINTAINED THAT FLIES, INSECTS, VERMIN, RODENT HARBORAGE, ODORS, PONDED WATER, THE ACCUMULATION OF MANURE, GARBAGE, REFUSE OR OTHER NOXIOUS MATERIAL DO NOT BECOME A PUBLIC HEALTH NUISANCE.

(B) ANIMAL MANURE AND DROPPINGS SHALL BE REMOVED FROM PENS, STABLES, YARDS, CAGES, AND OTHER ENCLOSURES AND HANDLED OR DISPOSED OF IN AN APPROVED MANNER FREE OF HEALTH HAZARD OR PUBLIC HEALTH NUISANCE. NOTHING IN THIS SUBSECTION SHALL BE DEEMED TO PROHIBIT THE USE OF ANIMAL MANURE OR DROPPINGS ON ANY FARM, GARDEN, LAWN OR RANCH IN SUCH A MANNER AND FOR SUCH PURPOSES AS ARE COMPATIBLE WITH CUSTOMARY METHODS OF GOOD HORTICULTURE.

(C) WATERING TROUGHS OR TANKS SHALL BE PROVIDED, WHICH SHALL BE EQUIPPED WITH ADEQUATE FACILITIES FOR DRAINING THE OVERFLOW, SO AS

TO PREVENT THE PONDING OF WATER, THE BREEDING OF FLIES, MOSQUITOES OR OTHER INSECTS, OR A HEALTH HAZARD.

(D) NO PUTRESCIBLE MATERIAL SHALL BE ALLOWED TO ACCUMULATE ON ANY PREMISES, AND ALL SUCH MATERIAL USED AS FEED WHICH IS UNCONSUMED SHALL BE REMOVED DAILY AND DISPOSED OF BY BURIAL OR OTHER APPROVED MEANS

#### 90.51 NUISANCE PROHIBITED

VIOLATION OF SECTION 90.50 SHALL CONSTITUTE A NUISANCE AND A VIOLATION OF THIS CHAPTER.

#### ENFORCEMENT

#### § 90.98 CITATION ISSUED TO OWNERS

(A) FOR PURPOSES OF THIS SECTION AND § 90.50, THE ENFORCEMENT OFFICER SHALL BE THE TOWN CODE ENFORCEMENT OFFICER OR DESIGNEE OR THE COUNTY ANIMAL CONTROL OFFICER.

(B) IT IS UNLAWFUL FOR ANY PERSON TO INTERFERE WITH THE ENFORCEMENT OFFICER IN THE PERFORMANCE OF HIS DUTIES PURSUANT TO THIS CHAPTER.

(C) ENFORCEMENT WILL ONLY OCCUR UPON SIGNED COMPLAINT AND A PRELIMINARY INVESTIGATION TO VERIFY THAT A VIOLATION HAS IN FACT OCCURRED.

(D) IF THE ENFORCEMENT OFFICER DETERMINES THERE IS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS CHAPTER HAS OCCURRED, HE MAY FILE A COMPLAINT IN THE MAGISTRATE COURT AND CAUSE THE COMPLAINT TO BE SERVED ON THE PERSON ALLEGED TO BE VIOLATING THIS CHAPTER. THE CITATION SHALL SET FORTH THE SPECIFIC VIOLATION WITH WHICH THE PERSON IS CHARGED AND THE TIME AND PLACE OF SUCH VIOLATION.

(E) EACH DAY A VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE.

(F) FINES FOR VIOLATING THE PROVISIONS OF THIS CHAPTER SHALL BE ADOPTED FROM TIME TO TIME BY RESOLUTION OF THE COUNCIL. ANY PERSON CHARGED WITH A VIOLATION OF THIS CHAPTER WHO DOES NOT PAY THE FINE SHALL APPEAR IN THE MAGISTRATE'S COURT AT A DATE AND TIME SET BY THE

COURT FOR DISPOSITION IN ACCORDANCE WITH § 90.99, UNLESS ALL FINES IMPOSED HAVE BEEN PAID AT LEAST 24 HOURS IN ADVANCE OF THE SCHEDULED COURT APPEARANCE.

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) A person who is convicted of a violation of §§ ~~90.01~~ 90.02 through ~~90.06~~ 90.04 is guilty of a Class 2 misdemeanor. As a minimum penalty, a person convicted hereunder shall pay a fine of not less than \$50, 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.

(C) Any person violating the conditions of §§ ~~90.15~~ 90.17 through ~~90.18~~ or is in charge of a dangerous animal as defined herein, may be fined in the amount OF \$250 and be liable for reimbursement of any costs incurred by law enforcement officials in the exercising of their duties.

(D) A person convicted of violating § ~~90.31~~ 90.02(D) shall be found responsible for a civil code infraction and shall be subject to the civil sanctions on the first offense as set forth in § 10.99 of this code. Thereafter, a violation of § ~~90.31~~ 90.02(D) shall be a CLASS 2 misdemeanor subject to the penalty provisions set forth in § 10.99 of this code. The court may order any person who violates § 90.31 to pay all expenses related to the impounding of the livestock, including shelter, food, handling, transport and veterinarian care. The court may also order any person who violated this chapter to pay all related court fees or costs or penalties.

Section II. Savings Clause

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

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

EXCUSED: \_\_\_\_\_ ABSTAINED: \_\_\_\_\_

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Terry Nolan, Mayor

ATTEST:

\_\_\_\_\_  
Judy Morgan, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.  
Town Attorneys  
By Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-124 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015, WAS POSTED IN THREE PLACES ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
Judy Morgan, Town Clerk

ORDINANCE N~~a~~-16-124

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE IX GENERAL REGULATIONS, CHAPTER 90 ANIMALS, RELATED TO ANIMAL CONTROL, REGULATION OF DOGS, DANGEROUS AND BITING ANIMALS, LIVESTOCK, MAINTENANCE STANDARDS FOR ANIMALS AND ENFORCEMENT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR PENALTIES

Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

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**OWNER.** Any person owning, possessing, harboring or maintaining a dog OR FARM ANIMAL, or any persons acting for, or in the place of, the owner, or having charge of, or having taken charge of, a dog OR FARM ANIMAL.

#### **§ 90.02 GENERAL PROVISIONS.**

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(B) Any dog over the age of THREE (3) ~~four~~ months shall HAVE A CURRENT IDENTIFICATION NUMBER ISSUED BY YAVAPAI COUNTY AND, EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH, wear a collar or harness to which is attached a valid rabies tag. Dogs shall not be required to wear a collar or harness with a valid rabies tag attached while being used for control of FARM ANIMALS, 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 and controlled ON THE PROPERTY OF OWNER.

(C) It shall be unlawful for an owner or any other person or designated responsible person to maintain a dog ~~having a propensity to~~ THAT excessively barkS, howlS or otherwise disturbS the peace and quiet of any town resident.

(D) IT SHALL BE UNLAWFUL FOR THE OWNER OF FARM ANIMALS, TO PERMIT SUCH FARM ANIMALS TO RUN AT LARGE WITHIN THE CORPORATE LIMITS OF

THE TOWN. FARM ANIMALS ROAMING AT LARGE WITHIN THE CORPORATE LIMITS OF THE TOWN SHALL BE RETRIEVED BY THE OWNER WITHIN A REASONABLE PERIOD OF TIME AFTER NOTIFICATION.

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(3) THE ENFORCEMENT 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 ENFORCEMENT OFFICER SHALL THEN REQUEST A HEARING PURSUANT TO THIS CHAPTER FOR THE DISPOSITION OF THE IMPOUNDED ANIMAL.

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~~—(B) Town enforcement officers may issue citations to the owner, any other person acting for the owner, or 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 subchapter shall be subject to the provisions of A.R.S. § 13-3899.

~~—(C) 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 his or her duties pursuant to this subchapter.~~

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(A) ANY DOG OR FARM ANIMAL, WHICH IS RUNNING AT LARGE, MAY BE APPREHENDED AND IMPOUNDED BY THE ENFORCEMENT OFFICER. THE ENFORCEMENT OFFICER SHALL HAVE THE RIGHT TO ENTER UPON PRIVATE PROPERTY IN ORDER TO APPREHEND ANY DOG OR FARM ANIMAL THAT HAS BEEN RUNNING AT LARGE, PROVIDED THE ENFORCEMENT OFFICER IS IN REASONABLE PURSUIT OF THE DOG OR FARM ANIMAL.

(B) ENFORCEMENT OFFICERS MAY ISSUE CITATIONS TO THE OWNER, ANY OTHER PERSON ACTING FOR THE OWNER, OR ANY PERSON EXERCISING CONTROL OVER A DOG OR FARM ANIMAL WHEN A DOG OR FARM ANIMAL 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 SUBCHAPTER SHALL BE SUBJECT TO THE PROVISIONS OF A.R.S. § 13-3899.

(C) IF FARM ANIMALS ARE RUNNING AT LARGE, THE COSTS OF ENFORCEMENT SHALL BE BORNE BY THE OWNER OF THE FARM ANIMALS.

§ ~~90.06~~ 90.05 RELEASE OF IMPOUNDED DOG OR FARM ANIMAL.

(A) ANY PERSON REQUESTING THE RELEASE OF AN IMPOUNDED DOG SHALL PROVIDE PROOF OF ANTI-RABIES VACCINATIONS, OR SHALL OBTAIN ANY APPLICABLE VACCINATION AND SHALL PAY FOR THE COSTS OF IMPOUNDMENT. PROOF OF OWNERSHIP OF THE DOG MAY BE REQUIRED PRIOR TO RELEASE.

(B) ANY IMPOUNDED DOG OR FARM ANIMAL WHICH IS NOT CLAIMED WITHIN 72 HOURS SHALL BE DEEMED ABANDONED. ENFORCEMENT OFFICERS MAY TAKE POSSESSION OF ABANDONED DOGS OR FARM ANIMALS AND MAY PLACE THE DOG OR FARM ANIMAL FOR SALE OR MAY DISPOSE OF THE DOG OR FARM ANIMAL IN A HUMANE MANNER. ANY PERSON PURCHASING AN ABANDONED DOG SHALL OBTAIN APPLICABLE ANTI-RABIES VACCINATIONS AND PAY THE APPLICABLE AND IMPOUNDMENT FEES.

VICIOUS DANGEROUS AND BITING ANIMALS

§ ~~90.15~~ DEFINITIONS.

~~For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.~~

~~**DANGEROUS or VICIOUS ANIMAL.** Any animal that bites without provocation, is known to have a propensity HISTORY, tendency or disposition to bite, or kills or causes injury, including injury to domesticated animals.~~

§ 90.16 DETERMINATION OF TOWN MAGISTRATE.

(A) IF THE ENFORCEMENT OFFICER HAS REASON TO BELIEVE AN ANIMAL IS A DANGEROUS ANIMAL, HE MAY FILE A PETITION WITH THE TOWN'S MAGISTRATE COURT FOR A DETERMINATION THAT THE ANIMAL IS DANGEROUS AS DEFINED IN SECTION 90.01.

(B) THE TOWN'S MAGISTRATE SHALL NOTIFY THE OWNER OF THE ANIMAL OF THE DATE, TIME AND PLACE OF A HEARING FOR A DETERMINATION OF A DANGEROUS ANIMAL.

(C) Following a THE hearing, the Town Magistrate may declare an THE 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 AS DEFINED IN SECTION 90.01.

§ 90.17 CONTROL OF DANGEROUS ANIMALS.

No person having charge, care, custody or control of an animal determined to be a vicious or dangerous animal shall permit the animal off his or her premises unless the animal is securely restrained.

§ 90.18 KILLING OF DANGEROUS ANIMALS.

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.

§ 90.19 BITING ANIMALS.

The procedures set forth in Arizona Revised Statutes A.R.S. § 11-1014 shall be followed for biting animals.

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LIVESTOCK

~~§ 90.30 DEFINITIONS.~~

~~—For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.~~

~~—**LIVESTOCK.** Cattle, horses, pigs, sheep, goats, or other similar animals, other than dogs or domestic house cats.~~

~~§ 90.31 LIVESTOCK ROAMING AT LARGE.~~

~~—It shall be unlawful for the owner of livestock, a person acting for the owner of livestock or a person exercising control over livestock to permit such livestock to roam at large within the corporate limits of the town. Livestock roaming at large within the corporate limits of the town shall be retrieved by the owner, the person acting for the owner or the person exercising control over such livestock within a reasonable period of time after notification.~~

~~§ 90.32 INVESTIGATION AND ENFORCEMENT.~~

~~—Enforcement will only occur upon signed complaint and a preliminary investigation to verify that a violation has in fact occurred. Enforcement of § 90.31 shall be the same as contained in § 90.03 of this chapter. Costs of enforcement shall be borne by the owner of such livestock. Any livestock~~

roaming at large may be impounded by the Enforcement Officer so designated by the town.

~~§ 90.33 PAYMENT OF CITATION IN LIEU OF PENALTIES.~~

~~—(A) *Fines.* The fines for violating the provisions of § 90.31 90.05 shall be adopted from time to time by resolution of the Council. Unless the Council determines otherwise, the fines shall be those applicable under § 90.99 of this chapter. Any citation must be paid as stated therein.~~

~~—(B) *Appearance if fine not paid.* Any person charged with a violation of this CHAPTER WHO DOES NOT PAY THE FINE AS PROVIDED IN § 90.31 § 90.33 shall appear in the Magistrate's Court at a date and time set by the Court for disposition in accordance with § 90.99, unless all fines imposed have been paid at least 24 hours in advance of the scheduled court appearance.~~

MAINTENANCE; NUISANCE

90.50 MAINTENANCE STANDARDS

PREMISES ON WHICH ANIMALS OR FOWL ARE KEPT SHALL BE MAINTAINED IN A MANNER NOT TO UNREASONABLY INTERFERE WITH THE USE AND ENJOYMENT OF THE PROPERTIES OF OTHERS, INCLUDING BUT NOT LIMITED TO COMPLIANCE WITH THE FOLLOWING MAINTENANCE STANDARDS:

(A) ALL ANIMALS AND FOWL AND THE PENS, STALLS, STABLES, YARDS, SHELTERS, CAGES, AREAS, PLACES AND PREMISES WHERE THEY ARE HELD OR KEPT, SHALL BE SO MAINTAINED THAT FLIES, INSECTS, VERMIN, RODENT HARBORAGE, ODORS, PONDED WATER, THE ACCUMULATION OF MANURE, GARBAGE, REFUSE OR OTHER NOXIOUS MATERIAL DO NOT BECOME A PUBLIC HEALTH NUISANCE.

(B) ANIMAL MANURE AND DROPPINGS SHALL BE REMOVED FROM PENS, STABLES, YARDS, CAGES, AND OTHER ENCLOSURES ~~AT LEAST TWICE WEEKLY~~ AND HANDLED OR DISPOSED OF IN AN APPROVED MANNER FREE OF HEALTH HAZARD OR PUBLIC HEALTH NUISANCE. NOTHING IN THIS SUBSECTION SHALL BE DEEMED TO PROHIBIT THE USE OF ANIMAL MANURE OR DROPPINGS ON ANY FARM, GARDEN, LAWN OR RANCH IN SUCH A MANNER AND FOR SUCH PURPOSES AS ARE COMPATIBLE WITH CUSTOMARY METHODS OF GOOD HORTICULTURE.

(C) WATERING TROUGHS OR TANKS SHALL BE PROVIDED, WHICH SHALL BE EQUIPPED WITH ADEQUATE FACILITIES FOR DRAINING THE OVERFLOW, SO AS

TO PREVENT THE PONDING OF WATER, THE BREEDING OF FLIES, MOSQUITOES OR OTHER INSECTS, OR A HEALTH HAZARD.

(D) NO PUTRESCIBLE MATERIAL SHALL BE ALLOWED TO ACCUMULATE ON ANY PREMISES, AND ALL SUCH MATERIAL USED AS FEED WHICH IS UNCONSUMED SHALL BE REMOVED DAILY AND DISPOSED OF BY BURIAL OR OTHER APPROVED MEANS

#### 90.51 NUISANCE PROHIBITED

VIOLATION OF SECTION 90.50 SHALL CONSTITUTE A NUISANCE AND A VIOLATION OF THIS CHAPTER.

#### ENFORCEMENT

#### § 90.98 CITATION ISSUED TO OWNERS

(A) FOR PURPOSES OF THIS SECTION AND § 90.50, THE ENFORCEMENT OFFICER SHALL BE THE TOWN CODE ENFORCEMENT OFFICER OR DESIGNEE OR THE COUNTY ANIMAL CONTROL OFFICER.

(B) IT IS UNLAWFUL FOR ANY PERSON TO INTERFERE WITH THE ENFORCEMENT OFFICER IN THE PERFORMANCE OF HIS DUTIES PURSUANT TO THIS CHAPTER.

(C) ENFORCEMENT WILL ONLY OCCUR UPON SIGNED COMPLAINT AND A PRELIMINARY INVESTIGATION TO VERIFY THAT A VIOLATION HAS IN FACT OCCURRED.

(D) IF THE ENFORCEMENT OFFICER DETERMINES THERE IS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS CHAPTER HAS OCCURRED, HE MAY FILE A COMPLAINT IN THE MAGISTRATE COURT AND CAUSE THE COMPLAINT TO BE SERVED ON THE PERSON ALLEGED TO BE VIOLATING THIS CHAPTER. THE CITATION SHALL SET FORTH THE SPECIFIC VIOLATION WITH WHICH THE PERSON IS CHARGED AND THE TIME AND PLACE OF SUCH VIOLATION.

(E) EACH DAY A VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE.

(F) FINES FOR VIOLATING THE PROVISIONS OF THIS CHAPTER SHALL BE ADOPTED FROM TIME TO TIME BY RESOLUTION OF THE COUNCIL. ANY PERSON CHARGED WITH A VIOLATION OF THIS CHAPTER WHO DOES NOT PAY THE FINE SHALL APPEAR IN THE MAGISTRATE'S COURT AT A DATE AND TIME SET BY THE

COURT FOR DISPOSITION IN ACCORDANCE WITH § 90.99, UNLESS ALL FINES IMPOSED HAVE BEEN PAID AT LEAST 24 HOURS IN ADVANCE OF THE SCHEDULED COURT APPEARANCE.

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) A person who is convicted of a violation of §§ ~~90.01~~ 90.02 through ~~90.06~~ 90.04 is guilty of a Class 2 misdemeanor. As a minimum penalty, a person convicted hereunder shall pay a fine of not less than \$50, 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.

(C) Any person violating the conditions of §§ ~~90.15~~ 90.17 through ~~90.18~~ or is in charge of a dangerous animal as defined herein, may be fined in the amount OF \$250 and be liable for reimbursement of any costs incurred by law enforcement officials in the exercising of their duties.

(D) A person convicted of violating § ~~90.31~~ 90.02(D) shall be found responsible for a civil code infraction and shall be subject to the civil sanctions on the first offense as set forth in § 10.99 of this code. Thereafter, a violation of § ~~90.31~~ 90.02(D) shall be a CLASS 2 misdemeanor subject to the penalty provisions set forth in § 10.99 of this code. The court may order any person who violates § 90.31 to pay all expenses related to the impounding of the livestock, including shelter, food, handling, transport and veterinarian care. The court may also order any person who violated this chapter to pay all related court fees or costs or penalties.

Section II. Savings Clause

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

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

EXCUSED: \_\_\_\_\_ ABSTAINED: \_\_\_\_\_

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Terry Nolan, Mayor

ATTEST:

\_\_\_\_\_  
Judy Morgan, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.  
Town Attorneys  
By Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-124 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015, WAS POSTED IN THREE PLACES ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
Judy Morgan, Town Clerk

File: 1908-003-0000-0000; Desc: Animal Control-Town Code Sec 90 11-13-15 SG; Doc#: 221747v9

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**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

**COUNCIL AGENDA ACTION REQUEST FORM**

**Meeting Type:**  Regular       Special       Work Session

**Meeting Date:** 1/19/16

**Date of Request:** 1/7/16

**Type of Action:**  Routine/Consent       Regular

**Requesting:**  Action       Report Only

**Agenda Item Text (a brief description for placement on the agenda; please be exact):**

Requesting information and briefing of the meeting of Jan., 2016 with attendees  
Senator John McCain and Mayor Terry Nolan

**Purpose and Background Information (Detail of requested action).** \_\_\_\_\_

Information and discussion of the meeting including attendees, topics of discussion and  
possible affects or further discussion involving the town of Dewey-Humboldt.

**Staff Recommendation(s):** N/A

**Budgeted Amount:** 0.00

**List All Attachments:** The Daily Courier article: McCain 1/5/16

**Type of Presentation:** Verbal

**Special Equipment needed:**  Laptop     Remote Microphone  
 Overhead Projector     Other: N/A

**Contact Person:** CM REPAN

**Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.**

# The Daily Courier

Tuesday, January 05, 2016

## McCain: Americans are frustrated

*Senator visits Prescott to meet with area leaders Monday*

Les Bowen

Multi-Platform Journalist

Tuesday, January 05, 2016

PRESCOTT - U.S. Sen. John McCain said on Monday, Jan. 4, that despite criticism of congressional inaction, he's pleased with recent accomplishments in the Senate, especially the Armed Services Committee he chairs.

He described his work as a lawmaker as "Trying to do the Lord's work in the city of Satan" - an allusion to statements he made on the 2008 presidential campaign trail.

McCain will seek re-election in 2016 for his sixth term, and recognized there are new forces at work among voters.

"The Trump phenomenon is real in that Americans are frustrated," he said.

McCain pointed to economic uncertainty and mistrust in the political system as factors driving that frustration.

"Anyone who is up for election this cycle and takes anything for granted is crazy," he said.

Earlier in the day he met with Prescott area community leaders, including recently elected Mayor Harry Oberg, whom McCain called "ambitious."

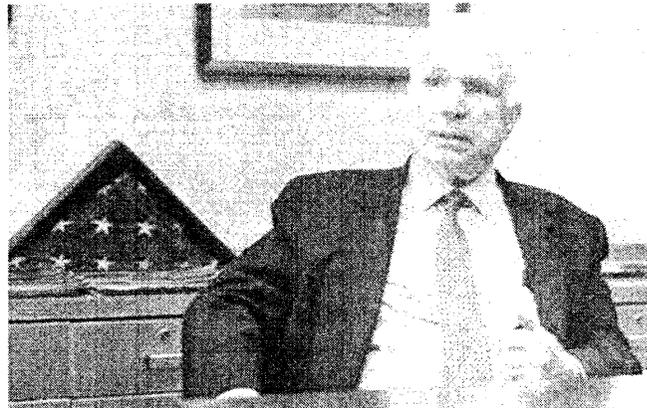
Looking back at 2015 action in Congress, McCain commended the passage of the Every Student Succeeds Act in December that replaces the No Child Left Behind Act of 2001.

"It did away basically with Common Core," he said, adding the new law puts more control of education in the hands of the states.

He also praised the passage in November of a highway bill, the first time Congress has done so in a decade.

The bill includes provisions for the Sonoran Corridor, that will one day become part of Interstate 11 between Nogales and Reno, Nevada, and connecting Buckeye, Kingman and Las Vegas.

McCain said Interstate 11 is essential to support commerce with Mexico and attract traffic into Arizona that currently goes to Texas.



U.S. Sen. John McCain stopped by The Daily Courier offices Monday afternoon and gave an update on what's been happening in Washington, D.C., and around the world in the recent months. (Les Stukenberg/The Daily Courier)

Like with highways, 2015 was the first year in nine that Congress passed a budget. However, McCain was critical of the appropriations bill passed Dec. 18.

"I, as chairman of the Armed Services Committee, was outraged and offended," McCain said, describing a bill filled with unnecessary spending, particularly on defense.

He said his committee has worked to reform the U.S. military, including military retirement system reforms.

"We have a lot more to do," he said.

While he decried appropriations within the omnibus bill last month, he praised language in the prior year's omnibus bill that gave \$65 million to the U.S. Forest Service to buy new air-tankers for firefighting.

McCain connected the USFS shortage of air-tankers to the deaths of the 19 Granite Mountain Hotshots in 2013 at the Yarnell Hill Fire, a claim backed up by state investigative reports.

"The bracelet I wore for them (the 19 hotshots) just broke the other day," he said.

McCain also defended his stance for the Resolution Copper Mine near Superior, though it's been opposed by environmental groups and the San Carlos Apache Tribe.

McCain said the mine would employ thousands and supply 25 percent of the nation's copper supply.

The senator said he hopes to see a settlement to water claims by the Yavapai-Apache Nation on the Verde River as well as the Hopi and Navajo tribes' claims in the Colorado, Gila and Little Colorado rivers.

"The Verde is a big issue," he said. "Most experts say the Verde will become intermittent over time."

He said water management plans must begin with the senior rights claimed by Native American tribes.

The senator also suggested a deadline for a state committee tasked with resolving the water dispute.

"We are trying to work with this committee that's been set up," he said. "We live in the desert and with the kind of growth we're going to see ... we've got to get serious."

*Follow reporter Les Bowen on [Twitter @NewsyLesBowen](#). Reach him at 928-445-3333, ext. 1110, or 928-830-9305.*

## Related Links:

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**P.O. BOX 69**  
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**Phone 928-632-8562 • Fax 928-632-7365**

**COUNCIL AGENDA ACTION REQUEST FORM**

**Meeting Type:**  Regular       Special       Work Session

**Meeting Date:** 1/19/16

**Date of Request:** 1/7/16

**Type of Action:**  Routine/Consent       Regular

**Requesting:**  Action       Report Only

**Agenda Item Text (a brief description for placement on the agenda; please be exact):**

Review and discussion of regular council meeting, agenda item 4, "Announcements, Appointments and Proclamations" during council meeting of 1/5/16

**Purpose and Background Information (Detail of requested action).** \_\_\_\_\_

Reference 30.109 & 35.05 Comments were made against several council members, both present and not present, by the chair during item 4 of the agenda. This will first give those affronted an opportunity to respond if desired and second a discussion by the entire council if the referenced codes were violated and if so, what action should be taken.

**Staff Recommendation(s):** N/A

**Budgeted Amount:** \$ 0.00

**List All Attachments:** Codes 30.109 revised and 35.05

**Type of Presentation:** verbal

**Special Equipment needed:**  Laptop     Remote Microphone  
 Overhead Projector     Other: N/A

**Contact Person:** CM REPAN

**Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.**

**ORDINANCE No.15-116**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 30 TOWN COUNCIL AND OFFICIALS, SUBCHAPTER COUNCIL MEETINGS, § 30.105 COUNCIL AGENDA, § 30.106 DECORUM, § 30.109 PROTOCOL AT MEETINGS RELATED TO PROVIDING RULES OF DECORUM AND PROCEDURE AT TOWN COUNCIL MEETINGS; AND AMENDING TITLE I GENERAL PROVISIONS, CHAPTER 10 RULES OF CONSTRUCTION; GENERAL PENALTY, SECTION 10.15 EFFECTIVE DATE OF ORDINANCES TO MOVE A PROVISION FROM SECTION 30.109 RELATED TO FORM OF ORDINANCES TO THE APPROPRIATE CHAPTER; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES**

**Now, Therefore**, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

**Section I.     In General**

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Subchapter Council Meetings, Section 30.105 Council Agenda is hereby amended to add subsection (F) to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**§ 30.105 Council Agenda**

\* \* \*

**(F)     ORDER OF AGENDA**

**(1)     REGULAR COUNCIL MEETING AGENDA ITEMS SHALL BE LISTED IN THE FOLLOWING ORDER:**

- (a)     CALL TO ORDER.**
- (b)     PLEDGE OF ALLEGIANCE.**
- (c)     INVOCATION.**
- (d)     ROLL CALL.**
- (e)     ANNOUNCEMENTS REGARDING CURRENT EVENTS, GUESTS, APPOINTMENTS, AND PROCLAMATIONS.**
- (f)     TOWN MANAGER'S REPORT.**
- (g)     CONSENT AGENDA.**
- (h)     PUBLIC COMMENT ON NON-AGENDIZED ITEMS.**

- (i) UNFINISHED BUSINESS.
- (j) NEW BUSINESS.
- (k) PUBLIC HEARING AGENDA.
- (l) ADJOURNMENT.

(2) WHEN COUNCIL HOLDS A WORK STUDY OR SPECIAL STUDY COUNCIL MEETING, AGENDA ITEMS SHALL BE LISTED IN THE FOLLOWING ORDER:

- (a) CALL TO ORDER.
- (b) ROLL CALL.
- (c) DISCUSSION ONLY ITEMS.
- (d) ACTION ITEMS.
- (e) ADJOURNMENT.

(G) MODIFICATIONS TO THE AGENDA.

(1) THE PRESIDING OFFICER OR ANY COUNCILMEMBER MAY REQUEST A CHANGE OF ORDER OF THE AGENDA WHICH, IF APPROVED BY A MAJORITY OF THE COUNCIL, SHALL BE GRANTED.

(2) AN AGENDA ITEM MAY BE CONTINUED TO A DATE CERTAIN OR POSTPONED INDEFINITELY BY MOTION AND APPROVAL BY A MAJORITY OF THE MEMBERS PRESENT WHO HAVE NOT DECLARED A CONFLICT OF INTEREST.

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Subchapter Council Meetings, Section 30.106 Decorum is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**§ 30.106 Decorum.**

(A) THE PRESIDING OFFICER SHALL PRESERVE THE DECORUM OF THE MEETING.

(B) While the Town Council is in session, all persons shall conduct themselves with reasonable decorum. Any person who is ~~so~~-disorderly or who ~~so~~-persistently disrupts the business meeting so far as to interfere with the proper conduct of the business may be ordered BY THE PRESIDING OFFICER TO BE removed from the meeting place. At such time, the ~~Mayor~~PRESIDING OFFICER may call a recess.

(C) IF THE PRESIDING OFFICER FAILS TO ACT ON A MATTER OF DECORUM, COUNCIL MAY, BY MAJORITY APPROVAL OF A MOTION, REQUIRE THE PRESIDING OFFICER TO ACT.

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Subchapter Council Meetings, Section 30.109 Protocol at Meetings is hereby amended to read as follows (additions in ALL CAPS; deletions in strikeout):

**§ 30.109 PROTOCOL AT MEETINGS.**

(A) *PREAMBLE.* MEMBERS OF THE TOWN COUNCIL ARE ELECTED TO REPRESENT THEIR VOTING CONSTITUENTS AND THE CITIZENS OF DEWEY-HUMBOLDT. AS SUCH, EACH MEMBER OF COUNCIL HAS THE RIGHT TO EXPRESS HIS OR HER REPRESENTATION WITHOUT BEING ASSAILED IN REGARD TO THAT REPRESENTATION OR IN REGARDS TO THEIR OWN PERSONAL POLITICAL AFFILIATIONS, RELIGIOUS PREFERENCE, MARITAL STATUS, SEXUAL ORIENTATION. FURTHER, MEMBERS OF COUNCIL SHALL NOT BE THE SUBJECT OF RETRIBUTION FROM THE CHAIR IN ANY MANNER OR FORM OR IN A MANNER OF RETRIBUTION FOR HOLDING THEIR VIEW IN ALL MATTERS THAT COME BEFORE COUNCIL. IN ADDITION, THE RIGHT OF A MEMBER TO ADDRESS THE CITY COUNCIL ON A QUESTION OF PERSONAL PRIVILEGE SHALL BE LIMITED TO CASES IN WHICH THE MEMBER'S INTEGRITY, CHARACTER, OR MOTIVES ARE ASSAILED, QUESTIONED, OR IMPUGNED.

~~(A)~~(B) *Basic rules of order.* Meetings will be conducted in accordance with the latest edition of *Robert's Rules of Order, Newly Revised* (Robert's Rules), with the following exceptions and changes:

~~(B)~~(1) ~~Exceptions to the basic rules.~~In case of conflict between *Robert's Rules* and the constitution or laws of the State of Arizona, the state law will prevail.

(2) IN CASE OF CONFLICT BETWEEN *ROBERT'S RULES* AND THE DEWEY-HUMBOLDT CODE OF ORDINANCES, THE CODE OF ORDINANCES SHALL PREVAIL.

(C) *Procedures IN GENERAL.*

(1) The presiding officer at any meeting shall rule on any point of order raised by a councilmember. Only councilmembers may raise points of order. The presiding officer ~~may~~SHALL request advice from other members of the body or an appointed parliamentarian before making a ruling. However, any member may, on a point of order, call for a vote on the ruling and specifying an alternative ruling. A vote ~~is~~SHALL then ~~to be~~ called on the point of order and, if a majority of members vote in favor of the proposed alternative ruling, the presiding officer shall defer to the opinion of the majority of the members for that meeting of the body. Otherwise the

presiding officer's ruling shall stand. The presiding officer may impose reasonable limits to the time allotted for each member TO SPEAK during the discussion phase of the proceedings, but if additional time is requested by the member, the presiding officer ~~must~~SHALL ask for a vote to extend additional time, and if a majority of members agree ~~to additional time~~, the time shall be granted. ~~The following protocol for each agenda item will ordinarily be observed during regular meetings, but actions of Council are legal whether or not every element of the following subsections are observed:~~

~~(1) Staff or councilmember who is presenting the agenda item to the council will state the reason for the issue coming before the council.~~

~~(2) After any questions of staff, council will then discuss the agenda item and resolve any clarification issues.~~

~~(3) When council is finished discussing the item, public comment may be taken on the item. Public comment will be limited to only one 3 minute comment per person. One person may not assign their time to another person.~~

~~(4) After public comment is done, the agenda item then goes back to the council for further discussion if needed.~~

~~(5) Council will then decide what action to take, if any, by making a motion.~~

~~(6) Once a motion is made and seconded then a vote must be taken. There may be more discussion by the council before the vote is taken. If any council member requests a roll call vote a roll call vote will be taken.~~

~~(7) A majority vote on the motion prevails. A tie vote means the motion failed. An abstention counts as a no vote only in the case of a straight up or down vote.~~

(2) THE PRESIDING OFFICER SHALL NOT USE HIS POSITION AS CHAIR OF THE MEETING TO DEBATE OTHER COUNCILMEMBERS IN A CONDESCENDING MANNER AND SHALL AVOID QUESTIONING THE MOTIVES OF OTHERS OR USING INDECOROUS LANGUAGE.

(D) MEETING OPERATIONAL PROCEDURES.

(1) A COUNCILMEMBER DESIRING TO SPEAK SHALL ADDRESS THE PRESIDING OFFICER AND, UPON RECOGNITION, SHALL CONFINE HIS OR HER COMMENTS TO THE AGENDA ITEM, AVOID DISCUSSION OF PERSONALITIES

AND INDECOROUS LANGUAGE AND REFRAIN FROM PERSONAL ATTACKS AND VERBAL ABUSE.

(2) A COUNCILMEMBER OR THE PRESIDING OFFICER WHO DESIRES TO ASK A QUESTION OF STAFF SHALL ADDRESS THE QUESTION TO THE TOWN MANAGER WHO SHALL ADDRESS THE QUESTION OR MAY DESIGNATE ANOTHER STAFF MEMBER TO ADDRESS THE QUESTION. COUNCILMEMBERS SHALL NOT BERATE OR ADMONISH STAFF MEMBERS OR THE TOWN MANAGER.

(3) A COUNCILMEMBER WHO HAS BEEN RECOGNIZED AND GIVEN THE FLOOR, SHALL NOT BE INTERRUPTED WHILE SPEAKING UNLESS CALLED TO ORDER BY THE PRESIDING OFFICER; A POINT OF ORDER IS RAISED BY ANOTHER MEMBER; OR THE SPEAKER CHOOSES TO YIELD THE FLOOR. IF A COUNCILMEMBER IS CALLED TO ORDER, THAT MEMBER SHALL IMMEDIATELY CEASE SPEAKING UNTIL THE QUESTION OF ORDER IS SETTLED BY A VOTE OF COUNCIL. IF RULED TO BE IN ORDER, THE MEMBER SHALL BE PERMITTED TO PROCEED. IF RULED OUT OF ORDER, THE MEMBER SHALL REMAIN SILENT OR MAY MAKE ADDITIONAL REMARKS ONLY IN COMPLIANCE WITH COUNCIL RULES.

(4) THE MAYOR AND COUNCILMEMBERS SHALL COMPLY WITH THE ARIZONA OPEN MEETING LAW AND CONFINE THEIR QUESTIONS, COMMENTS AND DISCUSSIONS TO THE AGENDA ITEM UNDER CONSIDERATION BY COUNCIL.

(5) THE MAYOR AND EVERY COUNCILMEMBER HAVE A DUTY TO VOTE AND SHALL VOTE ON ALL MATTERS EXCEPT A MATTER INVOLVING HIS OR HER OWN OFFICIAL CONDUCT OR WHERE HE OR SHE DECLARES A CONFLICT OF INTEREST, WHETHER ACTUAL OR APPARENT. A COUNCILMEMBER WHO DECLARES A CONFLICT OF INTEREST SHALL LEAVE THE DAIS, NOT PARTICIPATE IN THE DISCUSSION, AND REFRAIN FROM INFLUENCING THE VOTES OF THE REMAINING COUNCILMEMBERS. A FAILURE TO VOTE OR A VOLUNTARY ABSTENTION SHALL COUNT AS AN "AYE" VOTE UNLESS THE COUNCILMEMBER HAS DECLARED A CONFLICT OF INTEREST.

(6) ALL MOTIONS REQUIRE A SECOND TO BE CONSIDERED BY COUNCIL. THE COUNCILMEMBER SECONDING A MOTION IS NOT REQUIRED TO VOTE OR SPEAK IN FAVOR OF THE MOTION. IF THERE IS NO SECOND, THE MOTION FAILS FOR LACK OF A SECOND.

(7) EXCEPT AS PROVIDED IN SUB-SUBSECTION (9) BELOW, A COUNCILMEMBER MAY CHANGE HIS OR HER OPINION OR VOTE AT ANY TIME UP AND UNTIL THE VOTE IS TAKEN AND THE FINAL RESULT IS ANNOUNCED.

(8) AT THE REQUEST OF ANY COUNCILMEMBER, A ROLL CALL VOTE SHALL BE TAKEN. COUNCILMEMBERS SHALL NOT EXPLAIN THEIR VOTE DURING THE ROLL CALL BUT SHALL RESPOND EITHER YEA OR NAY TO THE QUESTION.

(9) AFTER A DECISION ON A MOTION, ANY COUNCILMEMBER WHO VOTED WITH THE MAJORITY MAY MOVE TO RECONSIDER THE ITEM DURING THE SAME MEETING AT WHICH THE DECISION BEING RECONSIDERED WAS MADE. ONCE A MOTION TO RECONSIDER HAS BEEN APPROVED BY MAJORITY VOTE, THE ORIGINAL MOTION MAY AGAIN BE DISCUSSED. AFTER DISCUSSION, A REVOTE ON THE ORIGINAL MOTION IS TAKEN. NO MORE THAN ONE RECONSIDERATION OF AN ITEM SHALL BE PERMITTED WITHOUT UNANIMOUS CONSENT OF THE COUNCIL.

(10) DURING A MEETING, THE MAYOR OR A COUNCILMEMBER MAY PROPOSE A SHORT INTERMISSION OR RECESS BY MOVING TO RECESS FOR A SPECIFIED LENGTH OF TIME. A MOTION TO RECESS MAY BE MADE WHILE BUSINESS IS PENDING; SHALL NOT INTERRUPT A SPEAKER; MUST BE SECONDED; IS NOT DEBATABLE; CAN ONLY BE AMENDED TO CHANGE THE LENGTH OF THE RECESS; CANNOT BE RECONSIDERED; AND REQUIRES A MAJORITY VOTE FOR APPROVAL. THE LENGTH OF TIME FOR THE RECESS SHALL NOT DETRACT FROM FINISHING THE MEETING AGENDA WITHIN THE LIMITS SET FORTH IN § 30.107.

(11) AN ACT OR MOTION TO SUSPEND THE COUNCIL RULES REQUIRES A MAJORITY VOTE OF THE COUNCIL FOR APPROVAL AND SHALL NOT BE MADE WHILE ANOTHER MOTION IS PENDING UNLESS IT DIRECTLY APPLIES TO THE PENDING MOTION.

(E) UNDERSTANDING COUNCIL'S INTENT TO RECIEVE PUBLIC COMMENTS PRIOR TO VOTING ON ANY MATTER ON WHICH COUNCIL WILL MAKE A DECISION, THE PRESIDING OFFICER SHALL ALLOW PUBLIC COMMENTS ON ALL SUCH MATTERS SUBJECT TO THE FOLLOWING:

(1) PRIOR TO RECEIVING PUBLIC COMMENTS ON AN ITEM, THE PRESIDING OFFICER SHALL POLL COUNCIL TO ENSURE COUNCIL'S QUESTIONS AND CONCERNS HAVE BEEN ADDRESSED.

(2) NO INDIVIDUAL MEMBER OF THE PUBLIC SHALL COMMENT MORE THAN ONCE ON ANY ITEM.

(3) COMMENTS SHALL BE LIMITED TO 3 MINUTES PER PERSON PER ITEM.

(4) WITHOUT CONSENT FROM A MAJORITY OF COUNCILMEMBERS, THE PUBLIC COMMENT PERIOD FOR EACH ITEM SHALL BE NO MORE THAN 15 MINUTES.

(5) NO PUBLIC COMMENTS ARE PERMITTED ON EXECUTIVE SESSION ITEMS.

(6) NO PUBLIC COMMENTS ARE PERMITTED DURING COUNCIL STUDY OR WORK SESSIONS UNLESS THE ITEM IS AGENDIZED FOR FORMAL ACTION BY COUNCIL OR UNLESS A COUNCILMEMBER REQUESTS AN EXCEPTION BE MADE AND SAID EXCEPTION IS APPROVED BY A MAJORITY OF THE COUNCIL.

~~(D)~~(F) *Changes to the rules of order.* Additional exceptions to *Robert's Rules* may be incorporated into the Town Council's Rules and Procedures at any time by formally amending this chapter, PROVIDED THEY ARE CONSISTENT WITH THE LAWS OF THE STATE OF ARIZONA. ~~However, such amendments must also be consistent with the laws of the state of Arizona.~~ Amendments to any motion may be made according to the basic *Robert's Rules of Order*. ~~Furthermore, the Town Council, by resolution, may introduce and adopt a new set of rules of order to replace this section of this chapter.~~

~~(E) *Form of resolutions and ordinances.* All resolutions, to the extent practical, should be in writing, with a copy provided to each member of the Council and the Town Clerk. However, a written statement of the resolution or ordinance must be before each member of the Council when the vote is taken. In urgent situations, these documents may be handwritten, and then typed by the next business day. Furthermore, if amendments are made on the floor to the original documents, these changes must be written in by the Town Clerk in his or her copy of the document, and time should be allotted for each member of the Council to note the changes in their copies. If the resolution or ordinance is passed by the Council, the Town Clerk shall record the yeas and nays. In the case of extensive or complicated amendments, the Council may vote to provide the Town Clerk time to retype the resolution or ordinance and have it ready for Council signature by close of business the following day.~~

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title I General Provisions, Chapter 10 Rules of Construction; General Penalty, Section 10.15 Effective Date of Ordinances is hereby amended to read as follows (additions in ALL CAPS; deletions in strikeout):

**~~§ 10.15 Effective Date of Ordinances AND RESOLUTIONS; FORM; EFFECTIVE DATE.~~**

(A) **FORM OF ORDINANCES AND RESOLUTIONS.** ALL ORDINANCES AND RESOLUTIONS SHALL BE IN WRITING, WITH A COPY PROVIDED TO EACH

MEMBER OF THE COUNCIL AND THE TOWN CLERK. IF A PROPOSED ORDINANCE OR RESOLUTION IS AMENDED BY COUNCIL DURING THE MEETING AT WHICH IT IS APPROVED, THE TOWN CLERK SHALL RECORD THE AMENDMENTS AND READ THE AMENDED PROVISIONS BACK TO COUNCIL PRIOR TO THE FINAL VOTE.

(B) *RECORD OF VOTE.* FOR ANY RESOLUTION OR ORDINANCE APPROVED BY COUNCIL, THE TOWN CLERK SHALL RECORD THE YEAS, NAYS AND ABSTENTIONS. IF THE COUNCIL APPROVES EXTENSIVE OR COMPLICATED AMENDMENTS TO A PROPOSED ORDINANCE OR RESOLUTION, THE TOWN CLERK SHALL PREPARE A REVISED VERSION AS APPROVED BY COUNCIL, AND OBTAIN THE MAYOR'S SIGNATURE AS SOON AS PRACTICABLE.

(A)(C) *EFFECTIVE DATE.* NO ORDINANCE, RESOLUTION OR FRANCHISE SHALL BECOME OPERATIVE UNTIL THIRTY DAYS AFTER ITS PASSAGE BY THE COUNCIL AND SIGNATURE BY THE MAYOR, EXCEPT EMERGENCY MEASURES NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PEACE, HEALTH, OR SAFETY OF THE TOWN.

(B)(D) *VOTES REQUIRED FOR APPROVAL.* ALL ORDINANCES AND RESOLUTIONS, EXCEPT EMERGENCY ORDINANCES AND RESOLUTIONS, SHALL REQUIRE THE AFFIRMATIVE VOTE OF A MAJORITY OF ALL COUNCILMEMBERS PRESENT AT ANY REGULAR OR SPECIAL COUNCIL MEETING IN ORDER TO BECOME EFFECTIVE. EMERGENCY ORDINANCES AND RESOLUTIONS SHALL REQUIRE THE AFFIRMATIVE VOTE OF THREE-FOURTHS OF ALL THE MEMBERS OF THE COUNCIL. NO ORDINANCE SHALL BE PASSED UNLESS ALL COUNCILMEMBERS PRESENT AT THE MEETING ARE IN POSSESSION OF COPIES OF SUCH ORDINANCE.

## Section II. Savings Clause

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

## Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section IV. Penalties

Any person found responsible for violating any provision of this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Section 10.99 of the Dewey-Humboldt Code of Ordinances unless a different specific penalty is provided herein.

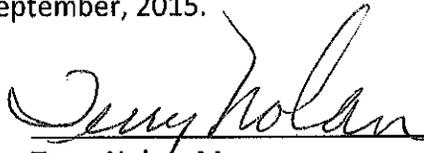
**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 15 day of September, 2015, by the following vote:

AYES: 4

NAYES: 2 ABSENT: 1

EXCUSED: 0 ABSTAINED: 0

APPROVED this \_\_ day of September, 2015.

  
Terry Nolan, Mayor

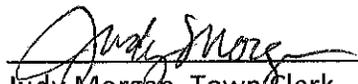
ATTEST:

  
Judy Morgan, Town Clerk

APPROVED AS TO FORM:

  
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.  
Town Attorneys  
By Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 15-116 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE 15 DAY OF SEPTEMBER, 2015, WAS POSTED IN THREE PLACES ON THE 18<sup>th</sup> DAY OF September, 2015.

  
Judy Morgan, Town Clerk

📖 § 35.05 CONDUCT IN PUBLIC OFFICE.

(A) The public official shall not discuss or divulge confidential information acquired in the course of his or her official duties, nor shall he or she use this information for his or her own personal interest or aggrandizement. As a minimum, the public official shall utilize A.R.S. § 38-504 as one, but not the only, guideline.

(B) The public official shall respect the rights, privileges and opinions of fellow officials.

(C) Propriety dictates that the public official shall be sensitive to the possible confidential or personal nature of directives addressed to other individuals.

(D) In any dealings with town employees, the public official shall maintain professional conduct with respect to work assignments and obligations. The office of the public official shall in no situation be used to wrongfully obtain information, either by intimidation or by deliberately violating the privacy of an employee's work station.

(E) Public decision-making must be fair and impartial and shall be non-discriminatory on the basis of protected classes, such as racial and religious groups, outlined in federal, state and town laws and ordinances. Public officials shall conduct business and operate in a manner that is free from illegal discrimination on the basis of age, sex, color, race, disability, national origin, or religious persuasion.

(F) Public officials shall not use their political or appointed office to advance private interests and engage in political campaigning at town meetings or within town buildings.

(G) No relative of a sitting Council Member, member of a town board, committee or commission may be employed by the town.

(H) Discussion of issues that may appear in the future before the Council or a board, committee or commission shall be prohibited when a situation arises where a quorum of the Council or a board, committee or commission exists. Numerous Arizona laws require that meetings of public bodies be open to the public, and that public records be available for inspection.

(Ord. 13-103, passed 12-17-2013)

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**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

**COUNCIL AGENDA ACTION REQUEST FORM**

**Meeting Type:**  Regular       Special       Work Session

**Meeting Date:** 01/19/16

**Date of Request:** 1/13/16

**Type of Action:**  Routine/Consent       Regular

**Requesting:**  Action       Report Only

**Agenda Item Text (a brief description for placement on the agenda; please be exact):**

Create committee of citizens to go through animal ordinances

**Purpose and Background Information (Detail of requested action).** \_\_\_\_\_

the purpose is to be sure what we approve will have everyones input.

some people have been waiting until the last minute and this action would

allow them to have a say in what type of ordinances we are approving.

**Staff Recommendation(s):** \_\_\_\_\_

**Budgeted Amount:** \$ 0.00

**List All Attachments:** \_\_\_\_\_

**Type of Presentation:** \_\_\_\_\_

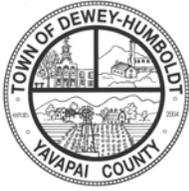
**Special Equipment needed:**  Laptop     Remote Microphone

Overhead Projector     Other: \_\_\_\_\_

**Contact Person:** Mayor, Nolan

**Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.**

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**COUNCIL AGENDA ACTION REQUEST FORM**

**Meeting Type:**  Regular  Special  Work Session

**Meeting Date:** [ 01-19-16 ].

**Date of Request:**[ 01-13-16 ].

**Type of Action:**  Routine/Consent  Regular

**Requesting:**  Action  Report Only

**Agenda Item Text (a brief description for placement on the agenda; please be exact):**

[\_\_]. A request by Mayor [Nolan \_\_] to discuss.

[ the Mayor attending legislative dinner Jan 27, 2016 ]

**Purpose and Background Information (Detail of requested action):** [\_\_]

Good afternoon GAMA Members,

Members of GAMA and the Tri-City Council of Mohave County (TCC) will host a legislative dinner to discuss legislative issues common to our rural communities. Legislative invitees include GAMA and TCC district legislators and legislative leadership. Our goal for this social gathering is to have open dialog with our legislative representatives about the 2016 session and the Governor’s budget proposal. The Renaissance Phoenix Downtown Hotel in the Salon 8 room, located at 50 East Adams Street, Phoenix, AZ 85004, has been reserved to host our legislative dinner on January 27, 2016, with a no-host cocktail hour at 5:30PM and dinner at 6:30PM.

**Hotel Rate and Reservation Details:**

A block of 25 rooms is available for this event. Our group rate for a night stay on Wednesday, January 27th is \$133, plus applicable sales tax (currently 12.2%). Please call 1-800-468-3571 on or before January 27th to make your reservations. Or visit the website through this link: Book your group rate: Greater Arizona Mayors Association >> If you call in, please advise Customer Service that you are a part of “TCC/GAMA Legislative Day” group staying at the Renaissance Phoenix Downtown Hotel. All reservations must be guaranteed with a major credit card. Check-in is at 4pm. If you call to book a room and they say that the block is full, please contact Jerri Bracamonte as overflow options may be available.

**Dinner Details (6:30 pm – Ballroom Foyer located in the Renaissance Hotel):**

A custom menu will be prepared for the group dinner and includes Freshly Baked Rolls & Butter One Preselected Starter(soup or salad), One Preselected Entrée & One Preselected Dessert Freshly Brewed Coffee & Iced Tea Service. The cost per person will be between \$70 and \$80 per person. There will be a No-Host Bar also available. Lake Havasu City will pay for the bill (food and non-alcoholic beverages) and invoice the attending cities at a later date (split evenly). If you would like to buy an alcoholic beverage for the Legislators, the cost will not be included in the bill and you will be responsible to pay on your own tab. When you call to RSVP your attendance, please let Jerri know your dinner choice of: chicken, beef, fish, vegetarian, etc. If you have any food allergies or if you need a vegetarian plate please let Jerri know that ASAP.

**Staff Recommendation(s):** [\_\_].

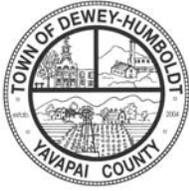
**Budgeted/Amount:** \$[\_\_].

**List All Attachments:** [\_\_].

**Type of Presentation:** .

**Special Equipment needed:**  Laptop  Remote Microphone  
 Overhead Projector  Other: \_\_\_\_\_

**Contact Person:** [ Mayor Nolan ].



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**TOWN COUNCIL REGULAR SESSION**

**January 19, 2016 6:30 p.m. Town Council Meeting Chambers**

**Agenda Item: # 10.1. Ordinance 16-123 “Reasonable Accommodations”:** Adopting the “Arizonans with Disabilities Act” by reference; amending sections of Town Code Title XV Land Usage Chapter 150 Building Codes and Chapter 153 Zoning Regulations. Public hearing, discussion and possible adoption, modification, tabling to a future meeting, or rejection.

**To: Mayor and Town Council Members**

**From: Yvonne Kimball, Town Manager; Steven Brown, Community Planner / Code Officer**

**Date submitted: January 14, 2016**

**Recommendation options – after the public hearing, a. proceed with adoption; b. table to a future meeting after P&Z can form a recommendation**

**Summary:**

Town Council directed staff to proceed with an ordinance to reflect our compliance with the federal and state requirements of providing reasonable accommodations.

Council reviewed the proposed Ordinance (15-118) at the November 10 study session. The ordinance then went through the first public hearing at the January 7 P&Z meeting (the Ordinance was renumbered in 2016 to 16-123). At the public hearing, the P&Z Commission decided to table the item and discussed it again at their February 4<sup>th</sup> meeting.

These are the summary of the comments received at the P&Z public hearing:

1. Although the Ordinance states clearly that we were responding to a requirement of the “Arizonans with Disabilities Act”, as well as being pursuant to federal and state fair housing laws and the “Americans with Disabilities Act”, that fact needs to be more explicitly stated.
2. The concern of the Zoning Administrator having no medical background and thereby in the event of a denial of a reasonable accommodation application, an independent medical review would be sought at the town’s expense.
3. To include a more specific reference to the federal and state ADA regulations in the application form.

It appears that some town residents have misunderstandings about the proposed ordinance. Staff would be happy to discuss how these issues brought up have been addressed by the proposed ordinance.

Attachments: Ordinance 16-123 Reasonable Accommodations (previously numbered in 2015 as 15-118) along with the application form (the application form is not part of the ordinance and does not need a legislative action)

ORDINANCE No. 16-123

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, DELCARING THE DOCUMENT ENTITLED "ARIZONANS WITH DISABILITIES ACT" AS A PUBLIC RECORD; ADOPTING THE "ARIZONA WITH DISABILITIES ACT" BY REFERENCE; AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE XV LAND USAGE, CHAPTER 150 BUILDING CODES, SUBCHAPTER CODES ADOPTED, § 150.011 EFFECTIVE DATE RELATED TO ADOPTING "THE ARIZONANS WITH DISABILITIES ACT"; AND CHAPTER 153 ZONING REGULATIONS, SUBCHAPTER GENERAL PROVISIONS, BY AMENDING § 153.005 DEFINITIONS TO ADD DEFINITIONS OF "HANDICAPPED PERSON" AND "REASONABLE ACCOMMODATION"; AND AMENDING SUBCHAPTER ADMINISTRATION, ENFORCEMENT BY ADDING NEW § 153.024 REASONABLE ACCOMMODATIONS RELATED TO PROVIDING A PROCEDURE FOR GRANTING REASONABLE ACCOMMODATIONS TO HANDICAPPED PERSONS PURSUANT TO FEDERAL AND STATE FAIR HOUSING AND DISABILITIES LAWS; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES

**Whereas**, that certain document entitled "Arizonans with Disabilities Act", three copies of which are on file in the office of the Town Clerk, is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk; and

**Whereas**, pursuant to federal and state fair housing laws and the Americans with Disabilities Act, the Town may not make zoning and land use decisions or implement land use policies that exclude or otherwise discriminate against individuals with disabilities; and

**Whereas**, the Town is required to provide reasonable accommodations to persons with handicaps to enable them to enjoy the same opportunities for housing as other non-affected individuals; and

**Whereas**, the Town of Dewey-Humboldt Town Council desires to establish a procedure to facilitate responses to requests by persons in need of reasonable accommodations;

**Now, Therefore**, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 150 Building Codes, Subchapter Codes Adopted, Section 150.011 Effective Date is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**150.11 ~~Effective Date~~ADOPTION OF ARIZONANS WITH DISABILITIES ACT AND IMPLEMENTING RULES.**

~~The effective date for this subchapter is July 1, 2007.~~ THAT CERTAIN DOCUMENT, THREE COPIES EACH OF WHICH ARE ON FILE IN THE OFFICE OF THE TOWN CLERK BEING MARKED AND DESIGNATED AS THE "ARIZONANS WITH DISABILITIES ACT" (ARIZONA REVISED STATUTES, TITLE 41, CHAPTER 9, ARTICLE 8), AND THE "ARIZONANS WITH DISABILITIES ACT IMPLEMENTING RULES" (ARIZONA ADMINISTRATIVE CODE, TITLE 10, CHAPTER 3, ARTICLE 4), WHICH INCORPORATES THE FEDERAL "2010 ADA STANDARDS FOR ACCESSIBLE DESIGN", IS HEREBY REFERRED TO, ADOPTED AND MADE A PART HEREOF AS THOUGH FULLY SET FORTH IN THIS SECTION, AS THE ARIZONANS WITH DISABILITIES ACT OF THE TOWN, AND SHALL APPLY TO NEW CONSTRUCTION AND ALTERATIONS AND ARE NOT REQUIRED IN BUILDINGS OR PORTIONS OF EXISTING BUILDINGS THAT DO NOT MEET THE STNDARDS AND SPECIFICATIONS.

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations, Subchapter General Provisions, Section 153.005 Definitions is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**§ 153.005 Definitions**

\* \* \*

**HANDICAPPED PERSON.** A HANDICAPPED PERSON IS A "PERSON WITH A DISABILITY", AS THAT TERM IS DEFINED IN THE AMERICANS WITH DISABILITIES ACT AND INCLUDES (1) INDIVIDUALS WITH A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES; (2) INDIVIDUALS WHO ARE REGARDED AS HAVING SUCH AN IMPAIRMENT; AND (3) INDIVIDUALS WITH A RECORD OF SUCH AN IMPAIRMENT.

\* \* \*

**REASONABLE ACCOMMODATION.** A REASONABLE ACCOMMODATION IS A CHANGE, EXCEPTION, OR ADJUSTMENT TO A RULE, POLICY, PRACTICE, OR SERVICE THAT MAY BE NECESSARY FOR A HANDICAPPED PERSON TO HAVE AN EQUAL OPPORTUNITY TO USE AND ENJOY A DWELLING, INCLUDING PUBLIC AND COMMON USE SPACES.

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations, Subchapter Administration, Enforcement, is hereby amended to add new Section 153.024 Reasonable Accommodations to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**§ 153.024 REASONABLE ACCOMMODATIONS.**

(A) *APPLICATION.* IF A HANDICAPPED PERSON BELIEVES A REQUIREMENT OF THE ZONING CODE PREVENTS HIM FROM ENJOYING THE SAME OPPORTUNITIES FOR HOUSING AS OTHER PERSONS WHO ARE NOT HANDICAPPED, THE OWNER SHALL SUBMIT TO THE ZONING ADMINISTRATOR A WRITTEN REQUEST FOR ACCOMMODATION AND THE REASONS WHY THE ACCOMMODATION IS REQUIRED. THE WRITTEN REQUEST SHALL CONTAIN SUFFICIENT FACTS TO ALLOW THE ZONING ADMINISTRATOR TO MAKE AN INDIVIDUALIZED DETERMINATION OF THE PERSON'S NEEDS, TO ADDRESS THE TOWN'S SAFETY AND WELFARE CONCERNS, AND TO ASSURE COMPLIANCE WITH THIS SECTION.

(B) *ZONING ADMINISTRATOR DETERMINATION.* THE ZONING ADMINISTRATOR SHALL REVIEW THE WRITTEN REQUEST AND DETERMINE:

(1) WHETHER AN ACCOMMODATION SHOULD BE MADE PURSUANT TO THE REQUIREMENTS OF THE FEDERAL AND STATE FAIR HOUSING LAWS; AND

(2) IF SO, THE NATURE OF THE ACCOMMODATION.

(C) *FACTORS TO BE CONSIDERED.* IN MAKING A DECISION, THE ZONING ADMINISTRATOR SHALL CONSIDER THE REQUIREMENTS OF THE FEDERAL AND STATE FAIR HOUSING LAWS, THE AMERICANS WITH DISABILITIES ACT, PUBLIC SAFETY AND WELFARE CONCERNS, AND THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD. TO SHOW THAT A REQUESTED ACCOMMODATION MAY BE NECESSARY, THERE MUST BE AN IDENTIFIABLE RELATIONSHIP, OR NEXUS, BETWEEN THE REQUESTED ACCOMMODATION AND THE INDIVIDUAL'S DISABILITY.

(D) *EXTENT OF ACCOMMODATION.* THE ACCOMMODATION SHALL BE MADE ONLY TO THE EXTENT NECESSARY TO COMPLY WITH THE FEDERAL AND STATE FAIR HOUSING LAWS AND THE AMERICANS WITH DISABILITIES ACT.

Section II. Savings Clause

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

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this \_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

EXCUSED: \_\_\_\_\_ ABSTAINED: \_\_\_\_\_

APPROVED this \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Terry Nolan, Mayor

ATTEST:

\_\_\_\_\_  
Judy Morgan, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.  
Town Attorneys  
By Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-123 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE \_\_\_ DAY OF \_\_\_\_\_, 2015, WAS POSTED IN THREE PLACES ON THE \_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
Judy Morgan, Town Clerk



# TOWN OF DEWEY-HUMBOLDT

## "Arizona's Country Town"

Reasonable Accommodation  
Request Form  
Community Development  
P.O. Box 69  
Humboldt, AZ 86329

[www.dhaz.gov](http://www.dhaz.gov)

Phone: 928-632-7362, Fax: 928-632-7365

### **The Town Zoning Code and Federal & State laws define a person with a disability/handicap as:**

*"Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment."*

The Town of Dewey-Humboldt, in an effort to provide handicapped persons as defined above the same opportunities for housing and land use as other persons who are not handicapped, has developed this process for requesting reasonable accommodations to the requirements of the Zoning Code.

Applicants shall submit to the Zoning Administrator a completed written request for accommodation. The request shall contain sufficient facts to allow Zoning Administrator to make an individualized determination of the person's needs, to address the Town's safety and welfare concerns, and to assure compliance with the Town's Zoning Code except to the extent of an approved accommodation. **Accommodations granted will be reviewed on an annual basis, and in order to be continued, must be reapplied for annually. Annual application provides the Town the ability to track and monitor approved accommodations, and to assess annually the need for their continuance.**

- **Description of the reasons an accommodation is requested. Include a sufficient description of your impairment and limitations on your ability to comply with the Zoning Code to enable the Zoning Administrator to make a determination regarding accommodation. List the specific Zoning Code requirement that you are requesting be adjusted to accommodate your handicap.**

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- **Description of the accommodation being requested.**

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- **Period for which accommodation is being requested:**

Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

Is this a Renewal?  Yes  No

The Zoning Administrator may request additional information, either from you or your health provider in order to determine what accommodation is reasonable.

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Alternative Accommodation Approved: \_\_\_\_\_

\_\_\_\_\_  
Zoning Administrator Date