

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

Tuesday, September 19, 2017, 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 Jack Hamilton, John Hughes, Amy Timmons, Doug Treadway, Victoria Wendt; Vice Mayor Mark McBrady; 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.

4.1 Firewise Board report.

4.2 Interviews and possible appointments of applicants to the Planning and Zoning Commission to fill the two vacancies.

5. Town Manager's Report. Update on Current Events. No legal actions can be taken. Council may ask town staff to review an operational matter at this time, or may ask that a matter be put on a future agenda for actions or further discussion. Possible matters and projects are related to Town general administration, Finance, Public Works, Community Development.

6. Consent Agenda.

6.1. Minutes. Approval of Minutes from the September 5, 2017 Regular 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.

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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.

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8.1. **Discussion and possible action to rescind Ordinance No. 17-137 adopted on September 5, 2017 related to the regulation of dogs, dangerous and biting dogs, maintenance standards for dogs and enforcement.**

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8.2. **Discussion and possible action to adopt Ordinance No. 17-140 amending the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title IX General Regulations, Chapter 90 ANIMALS by renaming Chapter 90 as DOGS related to the control and regulation of dogs, dangerous and biting dogs, maintenance standards for dogs and enforcement.**

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

45

10. **Public Hearing Agenda.**

51

10.1. **ZTC-17-001 Request to amend the Town of Dewey-Humboldt, County of Yavapai, Arizona, declaring that certain document entitled “Town of Dewey-Humboldt, Arizona Sign Code, dated September 19, 2017” to be a public record; adopting the “Town of Dewey-Humboldt, Arizona Sign Code, dated September 19, 2017” by reference; amending the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations by repealing the provisions of Subchapter Sign Code and replacing it with the provisions set forth in the “Town of Dewey-Humboldt, Arizona Sign Code, dated September 19, 2017”, consisting of Subchapter Signs and including the following sections: § 153.125 Purpose, § 153.126 Definitions, § 153.127 Permits required, § 153.128 General Provisions, § 153.129 Sign Regulations for Use Districts, and 153.130 Sign Regulations, Mobile Home, Travel Trailer and Recreational Vehicles and providing penalties. Possible approval, rejection or modification.**

87

10.2. **MGPA-17-001 Request for a Minor Amendment to the General Plan to change the Land Use Designation of Assessor’s Parcel Numbers 402-02-003R, 402-02-003T, 402-02-003V and 402-02-003W from Low Density Residential to Community Core. Possible approval, rejection or modification.**

98

10.3. **ZDC-17-001 Request for a Zoning District Change to change the Zoning District designation of Assessor’s Parcel Numbers 402-02-003R, 402-02-003T, 402-02-003V and 402-02-003W from R1L-70 to C-2. Possible approval, rejection or modification.**

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

10. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, October 3, 2017, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, October 5, 2017, at 6:00 p.m.

Next Town Council Work Session: Tuesday, October 10, 2017, at 6:30 p.m.

If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call 928-632-7362 and speak with Julie Gibson, 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 14th day of September, 2017, 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

Town Commission, Boards and Committee Vacancy Application Form

Please complete this application form and thank you for your interest in serving.

Personal information:

Name: Nancy Wright email: _____

Mailing & Physical Address: Parker St., Humboldt, AZ 86329

Phone Number: _____ Accountant
(please indicate home and work numbers) Occupation

How long have you lived in Dewey-Humboldt? 17 years. Are you over the age of 18? Yes No

Are any of your relatives, employed by the Town? Who/Where: No

Emergency Contact: _____
Name Phone Relationship

Are you presently employed? (Check as many as apply)

Employed full-time Employed part-time Unemployed Retired Other _____

Employment experience relevant to the position applied for: Part of the Board of Adjustment as a council member.

Position applied for: Briefly describe your interest in volunteering for the Town's Boards, Commissions and/or Committees. Describe your experience, education and /or other qualities that you feel would be of value to the Town. You may apply for more than one position. If doing so, please list in order of preference. If needed, you may attach a separate sheet of paper.

As a resident for 17 years and a member of the Town Council for 11 years I feel qualified for the position.

I also have the time needed to serve and have gone through training for the BOA with the Town Attorney.

1/5/17 Wright, Nancy

Wright, Nancy

Town of Dewey-Humboldt

Commissions, Boards and Committees

(Please number in order of preference, 1st choice, 2nd choice, etc., if applying for more than one position)

COMMISSIONS

1st

Planning and Zoning Advisory Commission – Seven-member commission that hears requests for re-zonings, Planned Area Developments; makes recommendations to the Town Council. Term of appointment is four years. The Commission may set its own schedule but is required to meet at least quarterly or at the request of the Mayor, a Councilmember or applicant.

BOARDS

NW 1st

Board of Adjustment – Five resident members that hear appeals by property owners regarding variances and interpretations of staff decisions regarding land uses. Quasi-judicial, appeals of the Board's decisions are heard by Superior Court.

COMMITTEES

_____ **Environmental Issues Advisory Committee** – Provides for the identification, assessment and monitoring of environmental and public health issues that may be of concern to the Town. Term of appointment is two years. Committee may set its own meeting schedule and shall meet at least quarterly or at the request of the Town Council.

_____ **Groundwater Resource Advisory Committee** – Provides for the collection of data, information and studies that will assist the Town in being a positive influence in the preservation of its citizens' rights to access groundwater and other appropriate water resources. Term of appointment is two years. Committee may set its own schedule and shall meet at least quarterly or at the request of the Town Council.

_____ **Clean Town Committee** – Provides organizational oversight of volunteer services to the Town and its citizens and assist in developing programs that address issues of accumulated trash, code enforcement and related concerns. Term of appointment is two years. Committee may set its own meeting schedule and shall hold at least one meeting per year.

_____ **Open Space & Trails Committee** – Provides volunteer services to the Town by interacting with the community, other similar area committees and agencies to further the implementation of the Town Open Space & Trails Master Plan and to compile findings and contact reports associated with its activities. It shall also plan any trail, refuge area or related facility within the vicinity of Chaparral Gulch that is suggested by Council to be named in memory of Emmett Trapp.

_____ **Other Committees as needed.**

Information for Applicants

Members of boards, commissions and committees are appointed by the Town Council and serve at the pleasure of the Council. The appointment process begins with the submission of an application. Applications will be retained for one year following submission. Applicants are subject to a background checks and are expected to be interviewed by the Chair of the board, commission or committee and the Town Council for appointment.

Voting members of boards, commissions and citizen committees must be residents of the Town. Non-voting members of Citizen Committees may be non-residents.

Appointees may serve an unlimited number of terms on a board, commission, or citizen committee, at the discretion of the Town Council.

Regular attendance is required for board, commission and committee members. If a member misses three meetings consecutively or within a calendar quarter and the chair recommends removal, his seat is deemed vacant upon declaration by the Council.

Board, commission and citizen committee members are required to comply with Arizona open meeting laws, public records laws and with the Town of Dewey-Humboldt Code of Ethics.

Consent to Background Check

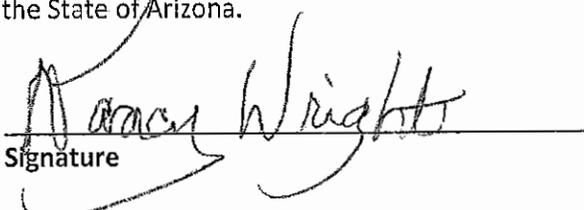
I (print name) Nancy Wright, by signing this application, hereby grant the Town of Dewey-Humboldt, through its officers, agents and administrative staff, permission to conduct a background check as authorized by the Dewey-Humboldt Town Code, § 31.17(D). The results of this check will be utilized to determine eligibility for membership on a Town board, commission, or citizen committee for which I have applied.

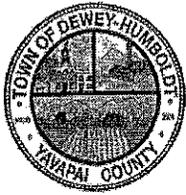
Signature and Verification

I hereby certify that all information contained in this application is true and complete and I understand that the information I have provided in this application may be verified by the Town of Dewey-Humboldt. I have read the information for applicants provided above and agree to comply with all the requirements for serving as a board, commission, or citizen committee member set forth above or as may be required by the Town Code and the laws of the State of Arizona.

11/10/2016

Date


Signature



TOWN OF DEWEY-HUMBOLDT

Dewey-Humboldt

SEP 06 2017

RECEIVED

Town Commission, Boards and Committee Vacancy Application Form

Please complete this application form and thank you for your interest in serving.

Personal information:

Name: LOW M. ULLMANN email: _____

Mailing & Physical Address: POWERLINE RD.

Phone Number: _____ (please indicate home and work numbers) Occupation RETIRED

How long have you lived in Dewey-Humboldt? 1 years. Are you over the age of 18? Yes No

Are any of your relatives, employed by the Town? Who/Where: NO

Emergency Contact: _____	_____	_____
Name	Phone	Relationship

Are you presently employed? (Check as many as apply) NO

Employed full-time Employed part-time Unemployed Retired Other _____

Employment experience relevant to the position applied for: LICENSED BUILDER, CARPENTER, MILLWORK EXPERIENCE & CABINET MAKER.

Position applied for: Briefly describe your interest in volunteering for the Town's Boards, Commissions and/or Committees. Describe your experience, education and /or other qualities that you feel would be of value to the Town. You may apply for more than one position. If doing so, please list in order of preference. If needed, you may attach a separate sheet of paper.

I WISH TO APPLY FOR THE PLANNING & ZONING COMMISSION.

I HAVE CITIZEN TRAINING IN PLANNING & SERVED 4 YEARS ON THE PLANNING COMMISSION & 7 YEAR ON BOARD OF ZONING APPEALS. I HAVE A BACHELORS DEGREE IN BIOLOGY. I ALSO SERVED ON THE BROWNFIELD RE-DEVELOPMENT AUTHORITY.

I WOULD LIKE TO USE THIS EXPERIENCE TO ASSIST IN DECISION MAKING IN DEWEY-HUMBOLDT.

Town of Dewey-Humboldt
Commissions, Boards and Committees

(Please number in order of preference, 1st choice, 2nd choice, etc., if applying for more than one position)

COMMISSIONS

 / **Planning and Zoning Advisory Commission** – Seven-member commission that hears requests for re-zonings, Planned Area Developments; makes recommendations to the Town Council. Term of appointment is four years. The Commission may set its own schedule but is required to meet at least quarterly or at the request of the Mayor, a Councilmember or applicant.

BOARDS

 Board of Adjustment – Five resident members that hear appeals by property owners regarding variances and interpretations of staff decisions regarding land uses. Quasi-judicial, appeals of the Board's decisions are heard by Superior Court.

COMMITTEES

 2 **Environmental Issues Advisory Committee** – Provides for the identification, assessment and monitoring of environmental and public health issues that may be of concern to the Town. Term of appointment is two years. Committee may set its own meeting schedule and shall meet at least quarterly or at the request of the Town Council.

 Groundwater Resource Advisory Committee – Provides for the collection of data, information and studies that will assist the Town in being a positive influence in the preservation of its citizens' rights to access groundwater and other appropriate water resources. Term of appointment is two years. Committee may set its own schedule and shall meet at least quarterly or at the request of the Town Council.

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 Other Committees as needed.

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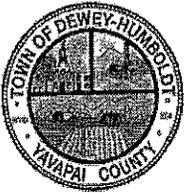
Board, commission and citizen committee members are required to comply with Arizona open meeting laws, public records laws and with the Town of Dewey-Humboldt Code of Ethics.

Signature and Verification

I hereby certify that all information contained in this application is true and complete and I understand that the information I have provided in this application may be verified by the Town of Dewey-Humboldt. I have read the information for applicants provided above and agree to comply with all the requirements for serving as a board, commission, or citizen committee member set forth above or as may be required by the Town Code and the laws of the State of Arizona.

Sept. 19, 2017
Date

Tom M. Ullmann
Signature



TOWN OF DEWEY-HUMBOLDT

Town Commission, Boards and Committee Vacancy Application Form

Please complete this application form and thank you for your interest in serving.

Personal information:

Name: MICHAEL GILL email: _____

Mailing & Physical Address: SOUTH APACHE KNOLLS TRAIL

Phone Number: _____ Occupation: REAL ESTATE
(please indicate home and work numbers)

How long have you lived in Dewey-Humboldt? 3.5 years. Are you over the age of 18? Yes No

Are any of your relatives, employed by the Town? Who/Where: NO

Emergency Contact: _____
Name Phone Relationship

Are you presently employed? (Check as many as apply)

Employed full-time Employed part-time Unemployed Retired Other _____

Employment experience relevant to the position applied for: COMMERCIAL, RESIDENTIAL
15yrs (NC) PLANNING AND CONSTRUCTION

Position applied for: Briefly describe your interest in volunteering for the Town's Boards, Commissions and/or Committees. Describe your experience, education and /or other qualities that you feel would be of value to the Town. You may apply for more than one position. If doing so, please list in order of preference. If needed, you may attach a separate sheet of paper.

VOLUNTEER PLANNING COMMISSION:
BACHELORS OF SCIENCE DEGREE ECONOMIC
MARKETING, BUSINESS 1975 KENT STATE UNIV.
(OH), PERMANENT RESIDENT WITH CONSTRUCTION
AND LAND PLANNING EXPERIENCE, SITE WORK ETC,
COMMERCIAL PILOTS LICENSE INSTRUCTOR KSU
BRIT AIRWAYS (1977-1982) LOVE MY HOME HERE
IN DEWEY, AZ LOOK FORWARD TO HELPING!
Dewey-Humboldt

SEP 12 2017

Town of Dewey-Humboldt
Commissions, Boards and Committees

(Please number in order of preference, 1st choice, 2nd choice, etc., if applying for more than one position)

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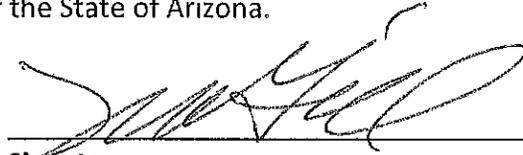
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Signature and Verification

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9/12/17

Date



Signature

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Agenda Item 6.1.
**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
SEPTEMBER 5, 2017, 6:30 P.M.**

A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 5, 2017, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** Mayor Nolan called the meeting to order at 6:30 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done.
 - 2.2. **Invocation.** Given by Amy Timmons.
3. **Roll Call.** Town Council Members Jack Hamilton, John Hughes, Amy Timmons, Doug Treadway, Victoria Wendt, Vice Mayor Mark McBrady, and Mayor Terry Nolan.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

4.1 POW/MIA Recognition Day Proclamation.

Mayor Nolan read the proclamation and endorsed September 15, 2017, as POW/MIA Recognition Day in the Town of Dewey-Humboldt.

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

Interim Town Manager Elliott recognized the Volunteer of the Year event that was held earlier in Council Chambers and spoke of appreciation of the public that attended this event.

The Fiscal Year 16-17 Audit began today and should be completed within the week.

The Town has received video of the suspect of the individual who broke into the Town Hall and the Interim Manager Elliott will keep Council advised on this issue.

Clean-up is this week and Public Works is busy with that and he encouraged getting the news out for participation.

5.1. Report on property drainage issue addressed by Roy Mills during Public Comment at the August 15, 2017, Council Meeting.

Interim Manager Elliott spoke of Mr. Mills bringing this issue forward a couple weeks prior wherein he pointed out drainage issues. Since this was under the previous administration, Interim Manager Elliott had asked Staff to provide some background information. After discussion with Staff, this appeared to be a civil issue, but it went through Planning and Zoning. Interim Manager will generate a letter to Mr. Mills and copy Council, as well as contact Mr. Mills by phone.

6. **Consent Agenda.**

6.1. Minutes. Approval of Minutes from the August 1, 2017, Regular Council Meeting; August 2, 2017, Special Meeting; August 7, 2017, Special Meeting; August 8, 2017, Work Session; and August 15, 2017, Regular Council Meeting.

Councilmember Wendt spoke of some of her comments missing from the August 1, 2017 Regular Council Meeting minutes.

Mayor Nolan noted that the August 1, 2017, minutes would be pulled and moved to the Discussion Agenda item.

7. Councilmember Hamilton made a motion to approve the minutes from the August 2, 2017, Special Meeting; August 7, 2017, Special Meeting; August 8, 2017, Work Session; and August

Town Council Regular Meeting Minutes, September 5, 2017
15, 2017, Regular Council Meeting. The motion was seconded by Councilmember Timmons.
The motion passed unanimously.

8. Comments from the Public (on non-agendized items only).

Larry Moles spoke of an issue with a neighbor who has roosters who scream every night and day. It is a serious issue. He consulted Animal Control and they referred him to the Town. He has filed complaints with the Town. He does not know what to do, but believes that something should be done by the Town, maybe through the Codes. He feels that if people can't control their animals, they should be made to deal with it. He noted that the area is closing in and no longer farm animal territory anymore. This should be no exception to the rules, something has to be done. He should not have to sell his house to get away from it. Mayor Nolan advised that Council cannot reply at this time. This matter could be brought up at a later meeting. Mr. Moles referred to Ordinance 93-2 and that noise in general is a problem and the Town should act on it regardless if it is a rooster, dog, human, car, it should be dealt with.

Leigh Cluff spoke of moving here 33 years ago to a rural area. Dewey-Humboldt is a farm area. When you enter Town there is a sign that says "Country Town". There are animals in every single yard.

Town Attorney Smiley pointed out that this is not a discussion. If there are others that want to discuss something else at this time they may, but otherwise this subject should be addressed at another session.

Christine Devaux spoke of having moved to Dewey in 2014. The Upper Blue Hills area was her choice for the country and starlight. She recommended consideration of a "Welcome Packet" for new residents that could include town information; rules and regulations; property management responsibilities; emergency agency information; local service and facility information; local restaurant information and coupons. She believed that this would be helpful to new residents, as she has noted that the night skies are beginning to get brighter with newer residents. She believes that they may not know about the regulations. She left a handout with the Town Clerk.

Bonnie Scott-Truivy and Michael Fraley spoke of being the new owners of the former D-H Museum and own it jointly. Mr. Fraley began to speak of a situation with the lot located next door. Attorney Smiley noted this was an agendized item and should be brought up point of the meeting agenda.

Gary Mortimer spoke of being thankful for the public support they receive for their farm. Without the daily D-H business for their market, they would not be in business. Their farm brings a lot of people from outside the area to this beautiful area of D-H and he thinks this is a tremendous asset to the community. He reiterated his thanks for community support.

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

Mayor Nolan asked for Councilmember Wendt's comments on the August 1, 2017, Meeting Minutes.

Councilmember Wendt said that her comments were missing on the anomalies and being in the middle of the Green Gulch wash and that it could be that those anomalies were there for a reason. These are on the video at 49.37 and 43.13.

Councilmember Hamilton made a motion to approve the minutes of the August 1, 2017, Regular Council Meeting, as corrected, seconded by Councilmember Treadway. The motion passed unanimously.

8.1 Report on BLM Road Development.

Public Works Director Hanks spoke of contacting emergency management agencies and they all agreed with Option A, which was pointed out on the overhead map.

Councilmember Hamilton called point of order that what was being discussed was not BLM land, which was what was agendized. Director Hanks clarified with the next slide that his map and discussion did include BLM land.

Director Hanks showed the A, B, and C routes that were considered and reiterated that, the emergency agencies contacted, chose A from these three routes. There was discussion regarding the three options and the chosen Route A.

Community Planner (CP) Brown contacted Lt. Raiss of Yavapai County Sheriff's Office; Denny Foulk of Yavapai County Emergency Management; and Fire Marshall Rick Chase of Central Arizona and Medical Authority. The three agencies were provided the same information and each made the same choice. CP Brown spoke of seeking approval from Council to proceed with contracting with a Surveyor to survey Read Star Mine; Bandit Way and the BLM property and a stretch of Lovin' Way from Shirley to Read Star Mine. Property owners along these stretches have had nothing but positive comments as long as the Town can ensure the crossing at the BLM property remains gated as an emergency access only and the Town has made those assurances. Mayor Nolan inquired if they would be breakaway gates. CP Brown noted this could be accomplished or keys could be provided as a daisy chain of locks to emergency agencies. Mayor Nolan inquired if there would be access for the Fire Department. CP Brown noted they have a key and there could be flow either way.

CP Brown summarized that he was seeking authority to contact a surveyor to find out how the easements are currently used.

Town Attorney Smiley pointed out that this item was agendized as a report and legal action could not be taken at this time.

Councilmember Timmons spoke of Council having previously given Staff direction to get with emergency agencies and then proceed with the survey.

Director Hanks referenced checking the previous meeting minutes and records to make that determination. He spoke of the next step being to work on the A-B connection. If they can't get that in place, whether they go A or B would be moot, if they can't get BLM and everybody on board on that stretch.

Councilmember Treadway disagreed and noted that Council was to receive a report first before authorizing the survey. He inquired as to what specifically the survey company is going to do.

Director Hanks replied that the survey would be where the easements are for the Bandit Way and Read Star Roads and the existing roads are actually within the easements and then they would know how to tie in the BLM land.

Councilmember Treadway spoke of them having A and B. Which would cost more? Director Hanks said the cost would be about the same, he was unable to provide an accurate estimate without the survey. CM Treadway spoke of other areas of town needing the same services and deserves equal attention.

Councilmember Wendt recalled that at the previous meeting she tried to make a motion to proceed with the survey but was stopped by Councilmember Hamilton because he wanted to see the emergency agency recommendations. She noted that they now need to proceed with the survey.

Councilmember Hamilton asked if the committee was only shown these three options. Director Hanks clarified that they were shown other options, as well.

Interim Manager Elliott noted that legal counsel pointed out that on the August 15, 2017 Minutes that were just approved, if you look on page 26 and page 27, it was stated that "Councilmember Wendt made a motion to have Staff to apply to the BLM for the application for the right of way across the property and in the meantime have Mr. Brown speak with emergency agencies that we directed a letter to, prior to having the survey done, but once we have approval and they say that is it, it is a good route, then go ahead and have Council commission the survey to be done".

Director Hanks said that he would work on the A & B portion survey and get a cost estimate for part of A, so there will at least be a cost factor.

Public Comment

Tom Watson noted that the last time this was discussed when the motion was made to have emergency management to look at the situation, the talk was at the end of Rocky Hill, not on down into that deep ravine and hanging a right onto an easement on BLM. The way it is being presented makes Rocky Hill a bad deal. He spoke against the proposed route and referenced that the Town needs to take the roads. He spoke of the potential safety issues and that a bad situation is being proposed. He spoke that the emergency route would be abused and the traffic would be dumped on the property owners. If the Town is going to something, then do it right. He spoke of the Prescott Dells residents being unhappy with this as well, the Town dumping their problem on them.

Gary Mortimer spoke of the Council considering that there may be permits to run cattle on that land and putting gates there and the potential impact.

David Nystrom spoke of a section of Prescott Dells Road having been surveyed a few years ago for a different Town project. As a homeowner on Prescott Dells Ranch Road, he spoke of the emergency route becoming a thoroughfare and as a result the Town should share part of the maintenance costs. It is a private road, but if the Town contributes to the increase of public access, they should partially absorb the costs of maintaining the road and making it safe for everyone.

Mayor Nolan directed Staff that they have the okay to do the survey and find the right way through there, then come back to discuss what the issues may be and if the property owners are happy or not.

8.2. To approve amending Chapter 90 of the Animal Code, Ordinance N^o 17-137.

Mayor Nolan noted that there was a conflict with this agenda item as the most current version of the Animal Code.

Attorney Smiley pointed out that the agenda language was incomplete and may not have given enough notice to people who were interested in this subject. She also noted that she believed that there was no Ordinance attached on the website so people couldn't look at it and the version contained in the packet was not the final version. She recommended that this be continued either to the Study Session on the 12th or to the Regular Meeting on the 19th.

Councilmember Hamilton made a motion to move this to the 19th, seconded by Councilmember Treadway. Councilmember Treadway asked for clarification that they could not act on it tonight as it was a matter of all the language agreed upon when we formally discuss it, is what we approve.

Attorney Smiley confirmed that Council would have the right version in front of them and the agenda would have enough information on it for the public.

Councilmember Wendt spoke of believing there should be a motion to approve to remove the strikeouts and to approve it as amended on Chapter 90 of the Animal Code and bring in the secondary section that we had had talked about at a Work Session to add to this but this is just strictly the Dog Ordinance it is not anything else but the Dog Ordinance. This was already approved upon, we just need to remove the strikeouts, that's my motion, is to remove the strikeouts, bring it back in for approval as amended when the rest of it is done and that's your livestock.

Councilmember Hamilton noted that the one they had in Work Session did not have the strikeouts, that is why it is going to be what we came out of the Work Session with.

Councilmember Wendt disagreed noting that they did work with a version that had strikeouts, capitalization and the whole thing was done and approved. You all agreed. What you agreed to do was the second section on the other animals, particularly the livestock, to bring it back in the county language and to let the Attorney to decide whether it would go into zoning or into a separate ordinance. The Dog Ordinance is correct.

Councilmember Timmons spoke of disagreement with two words during the Work Session and that the words were changed and all approved it.

Councilmember Treadway agreed that it was approved and the large animal situation would be brought back at a later time.

Councilmember Wendt made a motion to remove the strikeouts, clean it up, bring it back in again, when the rest of it is ready for the other livestock and approve Code Chapter 90 of the Animal Code Ordinance 17-137, seconded by Councilmember Timmons.

Attorney Smiley requested clarification if the motion was to approve Version 4 which was part of the packet or the Attorney's final Version 5.

Councilmember Wendt confirmed that this was the version she was talking about #4.

Mayor Nolan asked that the motion be restated.

Town Clerk Gibson restated the motion as: Remove strikeouts, bring it back again when the rest of it is ready and approve 17-137. This was seconded by Councilmember Timmons.

Councilmember Hamilton asked Attorney Smiley about the 5th version prepared by Attorney Goodwin and thought that is what she would really want rather than this.

Councilmember Wendt said she saw that version and that is not what she would approve of, this is what she approved of for the Dog Ordinance. Bring the livestock version back as we discussed via the county version either in the zoning codes or as a separate ordinance, but not mix this right back into that livestock again. I want this ordinance approved, Ordinance 17-137, just remove the strikeouts, get it ready, when the other thing is ready then we'll bring them in together.

Mayor Nolan called for a vote on the motion. The motion is to take this ordinance and approve it with the strikeouts, bring it back with the strikeouts out of it and everything else involved.

Councilmember Hamilton spoke that it was also to bring back the animal at the same time.

Mayor Nolan asked for Public Comment.

Mike Kessler spoke of the goings on prompted by Victoria Wendt and the Animal Ordinance 17-137. He finds CM Wendt's submission, he found it timely and excellent and urged the Council to adopt what she has put forth.

Mayor Nolan called for the vote, the motion passed unanimously.

Councilmember Hamilton noted there was another motion on the floor. Mayor Nolan spoke of the second motion nullifying the first motion.

Attorney Smiley clarified that the motion still needed to be voted on.

Councilmember Hamilton restated his motion as to bring this back on the 19th, the last regular session of the month, seconded by Councilmember Treadway.

A roll call vote was taken, the motion failed by a 4-3 vote with CM Timmons, CM Wendt, VM McBrady, and Mayor Nolan voting against.

Councilmember Hughes left the dais at 7:27 p.m.

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

9.1 2017 Fall Pavement Preservation bid award. Possible bid award to the successful bidder or decision to reject all bids and possibly to rebid the project.

Director Hanks gave an overview of the project and the bid results. There were five responsible bidders. Director Hanks recommended the award of the bid to Earth Resources, a local contractor, who has done good work for the Town in the past. The bid came within the budget and left a little to help with the spring work which may help with oil prices going up.

Councilmember Treadway recommended that Council accept the bid from Earth Resources for the Fall Pavement Preservation project, seconded by Councilmember Hamilton.

Councilmember Timmons noted her desire to work with local contractors.

Councilmember Hughes returned to the dais at 7:29 p.m.

Mayor Nolan gave an overview of the motion. The motion passed unanimously.

9.2. To approve Amendment No. 1 to the License Agreement dated November 6, 2012, to allow the Dewey-Humboldt Historical Society to continue to use the Second St. Right of Way for parking lot and exhibition of large historical items use. [CAARF submitted by Councilmember Wendt and Councilmember Treadway].

Councilmember Treadway gave an overview of the CAARF with their reason for requesting this approval to accommodate the DHHS during their transition period of relocation. He noted that with the upcoming Agua Fria Festival it was a good place to display the large equipment. It would be costly to move these items until the Museum has a new location. He thought that the public land owned by the Town would better serve the community versus one private party.

Mayor Nolan spoke in agreement with the CAARF but noted access should be granted to the lower doorways of the former museum building, maybe 18 feet.

Councilmember Wendt spoke of not wanting to deny access to doorways. DHHS has stored equipment on the right-of-way for several years and as long as it is neat and tidy, this is something the place needs. She recommended this arrangement be upheld until the museum has a place to move the large equipment.

Mayor Nolan asked CM Wendt if she was denying the new owners access. CM Wendt clarified she was not and CM Treadway agreed with this as well.

Bonnie Scott-Truvy and Michael Fraley spoke that they intend to restore the bank building. The way that DHHS has positioned their equipment has created a safety hazard. There is plenty of room to keep all the stuff on the property without the wall of equipment in front of their doorways. She noted DHHS spoke that they would be neighborly and then they arranged the equipment as a wall. Mr. Fraley spoke of being in agreement with Ms. Scott-Truvy. He shared a copy of the attractive nuisance ordinance for Arizona and gave a copy to the Town Clerk.

Mayor Nolan asked if they would be in agreement with DHHS displaying their equipment if they gave the building owners ingress/egress to their two lower doorways. Ms. Scott-Truvy and Mr. Fraley were in agreement with this.

John Young spoke of there being a whole sidewalk and a few feet beyond that is clear. He asked how much room they needed, do they want to drive a dozer through there. Mayor Nolan said they asked for access to the two doorways. Mr. Young said that they have that. Ms. Scott-Truvy answered that they were seeking to back a truck up for deliveries. Mr. Young asked again how much room do they need.

Councilmember Timmons asked the building owners how they would access their property if there had been a fence there. Ms. Scott-Truvy replied she would not have bought it. Mr. Fraley said he would not have bought it if he thought there was no ingress/egress.

John Young said he would have been concerned as a buyer if he had checked out the property lines. He wouldn't have bought the property as it is. He asked again how much room.

Vice Mayor McBrady spoke of liability. The Town has an agreement with DHHS and maybe some of these issues should be ironed out before jumping into allowing someone else use it in regard to liability and gave various scenarios. He feels this should be looked at more closely but again noted that there is an agreement in place with the DHHS.

Councilmember Timmons asked Ms. Scott-Truvy and Mr. Fraley to step forward. She asked them if when they purchased the property, say the equipment wasn't there and someone else owned it and there was a fence there, how would they have accessed it. Mr. Fraley spoke of this being a hypothetical, when in reality when they purchased the property, the property in question was being used as a yard sale parking area on that side of the building. It did not have the equipment that is presently there lined across the exits. He noted that the Fire Department would have a hard time getting in and out. Ms. Scott-Truvy spoke of DHHS originally saying they would be good neighbors, but they now appeared to be angry at them that they bought the building. CM Timmons asked about other ingress/egress options at other points of the building. Mr. Fraley spoke of the difficulties this presents to bring the building up to code.

Councilmember Timmons asked if the equipment was set up in an orderly fashion that modeled how it would be used in an actual mining site.

David Nystrom, President and Board Chair of DHHS, noted that the equipment is not set up in its final version and there is more equipment to be set up. It is the Town's property and if they feel it is best that the owners of the old bank building have access from a fourth side, in addition to the other three sides, certainly they would do what they could to accommodate that, but they would need to know what that was as it may affect their display. From a personal point, he advised the Council that if they are going to give up access of the right of way for private use, rather than to something for the good of the public, such as a non-profit organization, they need be careful of the liabilities and take caution.

Councilmember Treadway inquired of Mr. Nystrom if the owners of the building wanted to get a truck backed up to the lower entrance to possibly unload lumber would they be able to. David Nystrom responded that DHHS may need to move something to accommodate that. He said it was their intention to be good neighbors. They were just trying to maximize the use with the understanding that there was suitable access.

Vice Mayor McBrady questioned the property line of the building, noting the new owners may not have legal access to the doors. He spoke of being cautious giving an easement or use to a private citizen vs. a non-profit entity, needing to look at the gift clause. The Town wants to be good neighbors but they need to be careful. It was authorized for one purpose now it is being proposed to give those rights away to another.

Councilmember Hamilton noted that it is a public land. They let someone else use it. The new owners of the building just want to improve the building and bring it up to code. It needs to be looked at from all angles but in the meantime he would like the DHHS to move equipment granting access to the lower doors. It is not a Council decision right now, just a neighborly thing, and refer it to the Attorney for more of an opinion on this to be sure everything is covered as Vice Mayor McBrady recommended.

Councilmember Treadway asked the new owners how much room they need, do they want all the equipment moved. Ms. Scott-Truivy and Mr. Fraley noted that they did not need all the equipment moved, just a few pieces by the doors so their contractor could have safe access.

Councilmember Wendt inquired if 5 to 8 feet would cover their needs. Mr. Fraley said 12 feet would be more adequate. She asked for patience and give and take from the parties, in the meantime the attorneys can look at this. She spoke in appreciation of the building owners desire to fix up the building, but noted that the Historical Society has been uprooted.

David Nystrom spoke of the lot appearing to have much open space but there is plan for that. He noted that they received short notice to move. He spoke of being thankful that the Town has allowed them to use the property.

Attorney Smiley spoke of the license agreement with DHHS terminating when the Historical Society stops when they stop using the adjacent building as a museum. If you want them to be able to continue using the property, documentation needs to be executed, which would be retroactive to September 1, 2017. She recommended putting something in the agreement to allow the new owners of the building access to the lower doors.

Councilmember Treadway spoke in favor of Ms. Smiley's recommendation. He feels it could be a win-win for both parties.

Councilmember Wendt asked to make a motion. Mayor Nolan noted there was public comment waiting.

Public Comment

Leigh Cluff inquired where the new building owners were going to park the truck during the unloading of product. Are they parking that on your property? If something happens then the city is liable. If he parks his truck there, can I park my truck there? She noted not wanting any taxpayer money wasted on lawsuits.

Debbie Pomeroy noted being a totally neutral party because she does not live in Town. She spoke in recommendation of a written agreement with the building owners before allowing them to use the land, like there is with the Museum. She noted the buyers bought a piece of property without land, it is their problem. The real estate agent should have told her clients what was going on and she did not.

C'Ann Simpson noted she was the realtor for the buyer and the seller in this transaction. She has been into the Town office numerous times and she was told that the property east of the building was owned by the Town and that the buyers would need a survey to have access to it and that is what they did. A survey was performed and both parties received copies. They were of the understanding that they couldn't make application for use of that property until we had the survey until Mr. Fraley and Miss Bonnie were the owners. They closed escrow on Friday and they were prepared to present application or documentation required by the Town to be able to use that property and then during the timeframe the museum was moving out, all the equipment arrived. Not only did it impede their access to use the access and get in materials, it also did not allow the buyer to approach the Town with being able to have access to it because all the equipment is there. Both parties knew exactly what was happening, there were disclosures along the way, we were honorable in coming in and it was communicated to both the Museum and the Town that the buyers would be approaching them for access to that property. Ms. Simpson stated the woman who spoke before her did present her facts fairly or correctly.

Councilmember Timmons inquired where the survey markers are located. C'Ann Simpson spoke of the survey being complete and attempted to describe the location of the markers. CM Timmons asked who the realtor had spoken with. Ms. Simpson said she spoke with the buyers, the sellers, the Town and the historical society. CM Timmons asked who specifically she spoke with at the Town. Ms. Simpson replied that she spoke with the Community Planner Brown, Town Manager Kimball, and Building Official Roberts, performed a special inspection. She noted they did everything they were told they were required to. Again, they could not pursue the access until the survey was conducted.

Councilmember Hughes asked if they had done a string line test to see if the sidewalk curves out or is within the property line. Ms. Simpson was not comfortable answering that question as she has only visually observed the markers. Ms. Simpson noted that it was communicated to museum volunteers that if they needed more time to move they were willing to allow them more time, they weren't due to close till the 7th. She was shocked when she saw all the equipment knowing the Town knew the buyers were coming in to seek access. They were told that they could not have anything permanent on that land because it was Town land.

Councilmember Hughes asked if anyone could inform him of the distance between the building and the equipment. A member of the audience volunteered the measurement of seven feet. CM Hughes spoke of the parties being able to work this out without Council intervention. He spoke of Prescott's Whiskey Row not having one access door between

buildings; Prescott Valley having five feet between homes and there are other Towns that may have 20 feet between buildings. He understands the frustration of barely being able to drive a truck through seven feet. He spoke of now being able to visualize the situation having a number.

Councilmember Wendt made a motion that the License Agreement be redone, reworked, so that it explains the liability, give the new owners some access, at least on a temporary basis until they have done some completion of bringing in material, and once that's happened, let's see if we can't get these two to work together and let's move on, seconded by Councilmember Treadway.

Attorney Smiley spoke of having the license agreement in hand. The license is non-exclusive which would not prevent the new owners from going through there and it should be something that DHHS keeps in mind. Also the license provides that the Town shall not be liable for any expense, cost or charge arising. Licensee shall allow access to public utilities at all times. Prior to beginning work on any exhibition, installation, landscaping, or construction of any improvements on license property. Licensee shall submit plans to and obtain approval from the Town Manager. She is guessing this didn't happen due to the rush. There is an extensive indemnification paragraph that the Historical Society will indemnify the Town, making liability a non-issue. Licensee is required to provide insurance for the property as required by the Town.

Councilmember Wendt amended her motion to approve the amendment to the License Agreement as written, (noting that it covered everything that was discussed here), seconded by Councilmember Treadway.

Councilmember Timmons questioned Attorney Smiley about something she mentioned regarding liability in reference to the DHHS, if someone else has access do they have to sign a license agreement, as well due to the liability. Attorney Smiley answered that it would not hurt. The Town may want to require that. CM Timmons asked if there was a problem with two Licensees for the same property. Attorney Smiley said the license is not exclusive.

Councilmember Hamilton noted the License Agreement read that DHHS should submit plans for work on the property or to move new exhibits in. Attorney Smiley re-read the language regarding this issue.

Councilmember Timmons spoke of believing that at one time DHHS did approach the Town when they got all the equipment.

Public Comment

David Nystrom stated that in 2012 when they started setting up the outdoor museum pieces they did approach the Town and the Town did not ask DHHS to put up a fence as the exhibits were to be seen. He noted that they simply moved exhibits from one side of the property to the other. They had intended to submit a plan of their new equipment layout to the Town. Mr. Nystrom noted that the Town did a survey of the area in 2012 and that the property line actually clips off one corner of the building. This survey is on page 70 of the packet.

Mayor Nolan called the question on the vote.

Councilmember Hamilton said he would vote for this but he wants the DHHS and the new building owners to work this out. If this could not be worked out, he foresees problems down the road. They need people to work together. It will be nice to have the building restored and they need to be given that opportunity and that this can be worked out. If there is not an agreement, they will have to address the problem in the future.

Councilmember Timmons upon reviewing her packet had questions about the location of the equipment and the access. There was non-recognized discussion from the audience.

Public Comment

Scott Duffy noted that he is a utility worker and he has worked around that building and you have to watch out for the secondary wires that go to the APS meters on the building. He recommended contractors take their deliveries down the alleyway and go down the sidewalk, which is the safest way to get there. They can make room for the trucks to back up and deliver. Mr. Duffy spoke of being confused by what Vice Mayor McBrady brought up in regard to liability issues are they supposed to wait until that is resolved or go ahead and give them access today. Mayor Nolan noted the access would be tomorrow.

Councilmember Timmons recommended that the Town Planner get with both parties and mediate a situation and have the Town Attorney, in the meanwhile, look to see what kind of ramifications and liabilities there could be in such a deal.

Mayor Nolan took a vote to call the question which passed unanimously.

Town Clerk restated the motion: To approve the amendment as written, as the Town Attorney has stated this covers everything discussed here, seconded by Councilmember Treadway. The motion carried unanimously.

Mayor Nolan requested that they (DHHS) work this out with the neighbors so that they can get access, twelve foot, to get in the door. Mayor Nolan commented that a reasonable amount of time would be acceptable.

Community Planner Brown noted that the Building Official would be better positioned to help with the negotiations than Mr. Brown would. Mayor Nolan noted this would be okay, however staff worked it out would be fine.

9.3. Approval of Amendment No. 1 to the Accountability Contract with DHHS. [CAARF submitted by Mayor Nolan].

Mayor Nolan spoke of this agreement amendment to allow DHHS to utilize the rent money the Town has been paying to them for the building to be utilized to find another location and to also be able to relocate the stuff that they have.

Councilmember Treadway has no problem utilizing Town funds to pay for rents, moving costs, forklift, or storage, or if they find a place to rent but just giving them \$700 per month carte blanche, he questions if that is the best way to spend Town's money. Legitimate, accounted expenses he is okay with. Mayor Nolan said this allows them the leeway to start negotiating rent with a new landlord for another possibility. Councilmember Treadway said at that time they could resume paying the rent but paying \$700 per month while they are looking is not appropriate.

Attorney Smiley noted that the amendment provides that the Town will reimburse DHHS up to \$700 per month for reasonable expenses. It is not be used as they want, rather to be used for relocation.

Councilmember Timmons asked to make a motion. Mayor Nolan asked that Public Comment be taken first.

David Nystrom of DHHS explained that they pay their expenses first and then are reimbursed by the Town. Appropriate documentation for moving and storage incurred would be provided to the Town Accountant for reimbursement. He doubts this would approach the \$700 per month. They appreciate the Town's help in this transition period

Town Council Regular Meeting Minutes, September 5, 2017 and they will continue to work on fundraising funds for new property so they don't have to continually be renting and moving. He made a personal assurance to the Town that DHHS would be scrupulous with their documentation, they will not rest, they will continue with their fundraising.

Councilmember Timmons made a motion to continue to provide the Dewey-Humboldt Historical Society up to \$700 a month for relocation and moving costs to continue through December and to be revisited in December with a plan of moving forward, seconded by Councilmember Wendt.

Vice Mayor McBrady asked who put together the CAARF and was told it was Mayor Nolan's wording. VM McBrady recommended the Mayor's wording.

Councilmember Hamilton liked what the Attorney said, for actual expenses and they provide receipts, but he does not want to transfer funds to DHHS for the use that they may buy property; this would be a possible violation of the gift clause. If they have receipts for moving, storage, or past rent he is okay with that, but we are not giving them money to go buy property.

Councilmember Timmons noted DHHS would show receipts and be reimbursed and that it could help with first and last month's rent and moving costs. She noted this could be revisited in December.

Councilmember Wendt noted under "Scope of Work" under item C language that DHHS would maintain accurate financial records and that the funds expended are in accordance with this contract in compliance with federal, state and local regulations. She noted the contract should stand as it is.

Councilmember Wendt made a motion to approve the amendment as written in the CAARF, seconded by Vice Mayor McBrady.

Mayor Nolan called the question.

Councilmember Treadway summarized that the Town is going to reimburse \$700 per month for actual documented expenses incurred by DHHS to move, store, or rent equipment, that sort of thing, but it is actual expenses that will be documented.

Public Comment

Dennis Repan asked where the Historical Society is going to go. He spoke of the initial contract with DHHS being a benefit to the Town. His concern is that there is no return to the Town and is having a hard time justifying what the benefit to the Town is, from a businessman's point of view. Mayor Nolan noted that they are getting dry storage, so they can bring it back out once they get a new location to restore the inside museum. Mr. Repan inquired where DHHS was looking. There was comment from the audience and Mayor Nolan and Attorney Smiley noted that the comment was not to be directed to the public and this was turning into a discussion.

Councilmember Timmons spoke of DHHS showing receipts for reimbursement. It is not free money and they will adhere to the rules as before. That is why she put December in her motion for review.

Attorney Smiley apologized to Council that there was typo in the document on the year of the expiration date, which should have read 2018 instead of 2017 for the expiration date. An amendment to the motion would cover this.

Councilmember Wendt made a motion to accept the amendment to the Historical Society with the change of the date to 2018 as stated in this amendment, seconded by Vice Mayor McBrady who accepted the change.

Councilmember Treadway clarified that this is for rents, moving costs, storage, and equipment rental. He clarified that he is all in.

Mayor Nolan called for the vote, which passed unanimously.

The previous motions were withdrawn.

9.4. Start search for permanent Town Manager. [CAARF submitted by Mayor Nolan].

Mayor Nolan pointed out a handout provided by Interim Town Manger Elliott with topics of discussion in regard to the permanent Town Manager search.

There was Council discussion regarding improving the advertisement; the same process used for the Interim Town Manager; moving this to a Work Session; and that the ITM Elliott is willing to help them with this process.

Councilmember Hughes made a motion to bring this back to a Work Session as fast as we can and start this process.

Councilmember Hamilton inquired as to what was on the next Work Session agenda.

Interim Manager Elliott spoke of the animal control ordinance, the Town Management search and establishing the core goals of the interim management.

Councilmember Hamilton spoke of not realizing the animal ordinance was on the agenda.

Councilmember Timmons asked if the Work Sessions could be scheduled at night due to her work schedule. Mayor Nolan expressed consideration for this.

Councilmember Treadway seconded Councilmember Hughes motion.

Public Comment

Gary Mortimer spoke of the Interim Town Manager being a helpful tool in this process and his ability of lend much information. He spoke of the importance of the position and using the resource available in the Interim Town Manager.

Mayor Nolan called for the vote. The motion passed by a 6-1 vote, with Councilmember Timmons voting against.

10. Public Hearing Agenda. None

11. Adjourn. The meeting was adjourned at 8:52 p.m.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

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TOWN OF DEWEY-HUMBOLDT
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MEMO

Date: September 14, 2017

Agenda Item 8.1. and 8.2.

To: Town Council

From: Steven Brown, Community Planner

Re: Ordinance No. 17-137 and Ordinance No. 17-140

8.1 Discussion and possible action to rescind Ordinance No. 17-137 adopted on September 5, 2017 related to the regulation of dogs, dangerous and biting dogs, maintenance standards for dogs and enforcement.

Ordinance No. 17-137 is being proposed to be rescinded to allow for the amendment of certain specifics of the language of the ordinance.

Staff Recommendation:

Staff, recommends Council approval of the rescinding of Ordinance 17-137.

8.2 Discussion and possible action to adopt Ordinance No. 17-140 amending the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title IX General Regulations, Chapter 90 ANIMALS by renaming Chapter 90 as DOGS related to the control and regulation of dogs, dangerous and biting dogs, maintenance standards for dogs and enforcement.

Ordinance No. 17-140 is being proposed to be adopted including amendment of certain specifics of the language of the ordinance.

Staff Recommendation:

Staff recommends Council approval of the adoption of Ordinance 17-140.

TO BE RESCINDED

ORDINANCE No-17-137

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 BY RENAMING CHAPTER 90 AS DOGS RELATED TO THE CONTROL AND REGULATION OF DOGS, DANGEROUS AND BITING DOGS, MAINTENANCE STANDARDS FOR DOGS 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~~):

CHAPTER 90 ANIMALS DOGS

~~Animal-DOG 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.

~~ANIMAL. Any nonhuman mammal, bird, reptile, amphibian or fish.~~

~~ADEQUATE CARE. THE PROVISION OF A CLEAN, SAFE SHELTER, WHICH PROVIDES PROTECTION FROM THE WEATHER, SUFFICIENT VENTILATION FOR HOT AND COLD SEASONS, ADEQUATE FOOD, WATER AND EXERCISE CONSISTENT WITH THE NORMAL REQUIREMENTS AND FEEDING HABITS OF THE SIZE, SPECIES AND BREED OF THE DOG(S), AND VETERINARY CARE WHEN NEEDED TO PREVENT SUFFERING.~~

~~AT LARGE. Being neither confined by an enclosure nor an electronic fence capable of restraining the animal, nor physically restrained on a leash. NOT ON THE PREMISES OF A RESPONSIBLE PERSON AND NOT UNDER THE CONTROL OF A RESPONSIBLE PERSON. A DOG IS NOT AT LARGE IF IT IS IN A SUITABLE ENCLOSURE OR PHYSICALLY-UNDER CONTROL OF A RESPONSIBLE PERSON.~~

SDG:sdg 3049141.4 8/13/2017

TO BE RESCINDED

CRUELLY MISTREAT. To beat, cruelly ill-treat, abandon, torment, overwork or otherwise abuse ~~an animal~~ A DOG, TO torture or inflict unnecessary serious physical injury on ~~an animal~~ A DOG ~~animal~~ or to kill ~~an animal~~ A DOG in a manner that causes protracted suffering to the ~~animal~~ DOG.

CRUELLY NEGLECT. ~~To fail to provide an animal with necessary food, water, or shelter.~~ TO FAIL TO PROVIDE FOR A DOG'S HEALTH OR SAFETY, INCLUDING BUT NOT LIMITED TO FAILURE TO PROVIDE ADEQUATE FOOD, WATER, SHELTER, EXERCISE, OR NECESSARY VETERINARY CARE TO A DOG OR TO ADEQUATELY CONFINE A DOG IN A MANNER APPROPRIATE TO ITS SPECIES, BREED, AGE AND CONDITION.

DANGEROUS ANIMAL DOG. Any ~~animal~~ DOG that bites without provocation, is known to have a history, tendency or disposition to bite, or kills or causes injury, including injury to HUMANS OR ~~domesticated~~ OTHER 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 chapter.

FARM ANIMALS. ~~Any animals other than household pets.~~

HOUSEHOLD-PET. ~~A domesticated animal, such as a dog, cat, rabbit, bird, rodent, fish, or turtle, that is traditionally kept in the home for pleasure, rather than for commercial purposes.~~

IDENTIFICATION. COUNTY DOG LICENSE, RABIES TAG, MICROCHIP.

MICRO CHIP. A device implanted in a dog, used for identification, usually between the withers of a canine DOG.

RABIES VACCINATION. ~~The administration of a rabies vaccine to animals by a veterinarian.~~ ~~identified with a Rabies tag~~

RESPONSIBLE PERSON. AN OWNER OR OTHER person who has possession, care, custody or control of ~~an animal~~ A DOG.

UNDER CONTROL. PHYSICALLY RESTRAINED BY A LEASH, ROPE, CORD OR CHAIN OR OTHER DEVICE AND UNDER THE DIRECT SUPERVISION AND CONTROL OF A RESPONSIBLE PERSON UNLESS IN A TRAINING ENVIRONMENT OR ON PERSONAL PROPERTY AND IN DIRECT VERBAL CONTROL OF A RESPONSIBLE PERSON.

WORKING DOGS. Dogs kept for the primary purpose of hunting, herding, search and rescue, law enforcement, service dogs, guardian dogs, livestock protection, or other jobs, under the supervision of a responsible person ~~and while carrying out these purposes.~~

§ 99.02 GENERAL PROVISIONS.

(A) Any dog over the age of four months shall have a current ANTI-RABIES VACCINE AND identification-TAG number issued by Yavapai County, ~~and, except as otherwise provided in this paragraph,~~ SHALL wear a collar or harness to which is attached a valid rabies tag AND A

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TO BE RESCINDED

YAVAPAI COUNTY LICENSE. 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 a responsible person.

(AB) No dog shall be at large except as provided herein. Dogs shall be confined within a suitable enclosure capable of restraining the DOG animal or otherwise physically restrained to prevent entry of dogs on public or private property other than the responsible person's, OWNER'S or on a leash of sufficient length and strength to control the dog.

(1) NOTWITHSTANDING ANYTHING ELSE TO THE CONTRARY IN THIS CHAPTER, 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 ARE WORKING DOGS BEING TRAINED, WHILE HUNTING OR HERDING LIVESTOCK, ASSISTING A POLICE OFFICER ENGAGED IN LAW ENFORCEMENT DUTIES, OR WHILE ASSISTING A HANDICAPPED PERSON IN THEIR DAILY ACTIVITIES IF ON PERSONAL PROPERTY AND UNDER CONTROL SO LONG AS THE DOG CAN BE IMMEDIATELY LEASHED UPON ANY PERSON'S REASONABLE REQUEST.

(2) 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.

(3) NOTHING CONTAINED HEREIN SHALL PROHIBIT OR RESTRICT ANY ACTIVITY INVOLVING WORKING DOGS, WHETHER THE DOG IS RESTRAINED OR NOT, IF THE ACTIVITY IS DIRECTLY RELATED TO THE WORKING, EXHIBITING OR RAINING OF DOGS, AS PURSUANT TO TITLE 3 OF THE ARIZONA REVISED STATUTES.

~~(C) It shall be unlawful for a responsible person to maintain a dog that excessively barks, howls, emits other noises or otherwise disturbs the peace and quiet of nearby neighbors.~~

~~(D) It shall be unlawful for a responsible person for a farm animal, to permit such farm animal 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 responsible person within a reasonable period of time after notification.~~

(EC) *Animal care.*

(1) No responsible person shall fail to provide his animals DOGS with sufficient food and water, proper shelter and protection from the weather, or veterinary care when needed ADEQUATE CARE.

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TO BE RESCINDED

(2) No person shall, cruelly mistreat or CRUELLY neglect, ~~an animal~~ A DOG, or cause, instigate or permit any dogfight, ~~cockfight, bullfight~~ or other combat between ~~animals~~ DOGS or between ~~animals~~ DOGS and humans.

(3) The Enforcement Officer, on WITNESSING IMMINENT DANGER AND WHO BELIEVES ~~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~~ A DOG may immediately impound any ~~animal~~ DOG 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~~ DOG.

(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 A.R.S. Title 3.~~

~~§ 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 the responsible person 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 responsible person's 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.~~

~~§ 90.04 90.03 ENFORCEMENT; RUNNING AT LARGE.~~

(A) Any dog 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 that has been running at large, provided the Enforcement Officer is in reasonable pursuit of the dog.

(B) Enforcement officers may issue citations to the responsible person. The procedure for the issuance of a notice to appear shall be as provided by 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 cost of enforcement shall be borne by the owner of the ~~farm~~ animals.~~

~~§ 90.05 90.04 RELEASE OF IMPOUNDED DOG.~~

(A) Any person requesting the release of an impounded dog shall provide proof of an ANTI-rabies vaccination, or shall obtain an ANTI-rabies vaccination and shall pay for the costs of impoundment. Proof of ownership may be required prior to release.

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TO BE RESCINDED

(B) Any impounded dog which is not claimed within 72 hours shall be deemed abandoned after every effort to contact the owner by means of current County Tags, Microchip or Rabies Tags. Enforcement officers may take possession of abandoned dogs and may place the dog for sale or may dispose of the dog in a humane manner. Any person purchasing an abandoned dog shall obtain a rabies vaccination and pay the applicable fees and impoundment fees.

DANGEROUS AND BITING ANIMALS

§ 90.15 PROPER ENCLOSURE FOR DANGEROUS DOG.

A DANGEROUS DOG SHALL BE SECURELY CONFINED INDOORS OR OUTDOORS IN A SECURELY ENCLOSED AND LOCKED PEN OR STRUCTURE, SUITABLE TO PREVENT THE ENTRY OF YOUNG CHILDREN AND DESIGNED TO PREVENT THE ANIMAL FROM ESCAPING. SUCH PEN OR STRUCTURE SHALL HAVE SECURE SIDES, TOP AND FLOOR, AND SHALL ALSO PROVIDE PROTECTION FROM THE ELEMENTS FOR THE DOG.

§ 90.15- 90.16 DETERMINATION OF TOWN MAGISTRATE.

(A) If the Enforcement Officer has reason to believe ~~an animal~~ A DOG is a DANGEROUS DOG ~~animal~~, The Enforcement Officer ~~he~~ may file a petition with the town's Magistrate Court for a determination that the ~~animal~~ DOG is dangerous as defined in § 90.01.

(B) The Town Magistrate shall notify the responsible person for the DOG ~~animal~~ of the date, time and place of a hearing for a determination of a dangerous ~~animal~~ DOG.

(C) Following the hearing, the Town Magistrate may declare the DOG ~~animal~~ to be dangerous as defined in § 90.01. Each day of non-compliance shall constitute a separate offense.

§ 90.16 90.17 CONTROL OF DANGEROUS DOGS ANIMALS.

No person having charge, care, custody or control of ~~an animal~~ A DOG determined to be a dangerous ~~animal~~ DOG shall permit the animal off his or her premises unless the ~~animal~~ DOG is securely restrained by a responsible person who can physically keep the ~~animal~~ DOG in control.

§ 90.17 90.18 KILLING OF DANGEROUS ANIMALS.

Any law enforcement officer is hereby authorized to destroy any ~~animal~~ DOG determined to be a dangerous ~~animal~~ DOG when immediately necessary to protect any person or property.

§ 90.18 90.19 BITING ANIMALS DOGS.

The procedures set forth in A.R.S. § 11- 1014 shall be followed for biting ~~animals~~ DOGS.

MAINTENANCE; NUISANCE

§ 90.30 MAINTENANCE STANDARDS.

SDG:sdg 3049141.4 8/13/2017

TO BE RESCINDED

(1) VIOLATION OF THIS § 90.30 SHALL CONSTITUTE A NUISANCE AND A VIOLATION OF THIS CHAPTER.

(2) IT SHALL BE UNLAWFUL FOR A RESPONSIBLE PERSON TO MAINTAIN A DOG THAT EXCESSIVELY BARKS, HOWLS, EMITS OTHER NOISES OR OTHERWISE DISTURBS THE PEACE AND QUIET OF NEARBY NEIGHBORS OVER FIVE MINUTES OR BETWEEN THE HOURS OF 9:00 PM AND 6:00 AM.

(3) MAINTENANCE STANDARDS.

Premises on which ~~animals or fowl~~ DOGS 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 enclosures such as pens, stables, yards, cages, and stalls and handled or disposed of in a manner free of health hazard or public health nuisance. Nothing in this division shall be deemed to prohibit the use of animal manure or droppings on any farm, garden, lawn or ranch.~~

~~—(C) Watering troughs shall be equipped with adequate drainage to allow for adequate run-off to prevent a health hazard.~~

(1) EMISSION OF ODOROUS GASES OR OTHER ODOROUS MATTER SHALL BE CONTAINED IN SUCH QUANTITIES SO AS NOT TO BE OFFENSIVE OR CREATE A PUBLIC NUISANCE OR HAZARD.

(2) DOG WASTE SHALL BE REMOVED FROM PENS, YARDS, CAGES AND OTHER ENCLOSURES AND HANDLED OR DISPOSED OF IN AN APPROVED MANNER FREE OF HEALTH HAZARD OR PUBLIC HEALTH NUISANCE.

(3) WATERING VESSELS SHALL BE MAINTAINED TO PREVENT THE BUILDUP OF ALGAE AND TO PREVENT THE BREEDING OF MOSQUITOES.

~~§ 90.31 NUISANCE PROHIBITED.~~

~~—Violation of § 90.30 shall constitute a nuisance and a violation of this chapter.~~

ENFORCEMENT

§ 90.38 CITATION ISSUED TO RESPONSIBLE PERSONS.

(A) For purposes of this section and § 90.30, 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.

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TO BE RESCINDED

(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 §§ 90.02 through 90.04 90.03 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 § 90.16 90.17 or is in charge of a dangerous animal DOG 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 § 90.02(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 § 90.02(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 § 90.02(D) 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.

SDG:sdg 3049141.4 8/13/2017

TO BE RESCINDED

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this ____ day of September 2017, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of September 2017.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, JULIE GIBSON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17-137 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF SEPTEMBER 2017, WAS POSTED IN THREE PLACES ON THE ____ DAY OF SEPTEMBER 2017.

Julie Gibson, Town Clerk

SDG:sdg 3049141.4 8/13/2017

Agenda Item 8.2.
ORDINANCE N^o-17-140

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 BY RENAMING CHAPTER 90 AS DOGS RELATED TO THE CONTROL AND REGULATION OF DOGS, DANGEROUS AND BITING DOGS, MAINTENANCE STANDARDS FOR DOGS 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~~):

CHAPTER 90 ~~ANIMALS~~ DOGS

~~Animal~~-DOG 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.

~~**ANIMAL.** Any nonhuman mammal, bird, reptile, amphibian or fish.~~

ADEQUATE CARE. THE PROVISION OF A CLEAN, SAFE SHELTER, WHICH PROVIDES PROTECTION FROM THE WEATHER, SUFFICIENT VENTILATION FOR HOT AND COLD SEASONS, ADEQUATE FOOD, WATER AND EXERCISE CONSISTENT WITH THE NORMAL REQUIREMENTS AND FEEDING HABITS OF THE SIZE, SPECIES AND BREED OF THE DOG(S), AND VETERINARY CARE WHEN NEEDED TO PREVENT SUFFERING.

~~**AT LARGE.** Being neither confined by an enclosure nor an electronic fence capable of restraining the animal, nor physically restrained on a leash.~~ NOT ON THE PREMISES OF A RESPONSIBLE PERSON AND NOT UNDER THE CONTROL OF A RESPONSIBLE PERSON. A DOG IS NOT AT LARGE IF IT IS IN A SUITABLE ENCLOSURE OR PHYSICALLY-UNDER CONTROL OF A RESPONSIBLE PERSON.

~~**CRUELLY MISTREAT.** To beat, cruelly ill-treat, abandon, torment, overwork or otherwise abuse an animal~~ A DOG, TO torture or inflict unnecessary serious physical injury on ~~an animal~~ A DOG ~~animal~~ or to kill ~~an animal~~ A DOG in a manner that causes protracted suffering to the ~~animal~~ DOG.

~~**CRUELLY NEGLECT.** To fail to provide an animal with necessary food, water or shelter.~~ TO FAIL TO PROVIDE FOR A DOG'S HEALTH OR SAFETY, INCLUDING BUT NOT LIMITED TO FAILURE TO PROVIDE ADEQUATE FOOD, WATER, SHELTER, EXERCISE, OR NECESSARY VETERINARY CARE TO A DOG OR TO ADEQUATELY CONFINE A DOG IN A MANNER APPROPRIATE TO ITS SPECIES, BREED, AGE AND CONDITION.

~~DANGEROUS ANIMAL DOG.~~ Any ~~animal~~ DOG that bites without provocation, is known to have a history, tendency or disposition to bite, or kills or causes injury, including injury to HUMANS OR ~~domesticated~~ OTHER 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 chapter.

~~FARM ANIMALS.~~ Any animals other than household pets.

~~HOUSEHOLD PET.~~ A domesticated animal, such as a dog, cat, rabbit, bird, rodent, fish, or turtle, that is traditionally kept in the home for pleasure, rather than for commercial purposes.

~~IDENTIFICATION.~~ COUNTY DOG LICENSE, RABIES TAG, MICROCHIP.

~~MICRO CHIP.~~ A device implanted in a dog, used for identification, usually between the withers of a ~~canine~~ DOG.

~~RABIES VACCINATION.~~ The administration of a rabies vaccine to animals by a veterinarian. ~~identified with a Rabies tag~~

~~RESPONSIBLE PERSON.~~ AN OWNER OR OTHER person who has possession, care, custody or control of ~~an animal~~ A DOG.

~~UNDER CONTROL.~~ PHYSICALLY RESTRAINED BY A LEASH, ROPE, CORD OR CHAIN OR OTHER DEVICE AND UNDER THE DIRECT SUPERVISION AND CONTROL OF A RESPONSIBLE PERSON UNLESS IN A TRAINING ENVIRONMENT OR ON PERSONAL PROPERTY AND IN DIRECT VERBAL CONTROL OF A RESPONSIBLE PERSON.

~~WORKING DOGS.~~ Dogs kept for the primary purpose of hunting, herding, search and rescue, law enforcement, service dogs, guardian dogs, livestock protection, or other jobs, under the supervision of a responsible person ~~and while carrying out these purposes.~~

§ 90.02 GENERAL PROVISIONS.

(A) Any dog over the age of four months shall have a current ANTI-RABIES VACCINE AND identification TAG ~~number~~ issued by Yavapai County, ~~and, except as otherwise provided in this paragraph,~~ SHALL wear a collar or harness to which is attached a valid rabies tag AND A YAVAPAI COUNTY LICENSE. 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 a responsible person.

(AB) No dog shall be at large except as provided herein. Dogs shall be confined within a suitable enclosure capable of restraining the DOG ~~animal~~ or otherwise physically restrained to prevent entry of dogs on public or private property other than the ~~responsible person's,~~ OWNER'S or on a leash of sufficient length and strength to control the dog.

(1) NOTWITHSTANDING ANYTHING ELSE TO THE CONTRARY IN THIS CHAPTER, 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 ARE WORKING DOGS BEING TRAINED, WHILE HUNTING OR HERDING LIVESTOCK, ASSISTING A POLICE OFFICER ENGAGED IN LAW ENFORCEMENT DUTIES, OR WHILE ASSISTING A HANDICAPPED PERSON IN THEIR DAILY ACTIVITIES IF ON PERSONAL PROPERTY AND UNDER CONTROL SO LONG AS THE DOG CAN BE IMMEDIATELY LEASHED UPON ANY PERSON'S REASONABLE REQUEST.

(2) 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.

(3) NOTHING CONTAINED HEREIN SHALL PROHIBIT OR RESTRICT ANY ACTIVITY INVOLVING WORKING DOGS, WHETHER THE DOG IS RESTRAINED OR NOT, IF THE ACTIVITY IS DIRECTLY RELATED TO THE WORKING, EXHIBITING OR TRAINING OF DOGS, AS PURSUANT TO TITLE 3 OF THE ARIZONA REVISED STATUTES.

~~—(C) It shall be unlawful for a responsible person to maintain a dog that excessively barks, howls, emits other noises or otherwise disturbs the peace and quiet of nearby neighbors.~~

~~—(D) It shall be unlawful for a responsible person for a farm animal, to permit such farm animal 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 responsible person within a reasonable period of time after notification.~~

~~(E) Animal~~DOG care.

(1) No responsible person shall fail to provide his animals DOGS with sufficient food and water, proper shelter and protection from the weather, or veterinary care when needed ADEQUATE CARE.

(2) No person shall, cruelly mistreat or CRUELLY neglect, ~~an animal~~ A DOG, or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals DOGS or between animals DOGS and humans.

(3) The Enforcement Officer, on WITNESSING IMMINENT DANGER AND BELIEVING WHO BELIEVES 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~~ A DOG may immediately impound any animal DOG 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 DOG.

~~(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 A.R.S. Title 3.~~

~~§ 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 the responsible person 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 responsible person's control would permit immediate leashing of the dog upon any person's reasonable request.~~

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~~—(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.~~

§ 90.04- 90.03 ENFORCEMENT; RUNNING AT LARGE.

(A) Any dog 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 that has been running at large, provided the Enforcement Officer is in reasonable pursuit of the dog.

(B) Enforcement officers may CAUSE A COMPLAINT TO BE ISSUED ~~issue citations~~ to the responsible person. ~~The procedure for the issuance of a notice to appear shall be as provided by peace officers in A.R.S. § 13-3903, except that the Enforcement Officer shall not make an arrest before issuing the notice.~~ The COMPLAINT ~~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 cost of enforcement shall be borne by the owner of the farm animals.~~

§ 90.05- 90.04 RELEASE OF IMPOUNDED DOG.

(A) Any person requesting the release of an impounded dog shall provide proof of an ANTI-rabies vaccination, or shall obtain an ANTI-rabies vaccination and shall pay for the costs of impoundment. Proof of ownership may be required prior to release.

(B) Any impounded dog which is not claimed within 72 hours shall be deemed abandoned after every effort to contact the owner by means of current County Tags, Microchip or Rabies Tags.. Enforcement officers may take possession of abandoned dogs and may place the dog for sale or may dispose of the dog in a humane manner. Any person purchasing an abandoned dog shall obtain a rabies vaccination and pay the applicable fees and impoundment fees.

DANGEROUS AND BITING DOGS

§ 90.15 PROPER ENCLOSURE FOR DANGEROUS DOG.

A DANGEROUS DOG SHALL BE SECURELY CONFINED INDOORS OR OUTDOORS IN A SECURELY ENCLOSED AND LOCKED PEN OR STRUCTURE, SUITABLE TO PREVENT THE ENTRY OF YOUNG CHILDREN AND DESIGNED TO PREVENT THE DOG FROM ESCAPING. SUCH PEN OR STRUCTURE SHALL HAVE SECURE SIDES, TOP AND FLOOR, AND SHALL ALSO PROVIDE PROTECTION FROM THE ELEMENTS FOR THE DOG.

§ 90.15- 90.16 DETERMINATION OF TOWN MAGISTRATE.

(A) If the Enforcement Officer has reason to believe ~~an animal~~ A DOG is a DANGEROUS DOG ~~animal~~, The Enforcement Officer ~~he~~ may file a petition with the town's Magistrate Court for a determination that the ~~animal~~ DOG is dangerous as defined in § 90.01.

(B) The Town Magistrate shall notify the responsible person for the DOG ~~animal~~ of the date, time and place of a hearing for a determination of a dangerous ~~animal~~ DOG.

(C) Following the hearing, the Town Magistrate may declare the DOG ~~animal~~ to be dangerous as defined in § 90.01. Each day of non-compliance shall constitute a separate offense.

§ 90.16 90.17 CONTROL OF DANGEROUS DOGS ANIMALS.

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No person having charge, care, custody or control of ~~an animal~~ A DOG determined to be a dangerous ~~animal~~ DOG shall permit the animal off his or her premises unless the ~~animal~~ DOG is securely restrained by a responsible person who can physically keep the ~~animal~~ DOG in control.

§ 90.17 90.18 KILLING OF DANGEROUS DOGS.

Any law enforcement officer is hereby authorized to destroy any ~~animal~~ DOG determined to be a dangerous ~~animal~~ DOG when immediately necessary to protect any person or property.

§ 90.18- 90.19 BITING ANIMALS DOGS.

The procedures set forth in A.R.S. § 11- 1014 shall be followed for biting ~~animals~~ DOGS.

MAINTENANCE; NUISANCE

§ 90.30 MAINTENANCE-~~STANDARDS.~~

(A) VIOLATION OF THIS § 90.30 SHALL CONSTITUTE A NUISANCE AND A VIOLATION OF THIS CHAPTER.

(B) IT SHALL BE UNLAWFUL FOR A RESPONSIBLE PERSON TO MAINTAIN A DOG THAT EXCESSIVELY BARKS, HOWLS, EMITS OTHER NOISES OR OTHERWISE DISTURBS THE PEACE AND QUIET OF NEARBY NEIGHBORS OVER FIVE MINUTES OR BETWEEN THE HOURS OF 9:00 PM AND 6:00 AM.

(C) MAINTENANCE STANDARDS.

Premises on which ~~animals or fowl~~ DOGS 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 enclosures such as pens, stables, yards, cages, and stalls and handled or disposed of in a manner free of health hazard or public health nuisance. Nothing in this division shall be deemed to prohibit the use of animal manure or droppings on any farm, garden, lawn or ranch.~~

~~—(C) Watering troughs shall be equipped with adequate drainage to allow for adequate run-off to prevent a health hazard.~~

(1) EMISSION OF ODOROUS GASES OR OTHER ODOROUS MATTER SHALL BE CONTAINED IN SUCH QUANTITIES SO AS NOT TO BE OFFENSIVE OR CREATE A PUBLIC NUISANCE OR HAZARD.

(2) DOG WASTE SHALL BE REMOVED FROM PENS, YARDS, CAGES AND OTHER ENCLOSURES AND HANDLED OR DISPOSED OF IN AN APPROVED MANNER FREE OF HEALTH HAZARD OR PUBLIC HEALTH NUISANCE.

(3) WATERING VESSELS SHALL BE MAINTAINED TO PREVENT THE BUILDUP OF ALGAE AND TO PREVENT THE BREEDING OF MOSQUITOES.

~~§ 90.31 NUISANCE PROHIBITED.~~

~~—Violation of § 90.30 shall constitute a nuisance and a violation of this chapter.~~

ENFORCEMENT

§ 90.98 CITATION ISSUED TO RESPONSIBLE PERSONS.

(A) For purposes of this section and § 90.30, 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 §§ 90.02 through 90.04 90.03 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 § 90.16 90.17 or is in charge of a dangerous ~~animal~~ DOG 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 § 90.02(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 § 90.02(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 § 90.02(D) 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

SDG:sdg 3049141.8 9/13/2017

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 _____, 2017, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 2017.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Acting Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, JULIE GIBSON, ACTING TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17-__ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF _____, 2017, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2017.

Julie Gibson, Acting Town Clerk



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-8643 • Fax 928-632-7365

MEMO

Date: September 14, 2017

Agenda Items 10.1.; 10.2; 10.3

To: Mayor and Town Council
From: Steven Brown, Community Planner
Victor Hambrick, Chair, Planning and Zoning Advisory Commission

Re: Staff and Report and Planning and Zoning Advisory Commission Report to Council
9/19/17

10.1 ITEM #: ZTC-17-001

Request: To amend the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations by repealing Subchapter Sign Code, and by adopting by reference the "Town of Dewey-Humboldt Sign Code, dated September 19, 2017". Public Hearing Notice was published in the Prescott Courier (a newspaper of general circulation in the Dewey-Humboldt area), on the 19th day of August, 2017 and was posted on the regular public posting sites in the Town of Dewey-Humboldt, all at least 15 days prior to the scheduled hearing, in compliance with ARS 9-462.04.

Background:

Revisions to the Chapter 153.125 of the Town of Dewey-Humboldt Town Code were needed due to the legal issues raised by the US Supreme Court decision in *Reed v. Gilbert*. Our attorneys sent revisions to the Town on April 29, 2016. In April 2017, the attorneys were advised by the Town Manager that the Town wanted to hold off on final completion since there was some controversy and discussion among cities and towns as to whether the *Reed v. Gilbert* decision applied to commercial signs and the Town Manager did not want Dewey-Humboldt to be the first town in Arizona to amend its code. In mid-July of this year, the Town Manager and attorneys spoke again about finishing the Sign Code revisions and set the schedule for approval.

Attached is a copy of a Supreme Court Summary for your information and to serve as further background on how we got to this point and proposed amendments.

Comments Received:

Opposed - 0

Favoring - 0

Recommendation:

Staff, following review of this proposal, recommends Council, approval of the amendment to the Sign Code.

Planning and Zoning Advisory Commission Report:

The Planning and Zoning Commission held a Public Hearing on ZTC 17-01 on Thursday, September 7, 2017.

With 4 of the current 5 members present, the Commission voted unanimously in favor of recommending approval by the Town Council of ZTC 17-01.

10.2 ITEM #: MGPA-17-001

Request: Request for a Minor Amendment to the General Plan to change the Land Use Designation of Assessor's Parcel Numbers 402-02-003R, 402-02-003T, 402-02-003V and 402-02-003W from Low Density Residential to Community Core. Public Hearing Notice was published in the Prescott Courier (a newspaper of general circulation in the Dewey-Humboldt area), on the 19th day of August, 2017, was sent by first class mail to all of the property owners within 300 feet of the subject parcels, and was posted on the property, and on the regular public posting sites in the Town of Dewey-Humboldt, all at least 15 days prior to the scheduled hearing, in compliance with ARS 9-462.04.

Background:

The applicants have operated Cherry Creek Ranch Event Center since purchasing the property in 2013. Cherry Creek was first granted a Use Permit from Yavapai County on June 9, 1997, under a series of stipulations. One of the stipulations called for the review of the Use Permit every five (5) years. During the most recent 2017 review of the Use Permit by staff originally determined that some of the uses approved were expressly prohibited on residentially zoned property (which this land is).

Staff's original advice to the applicants was that a General Plan Amendment and Re-zoning are necessary to legitimize uses. Town attorneys subsequently determined that the uses, ongoing and permitted for at least the past 20 years, were pre-existing non-conforming and staff's advice was incorrect.

The applicants have, however decided that their plans are best served by continuing with their requested Minor General Plan Amendment and Re-zoning.

Criteria for Major or Minor Amendment:

The General Plan includes the Cherry Creek Ranch property within the Low Density Residential Land Use Designation with a target density of one (1) dwelling per 70,000 sq. ft. (almost two acres).

Therefore in order to consider a re-zoning from the R1L-70 district to a C-2 district, the applicants must first obtain a **Minor General Plan Amendment** to a Community Core Land Use Designation.

Criteria defining Minor Amendments:

- *All proposed changes that are not classified as Major Amendments shall be considered a Minor Amendment, e.g., minor text changes and map*

adjustments or corrections that do not impact the land use balance of the General Plan.

Criteria defining Major Amendments:

- *Any change that increases the density or intensity of a single parcel of land that is **greater than thirty (30) acres in size.***
- *Any change where there is an observed cumulative impact that increases the density and/or intensity of an area comprised of multiple parcels of land that exceed thirty (30) acres in total size.*
- *Any change to an arterial or collector street depicted on the General Plan Circulation map (other than minor shifting or realignment to accommodate site conditions).*
- *Any text amendment that substantially alters the intent of the General Plan.*

At 18.29 acres, this proposal is well below the threshold of 30 acres, no other parcels are being considered in this change, and no changes are proposed to arterial or collector streets and does not propose to alter the intent of the General Plan. Therefore this request falls within the criteria for a Minor General Plan Amendment.

Location:

Cherry Creek Ranch is located on the southwest corner of Foothill Rd. and State Route 169. Foothill Rd. is designated in the Town of Dewey-Humboldt Circulation Plan as an Existing Public Collector, and also as a Potential Alternative Connector Corridor which experiences average daily traffic volumes in the range of 700 - 1500. State Route 169 is a major arterial for the region experiencing high traffic volumes averaging daily trips in the range of 9,000-9500.

Assessment:

There is a C2-4 zoning district, approximately 100 feet in depth, running for nearly ¼ mile on either side of State Route 169 from the Prescott Valley Town boundary to within approximately 100 feet of the applicant's property. It seems to suggest that the intent of the Town as realized by their zoning, is that property fronting along the State Routes are appropriate for commercial development. Additionally, sound planning would dictate that the intersection of a major arterial and a Public Collector could be an appropriate location for the development of a commercial node. Commercial developers, certainly would find this location attractive, and the Town may want to keep this in mind, during the upcoming update of the General Plan.

The property owners must continue to meet stipulations on the original use permit and, as long as they do, the CUP remains in effect even if they are unsuccessful in their application for the Minor General Plan Amendment and Re-zoning.

Consistency with General Plan:

The 2009 General Plan Circulation Element provides Roadway Designations in three (3) main classifications.

- Arterial Streets – designed to handle large volumes of traffic. At present, only SR 69 and SR 169 are classified as arterial streets. Typically arterial streets have right-of-way widths of at least 100 feet.

- Collector Streets – with typical rights-of-way of at least 60 feet, act as a network of feeder roadways which funnel traffic from narrower residential street to arterial streets and highways.
- Local Streets – are roadways set in neighborhoods. They are meant to serve low volumes in these smaller geographic areas.

This property fronts on both the SR 69 arterial street, and the Foothill Dr. Major Collector, positioning it well to take advantage of the high traffic volumes that are attractive to commercial interests, and where wide rights-of-way allow for improvements that can be provided to facilitate smooth traffic flow.

The General Plan indicates that the Commercial Core Land Use Designation is appropriate for properties in a central, easily accessible location, and may include governmental, cultural and civic activities; neighborhood retail and service businesses; as well as a range of residential uses such as single-family homes, apartments or living quarters above stores. **Commercial** and residential zoning districts would be appropriate in the core.

Comments Received (see attached):

Opposed – 4

Favoring – 18

Staff Recommendation:

Staff, following review of this proposal, recommends Council approval of the Minor General Plan Amendment.

Planning and Zoning Advisory Commission Report:

The Planning and Zoning Commission without the benefit of the attorney review, held a Public Hearing on MGA 17-01 on Thursday, September 7, 2017.

With 4 of the current 5 members present, the Commission was split in their decision 2 – 2.

10.3 ITEM #: ZDC-17-001

Request: Request for a Zoning District Change to change the Zoning District designation of Assessor’s Parcel Numbers 402-02-003R, 402-02-003T, 402-02-003V and 402-02-003W from R1L-70 to C-2. Public Hearing Notice was published in the Prescott Courier (a newspaper of general circulation in the Dewey-Humboldt area), on the 19th day of August, 2017, was sent by first class mail to all of the property owners within 300 feet of the subject parcels, and was posted on the property, and on the regular public posting sites in the Town of Dewey-Humboldt, all at least 15 days prior to the scheduled hearing, in compliance with ARS 9-462.04.

Background:

The applicants have operated Cherry Creek Ranch Event Center since purchasing the property in 2013. Cherry Creek was first granted a Use Permit from Yavapai County on June 9, 1997, under a series of stipulations. One of the stipulations called for the review of the Use Permit every five (5) years. During the most recent 2017 review of the Use Permit by staff and subsequently, by our attorneys, it was determined that the Use Permit was legally operated prior to the imposition of the Town’s regulations on the land.

Staff's original advice to the applicants that a General Plan Amendment and Re-zoning are necessary to legitimize uses ongoing and permitted for at least the past 20 years, **was erroneous** and has been corrected through the review of this matter by our attorneys.

The applicants have, however decided that their plans are best served by continuing with their requested Minor General Plan Amendment and Re-zoning.

Location:

Cherry Creek Ranch is located on the southwest corner of Foothill Rd. and State Route 169. Foothill Rd. is designated in the Town of Dewey-Humboldt Circulation Plan as an Existing Public Collector, and also as a Potential Alternative Connector Corridor which experiences average daily traffic volumes in the range of 700 - 1500. State Route 169 is a major arterial for the region experiencing high traffic volumes averaging daily trips in the range of 9,000-9500.

Assessment:

There is a C2-4 zoning district running for nearly ¼ mile on either side of State Route 169 from the Prescott Valley Town boundary to within approximately 100 feet of the applicant's property. It seems to suggest that the intent of the Town as realized by their zoning, is that property fronting along the State Routes are appropriate for commercial development. Additionally, sound planning would dictate that the intersection of a major arterial and a Public Collector could be an appropriate location for the development of a commercial node. Commercial developers, certainly would find this location attractive, and the Town may want to keep this in mind, during the upcoming update of the General Plan.

The property owners must continue to meet stipulations on the original use permit and, as long as they do, the CUP remains in effect, even if they are unsuccessful in their application for the Minor General Plan Amendment and Re-zoning.

Consistency with General Plan:

The 2009 General Plan Circulation Element provides Roadway Designations in three (3) main classifications.

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- Collector Streets – with typical rights-of-way of at least 60 feet, act as a network of feeder roadways which funnel traffic from narrower residential street to arterial streets and highways.
- Local Streets – are roadways set in neighborhoods. They are meant to serve low volumes in these smaller geographic areas.

This property fronts on both the SR 69 arterial street, and the Foothill Dr. Major Collector, positioning it well to take advantage of the high traffic volumes that are attractive to commercial interests, and where wide rights-of-way allow for improvements that can be provided to facilitate smooth traffic flow.

The General Plan indicates that the Commercial Core Land Use Designation is appropriate for properties in a central, easily accessible location, and may include

governmental, cultural and civic activities; neighborhood retail and service businesses; as well as a range of residential uses such as single-family homes, apartments or living quarters above stores. **Commercial** and residential zoning districts would be appropriate in the core.

Comments Received (see attached):

Opposed - 4

Favoring - 18

Staff Recommendation:

Staff, following review of this proposal, recommends Council, approval of the Zoning Change if the Minor General Plan Amendment has previously passed.

Planning and Zoning Advisory Commission Report:

The Planning and Zoning Commission without the benefit of the attorney review, held a Public Hearing on ZDC 17-01 on Thursday, September 7, 2017.

With 4 of the current 5 members present, the Commission was split in their decision 2 - 2.

ORDINANCE No. 17-138

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, DECLARING THAT CERTAIN DOCUMENT ENTITLED "TOWN OF DEWEY-HUMBOLDT, ARIZONA SIGN CODE, DATED SEPTEMBER 19, 2017" TO BE A PUBLIC RECORD; ADOPTING THE "TOWN OF DEWEY-HUMBOLDT, ARIZONA SIGN CODE, DATED SEPTEMBER 19, 2017" BY REFERENCE; AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE XV LAND USAGE, CHAPTER 153 ZONING REGULATIONS BY REPEALING THE PROVISIONS OF SUBCHAPTER SIGN CODE AND REPLACING IT WITH THE PROVISIONS SET FORTH IN THE "TOWN OF DEWEY-HUMBOLDT, ARIZONA SIGN CODE, DATED SEPTEMBER 19, 2017", CONSISTING OF SUBCHAPTER SIGNS AND INCLUDING THE FOLLOWING SECTIONS: § 153.125 PURPOSE, § 153.126 DEFINITIONS, § 153.127 PERMITS REQUIRED, § 153.128 GENERAL PROVISIONS, § 153.129 SIGN REGULATIONS FOR USE DISTRICTS, AND 153.130 SIGN REGULATIONS, MOBILE HOME, TRAVEL TRAILER AND RECREATIONAL VEHICLES ALL RELATED TO UPDATING THE TOWN'S SIGN CODE TO REMOVE CONTENT-BASED REGULATIONS IN LIGHT OF THE SUPREME COURT DECISION REED V. TOWN OF GILBERT AND PROVIDING REASONABLE REGULATIONS OF SIGNS WITHIN THE TOWN; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES.

Whereas, signs are an important means of communication, providing a means for entities to identify their locations, for businesses to advertise their products, and for individuals to express their opinions on public issues; and

Whereas, unregulated, signs may be disorienting to drivers creating serious traffic issue or may proliferate creating clutter, safety issues and long-term negative effects on the visual environment and economic development of the Town; and

Whereas, in *Reed v. Town of Gilbert*, the United States Supreme Court found that distinctions between certain types of signs are content-based if a person must read a sign to know whether a sign regulation applies; and

Whereas, several of the provisions of the current sign regulations in the Town of Dewey-Humboldt may be deemed content-based and unconstitutional pursuant to *Reed v. Town of Gilbert*;

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

Section 1. In General.

1. That certain document entitled "Town of Dewey-Humboldt, Arizona Sign Code, dated September 19, 2017" is hereby declared to be a public record and three paper copies or one paper copy and one electronic copy are to be maintained in compliance with A.R.S. § 44-7041, and filed in the office of the Town Clerk and kept available for public use and inspection.

2. The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations, Subchapter Sign Code is hereby repealed.

3. The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations, is hereby amended adopting by reference the "Town of Dewey-Humboldt, Arizona Sign Code, dated September 19, 2017" consisting of the following sections: § 153.125 Purpose, § 153.126 Definitions, § 153.127 Permits Required, § 153.128 General Provisions, § 153.129 Sign Regulations for Use Districts, and 153.130 Sign Regulations, Mobile Home, Travel Trailer and Recreational Vehicle Parks, which document is hereby adopted and incorporated by reference.

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.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this ____ day of September 2017, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of September, 2017.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld, PLC, Town Attorneys
BY: Susan D. Goodwin

I, JULIE GIBSON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17-138 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF SEPTEMBER 2017, WAS POSTED IN THREE PLACES ON THE _____ DAY OF SEPTEMBER 2017.

Julie Gibson, Town Clerk

Town of Dewey-Humboldt Sign Code Amendments

September 19, 2017

§ 153.125 Purpose.

(A) The purpose of the Sign Code is:

1. ~~¶~~To provide freedom and flexibility for the design, construction and maintenance of signs in harmony with the values and character of this country community;

2. ~~¶~~To preserve aesthetics, maintain property values, protect the general public from damage or injury caused by distractions/hazards/obstructions; which result from improperly designed or located signs; ~~and~~

3. ~~¶~~To insure that the constitutionally guaranteed right of free speech is protected; AND

4. TO REGULATE SIGNS IN A MANNER THAT DOES NOT FAVOR COMMERCIAL SPEECH OVER NONCOMMERCIAL SPEECH AND DOES NOT REGULATE PROTECTED SPEECH BY MESSAGE OR CONTENT.

(B) ~~The following~~THIS subchapter shall be known and cited as the Town of Dewey-Humboldt Sign Code.

§ 153.126 Definitions.

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

AWNING. A shelter or cover projecting from and supported by an exterior wall of a building.

BANNER. A temporary sign composed of lightweight material, enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign.

BILLBOARD. An off-premise sign that is free-standing and ground-mounted.

CHANGEABLE COPY. A sign on which copy is changed electronically or manually.

COMPREHENSIVE SIGN PLAN. A coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site. The sign program shall include, but not be limited to indications of the locations, dimensions, and sign types of all signs to be located on a site.

EMBLEM. A symbol representing any government, whether state, federal or local.

ERECT. To build, construct, alter, repair, display, relocate, attach, hand, place, suspend, affix, or maintain any sign including the painting of exterior wall signs.

FLAG. Any fabric or banner containing distinctive colors, patterns, or symbols used as a symbol of a government, whether state, federal or local.

FRONTAGE. The length of the property line of a premises along a public right-of-way.

GROUND LEVEL. The average ground elevation within ten feet measured horizontally to the sign base.

~~**LOGO.** A symbol, graphic, trademark or emblem associated with or representing a specific entity, product or concept.~~

~~**PAD.** Planned Area Development as defined in § [153.048](#).~~

~~**POSTER.** A temporary bill or placard for advertising community events.~~

~~**RELIGIOUS SYMBOLS.** Works of art as signs which convey compelling ideas or ideals such as, but not limited to, a Christian cross, star of David, crescent and star, fish (ICITHUS), or statuary depicting (for example) a nativity scene.~~

SANDWICH BOARD. A temporary sign which is of the A-frame type that sits on the ground.

SIGN. Any DEVICE OR STRUCTURE WHICH DRAWS ATTENTION TO AN OBJECT, PRODUCT, PLACE, ACTIVITY, OPINION, PERSON, ORGANIZATION OR BUSINESS. ~~identification, description, illustration, symbol or device which is affixed directly or indirectly upon a building, vehicle, structure or land and which conveys information identifying or directing attention to or advertising a product, place, activity, person, institution or business.~~

SIGN, ABANDONED. A permanent sign which is no longer safe or no longer serves its intended purpose.

~~**SIGN, COMMEMORATIVE.** A symbol or plaque commemorating a person or event.~~

~~**SIGN, CONSTRUCTION.** A temporary sign identifying the persons, firms or businesses directly connected with a construction project.~~

~~**SIGN, DIRECTIONAL.** A sign commonly associated with and limited to information and directions necessary and convenient for persons coming on the property, including sign marking entrances, parking areas, one-way drives, restrooms, pick-up and delivery areas and the like.~~

~~**SIGN, DIRECTORY.** Any sign listing the names, use or location of the businesses or activities conducted within a building or group of buildings.~~

SIGN, FREESTANDING. A sign which is erected on its own self-supporting permanent structure, not attached to a building.

SIGN, GOVERNMENTAL. A sign erected and maintained pursuant to and in discharge of any governmental function or required by a law or ordinance or governmental regulations, INCLUDING OFFICIAL NOTICES.

~~**SIGN, IDENTIFICATION.** A sign identifying by name, message or symbol a business, residence, occupant activity, institution, establishment, operation, merchandise, product or service available at the property on which the sign is displayed.~~

SIGN, ILLUMINATED. A sign with an artificial light source incorporated internally or externally.

~~**SIGN, INFORMATIONAL.** A sign clearly intended for informational (instructional or warning) purpose and not advertising a product or service, other than an identification sign.~~

SIGN, NONCONFORMING. Any sign which DOES NOT CONFORM TO THE REGULATIONS FOR SIGNS FOR THE DISTRICT IN WHICH IT IS LOCATED ~~is not allowed under this Code~~ but which when first constructed was lawfully permitted, constructed and installed OR WAS LAWFULLY INSTALLED IN ANOTHER POLITICAL JURISDICTION PRIOR TO ANNEXATION TO THE TOWN.

SIGN, NUMBER OF FACES ON.

- (1) *Single-faced.* If a sign has copy on one side only.
- (2) *Double-faced.* If the angle between the two sign faces is less than 45 degrees, the sign shall be considered double-faced; the sign area will be the area of one face only.

SIGN, OFF-PREMISES. A permanent sign PROVIDING INFORMATION OR DIRECTING ATTENTION TO ~~advertising~~ a business, place, activity, goods, services, entertainment or product which is not conducted, sold or offered on the property on which the sign is located or which does not pertain to the property upon which the sign is located.

SIGN, ON-PREMISES. A sign ~~advertising~~ PROVIDING INFORMATION OR DIRECTING ATTENTION TO a business, place, activity, goods, services or products on the same property on which the sign is located.

SIGN, PERMANENT. A sign constructed of durable materials, attached to the ground or a building and intended to remain in use for six months or more.

SIGN, POLITICAL. A temporary sign ~~announcing or supporting or opposing political candidates or issues connected with any national, state or local election~~ REGULATED PURSUANT TO ARIZONA REVISED STATUTES § 16-1019.

SIGN, PORTABLE. A sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

SIGN, PROJECTING. Any sign attached to a building or other structure and extending in whole or in part more than 12 inches beyond the building. ~~Shall be considered “freestanding” signs with reference to square footage allowances.~~

SIGN, PROPERTY. ~~A sign pertaining to the sale or lease of the premises, or a portion of the premises on which the sign is located or for open houses for premises for sale or lease.~~

SIGN, SUBDIVISION. ~~A sign advertising lots or units for sale or lease in a subdivision, apartment or condominium project.~~

SIGN, TEMPORARY. A sign intended to remain in use for less than six months.

SIGN, WALL. A sign fastened to or painted on the wall of a building in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from the building.

SIGN, WINDOW. A SIGN THAT IS PAINTED ON OR ADHERED TO THE INTERIOR OR EXTERIOR OF A GLASS WINDOW OR DOOR AND IS VISIBLE FROM THE EXTERIOR OF THE GLASS WINDOW OR DOOR.

STANDARD. A post embedded in the ground on which a sign is mounted.

§ 153.127 ~~General Provisions~~ PERMITS REQUIRED.

(A) **PERMIT REQUIRED.** EXCEPT AS PROVIDED FOR EXEMPT SIGNS, IT SHALL BE UNLAWFUL FOR ANY PERSON TO CONSTRUCT, INSTALL, ATTACH, PLACE, PAINT, ALTER, RELOCATE, OR OTHERWISE MAINTAIN ANY SIGN IN THE TOWN WITHOUT FIRST OBTAINING A SIGN PERMIT IN ACCORDANCE WITH THIS SIGN CODE.

(B) **REQUIREMENT OF CONFORMITY.** SIGNS SHALL NOT BE INSTALLED, PLACED, OR MAINTAINED IN THE TOWN EXCEPT IN CONFORMANCE WITH THIS SIGN CODE. IF PROVISIONS OF THIS SIGN CODE CONFLICT WITH ANY OTHER TOWN CODE, THE MORE RESTRICTIVE REQUIREMENT(S) SHALL APPLY. SIGNS MAINTAINED CONTRARY TO THE PROVISIONS OF THIS SIGN CODE ARE DECLARED TO BE NUISANCES AND MAY BE ABATED AS PROVIDED BY LAW.

(C) **FEEES.** SIGN PERMIT FEES SHALL BE AS ADOPTED BY THE TOWN COUNCIL BY RESOLUTION.

(E) **SIGN PERMIT APPLICATION.** APPLICATION FOR A SIGN PERMIT SHALL BE MADE TO THE COMMUNITY DEVELOPMENT DEPARTMENT ON FORMS PROVIDED BY THE TOWN AND SHALL INCLUDE AT A MINIMUM THE FOLLOWING INFORMATION:

- (1) ASSESSOR'S PARCEL NUMBER IDENTIFYING THE PROPERTY;
- (2) STREET ADDRESS, IF ANY, LEGAL DESCRIPTION OF THE PROPERTY, AND DIMENSIONS THEREOF. IF THE PARCEL IS NOT LOCATED WITHIN A RECORDED SUBDIVISION, A METES AND BOUNDS LEGAL DESCRIPTION SHALL BE SUBMITTED WITH THE APPLICATION;
- (3) ZONING DESIGNATION OF THE PROPERTY ON WHICH THE SIGN WILL BE LOCATED;
- (4) TYPE OF SIGN AND MATERIALS USED, METHODS OF SUPPORT, FREESTANDING OR OTHER;
- (5) ESTIMATED TRUE VALUE OF SIGN AND ASSOCIATED STRUCTURAL SUPPORTS;
- (6) DIMENSIONS OF SIGN PANEL AS WELL AS BOTTOM AND TOP HEIGHTS ABOVE GRADE;
- (7) TYPE, PLACEMENT AND STRENGTH OF ILLUMINATION, IF ANY;
- (8) NUMBER AND ORIENTATIONS OF FACES OF SIGN (AERIAL-VIEW SKETCH, IF NECESSARY, TO DEPICT FACES AND ORIENTATION);
- (9) A FINAL PLOT PLAN SHOWING THE FOLLOWING:
 - a. SHAPE AND DIMENSIONS OF LOT BOUNDARIES, ADJACENT STREET RIGHT- OF-WAY, DRIVEWAYS, BUILDINGS (EXISTING AND PROPOSED);
 - b. NORTH DESIGNATION; AND
 - c. LOCATION OF SIGN(S) ON PROPERTY (INDICATE TYPE).
- (10) A FINAL ELEVATION VIEW, WITH DIMENSIONS AND APPROXIMATE COPY AD DESIGN, OF THE SIGN(S) FACES;
- (11) SUCH OTHER INFORMATION AS THE ZONING ADMINISTRATOR MAY REQUIRE FOR THE PURPOSE OF DETERMINING WHETHER THE APPLICATION COMPLIES WITH THE SIGN CODE REQUIREMENTS;
- (12) NAME, ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER AND AGENT, IF ANY; AND
- (13) SIGNATURE OF APPLICANT OR AGENT.

(F) SIGNS NOT REQUIRING PERMITS. EXEMPT SIGNS NOT REQUIRING PERMITS SHALL COMPLY WITH ALL OTHER REQUIREMENTS AND RESTRICTIONS OF THIS CODE.

(G) TEMPORARY SIGN PERMITS. SIGNS WITH A LIMITED DURATION OF USE, SUCH AS THOSE PROVIDED IN §§ 153.130, SHALL OBTAIN A TEMPORARY SIGN PERMIT. THE REQUIREMENTS AND CRITERIA FOR SUCH SIGNS ARE AS FOLLOWS:

(1) TEMPORARY SIGN PERMITS SHALL BE ISSUED FOR NO MORE THAN SIX MONTHS. AN EXTENSION OF A TEMPORARY SIGN PERMIT MAY BE OBTAINED PURSUANT TO THE GRANTING OF A USE PERMIT.

(2) TEMPORARY SIGNS SHALL CONFORM TO ALL OTHER REQUIREMENTS OF THIS CODE.

(H) SIGN PERMIT REVIEW; TIME FRAMES.

(1) WITHIN TEN BUSINESS DAYS OF SUBMISSION OF AN APPLICATION FOR A SIGN PERMIT, STAFF SHALL REVIEW THE APPLICATION FOR COMPLETENESS. IF THE APPLICATION IS NOT COMPLETE, THE APPLICANT WILL BE NOTIFIED OF THE DEFICIENCY VIA EMAIL, TELEPHONE, OR FIRST CLASS MAIL.

(2) WITHIN THIRTY BUSINESS DAYS OF RECEIPT OF A COMPLETE APPLICATION, TOWN STAFF SHALL REVIEW THE APPLICATION FOR COMPLIANCE WITH THE REGULATIONS SET FORTH IN THIS CODE AND IN THE TOWN CODE, AS APPLICABLE, AND SHALL ISSUE THE PERMIT OR NOTIFY THE APPLICANT OF DEFICIENCIES AND THE NEED FOR CORRECTIONS.

(3) FOR A COMPREHENSIVE SIGN PLAN, THE REVIEW OF THE COMPLETE APPLICATION FOR COMPLIANCE WITH THE TOWN REGULATIONS SHALL BE EXTENDED TO FORTY-FIVE DAYS FROM THE DATE OF SUBMISSION, OR AS MAY BE OTHERWISE AGREED UPON BY THE TOWN AND THE APPLICANT.

(I) EXEMPT SIGNS.

THE FOLLOWING TYPES OF SIGNS ARE EXEMPT FROM PERMITTING REQUIREMENTS BUT SHALL BE SUBJECT TO THE REGULATIONS SET FORTH BELOW. NO MORE THAN TWO EXEMPT SIGNS SHALL BE ALLOWED PER BUSINESS OR RESIDENTIAL LOT:

<i>DISTRICTS</i>	<i>TYPE</i>	<i>NUMBER PERMITTED</i>	<i>MAXIMUM AREA AND HEIGHT</i>
ALL DISTRICTS	GOVERNMENT SIGNS	NO LIMIT	NO LIMIT
ALL DISTRICTS	POSTERS	NO LIMIT	§ 153.128(J)
ALL DISTRICTS	FLAGS	NO LIMIT	NO LIMIT
ALL DISTRICTS	SANDWICH BOARDS	2 PER FRONTAGE	10 SQ. FT.
COMMERCIAL DISTRICTS	WINDOW SIGNS	NO LIMIT	NO LIMIT
RESIDENTIAL DISTRICTS	WALL, WINDOW, OR GROUND-MOUNTED	NO LIMIT	16 SQ. FT.

§ 153.128 ~~Exempt Signs~~ GENERAL PROVISIONS

Except as may be further restricted in specific zones, all signs shall be subject to the following:

- (A) No sign shall be audible.
- (B) Lighted beacons, searchlights or similar lights, are prohibited (see Light Pollution, § [153.150](#) through [153.153](#)).
- (C) ~~NO SIGNS ARE PERMITTED IN THE PUBLIC RIGHT-OF-WAY, INCLUDING PUBLIC ROADWAY EASEMENTS. No sign may encroach on or overhang an adjacent property, public right of way, utility right of way or easement unless an encroachment permit or license has been issued and approved by the town.~~
- (D) No sign shall be attached to a utility pole, light standard, bridge or other fixture in the public right-of-way.
- (E) No sign shall be painted directly on or affixed to any natural object in its natural location.
- (F) No sign shall exceed 30 feet in height.
- (G) No sign shall be ~~PLACED~~ ~~located as to~~ IN A LOCATION THAT obstructS or interfereS with any official traffic signs and/or devices or ~~in such a manner as to obstructS~~ a driver's view of ~~any~~ oncoming, merging or intersecting traffic.
- (H) No sign shall display any statement, symbol or picture of an obscene nature.
- (I) Signs may be painted directly onto vertical structural surfaces.

(J) Signs that are not allowed in a residential zone shall not be placed closer than WITHIN 20 LINEAR feet of any residentially zoned lot/PROPERTY.

(K) New signs exceeding eight square feet in area or exceeding eight feet in height shall follow the permitting requirements specified in § ~~153.138~~153.127. ~~Relocation or substantial reconstruction, i.e., costing more than 50% of the present value of a sign, shall be considered a new sign for building permit purposes.~~

(L) All freestanding signs ~~will~~SHALL comply with § ~~153.076~~ (i.e., MAINTAIN A one foot setback for each foot in OF SIGN height ~~shall be required~~).

(M) The square footage of a sign made up of letters, words, or symbols within a frame or border shall be determined from the outside edge of the frame or border itself. The square footage of a sign composed only of letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of the letters words or symbols. Only those portions of the construction elements that are an integral part of the sign itself shall be considered in the allocation of square footage allowed.

(N) Signs deemed dangerous, abandoned or in substantial violation of this Sign Code by the Zoning Administrator or designee, shall require correction within 30 days of official notification. IN ADDITION TO THE PENALTIES PROVIDED PURSUANT TO THE ZONING CODE, THE TOWN MAY PURSUE ADDITIONAL REMEDIES IN SUPERIOR COURT FOR FAILURE TO CORRECT VIOLATIONS OF THE SIGN CODE, ~~or the town may remove the sign in accordance with A.R.S. § 9-462.02(C).~~

~~(O) An informational sign shall not be included in the permitted sum of the sign area of identification wall signs, provided the sign is not larger than necessary to serve the intended instructional purpose, and the sign is not in a location, nor includes design characteristics that constitute or serve the purposes of an identification sign.~~

(OP) Sandwich board signs shall be displayed only during times when the business being advertised is open for business.

(PQ) *Noneonforming.* Legal nonconforming signs existing prior to the effective date of this subchapter OR AMENDMENTS THERETO, shall be permitted to continue subject to general provisions regarding the removal of dangerous or abandoned signs and off-premises signs of this code, regarding obsolescence and abandonment. Continuation shall include the right to repaint or change the message or copy on the sign, provided the size and height is not increased and provided the sign is not converted from on-premises to off-premises use. Changes of ownership and/or business name shall not in and of itself alter the right of continued use of a sign. If a nonconforming sign becomes a hazard to public safety, it shall be removed, in compliance with state law and this Code.

~~§ 153.128 Exempt Signs.~~

—The following types of signs are exempt from permitting requirements, but shall be subject to the limitations and requirements set forth below. No more than two exempt signs shall be allowed per business.

<i>Descriptions & Districts</i>	<i>Type</i>	<i>Number Permitted</i>	<i>Area & Height</i>	<i>Permit Required?</i>
Official notices authorized by a court, public body or public safety official		No limit	No limit	No
Directory or informational signs authorized by federal, state, county or municipal government	Wall or ground-mounted standard	No limit	No limit	No
Commemorative signs	Wall or monument	No limit	§ <u>153.127</u> (J)	No
Emblems and posters		No limit	§ <u>153.127</u> (J)	No
Religious symbols		No limit	No limit	No
Flags		No limit	No limit	No
Sandwich boards		2 per frontage	10 sq. ft.	No
Signs located within structures in commercial zoned district	Window signs	No limit	No limit	No
Political signs, residential (not in right of way)	Wall, window or ground-mounted standard	No limit. Remove within 15 days of last day of vote casting.	16 sq. ft. max.	No
Political signs, residential (in right of way)	Wall or ground-mounted standard	No limit. Install 60 days prior to election. Remove within 15 days of last day of vote casting.	16 sq. ft. max.	No

Descriptions &	Type	Number Permitted	Area	Permit
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Districts			& Height	Required?
Political signs, commercial/industrial (not in right of way)	Wall or ground-mounted standard	No limit. Install 60 days prior to election. Remove within 15 days of last day of vote casting.	32 sq. ft. max.	No
Political signs, commercial/industrial (in right of way)	Wall or ground-mounted standard	No limit. Install 60 days prior to election. Remove within 15 days of last day of vote casting.	32 sq. ft. max.	

§ 153.129 Special Purpose Signs.

Descriptions & Districts	Type	Number Permitted	Area & Height	Lighting Allowed?	Permit Required?
Directory or informational signs Permitted in all zoning districts.	Wall or ground-mounted standard which can be double-sided	1 per sign for each building entrance and exit from a parking area	Max. 32 sq. ft. Max. 20 ft. high	Yes—refer to light pollution, § 153.150 for restrictions	Yes
Property signs for all properties except those abutting highways Permitted in all zoning districts. Shall not impede traffic and shall not be located in any public row.	Wall or freestanding	1 each—on each street frontage	Max. 18 sq. ft. Max. 8 ft. high	No	No

Shall be removed within 30 days of sale or rental.					
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Descriptions & Districts	Type	Number Permitted	Area & Height	Lighting Allowed?	Permit Required?
Property signs for properties abutting highways Only permitted adjacent to row at least 150 feet wide. Permitted in all zoning districts. Unlighted Shall be removed within 30 days of sale.	Wall or freestanding	1 sign per row frontage	32 sq. ft. and 8 ft. in height Property to be at least 2 acres	No	Yes
Construction signs Permitted in all zoning districts. Unlighted	Unspecified	1 each for each construction site	Max. 24 sq. ft. Max. 8 ft. high	No	Yes
Subdivision signs 2 year duration, requires a use permit thereafter.	Freestanding	Up to 5 signs	100 sq. ft. aggregate total 12 ft. in height maximum	Yes—refer to light pollution, 153.150 for restrictions	Yes

~~§ 153.130 Off-Premises Signs.~~

Descriptions & Districts	Type	Number Permitted	Area & Height	Lighting Allowed?	Permit Required?
<p>Off-premises signs</p> <p>Shall not be closer than 200 feet from a residential zoned district boundary.</p>	Wall signs	Max. 1 off-premises wall sign per parcel	Max. . of 200 sq. ft. in area and max. 20 ft. in height	<p>May be illuminated internally or by external source in compliance with §§ 153.150 153.153 (Light Pollution control)</p>	Yes
	Billboards ²	<p>Shall be located at least 1,500 feet from another billboard located on the same side of the highway.</p>	<p>Shall be located:</p> <p>1. Only in commercial or industrial zoning districts (C) and (M); and</p> <p>2. Only on parcels contiguous to state highway right-of-way; and</p> <p>3. At least 500 feet from the beginning or ending of pavement widening at the exit from or entrance to any portion of the highway.</p>	<p>Shall be illuminated. only in compliance with §§ 153.150 153.153 (light pollution control).</p> <p>Shall not be intermittent, flashing, scintillating, animated or of varying intensity.</p> <p>If located in the same line of vision as a traffic control signal, no red, green or yellow illumination shall be used.</p> <p>Lighting source for</p>	

			<p>Billboards located within 660 feet of the edge of a state highway or interstate right-of-way shall obtain ADOT approval prior to applying for a town sign permit.</p> <p>Max. 300 sq. ft. on each face with a maximum 25 vertical face of 25 ft. and a max. 60 horizontal face of 60 ft.</p> <p>Max: 30 ft. high measured from grade (including all supporting structures)</p>	billboard signs shall be so oriented or shieldEDing so that it is not visible from the highway right-of-way or from any residential use district.	
<p>Temporary off-premises signs for community events, festivals and similar public gatherings of a not for profit nature. Permitted only in C2, C3, M1</p>	<p>Banners or other temporary means of advertising</p>		<p>Max: .48 sq. ft.</p> <p>Max: .8 ft. high</p>	No	Yes

and M2					
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§ 153.131129 Sign Regulations for Use Districts.

- (A) Attached ON-PREMISES signs shall be on the occupant’s building only.
- (B) Awning signs shall only be allowed on the ground floor of a building.

Descriptions & Districts	Type	Number Permitted	SETBACKS/LOCATION	Area & Height	Lighting Allowed?	Permit Required?
ALL DISTRICTS	OFF-PREMISE WALL SIGNS	1 PER PARCEL	MINIMUM 200 FEET FROM A RESIDENTIAL ZONED DISTRICT BOUNDARY.	MAXIMUM AREA: 200 SQ. FT. MAXIMUM HEIGHT: 20 FT. FROM GROUND WHERE LOCATED.	MAY BE ILLUMINATED INTERNALLY OR BY EXTERNAL SOURCE. SEE §§ 153.150 – 153.153	
COMMERCIAL (C) AND INDUSTRIAL (M) DISTRICTS	OFF-PREMISES BILLBOARDS*		<p>1. MINIMUM 1,500 FEET FROM ANOTHER BILLBOARD LOCATED ON THE SAME SIDE OF THE HIGHWAY; AND</p> <p>2. ONLY ON PARCELS CONTIGUOUS TO STATE HIGHWAY RIGHT-OF-WAY; AND</p> <p>3. MINIMUM 500 FT. FROM BEGINNING OR END OF PAVEMENT</p>	<p>MAXIMUM 300 SQ. FT. PER FACE WITH A MAXIMUM 25 FT. VERTICAL FACE AND 60 FT. HORIZONTAL FACE.</p> <p>MAXIMUM HEIGHT: 30 FT. MEASURED FROM GRADE (INCLUDING ALL SUPPORTING STRUCTURES)</p>	<p>MAY BE ILLUMINATED. SEE §§ 153.150 – 153.153.</p> <p>SHALL NOT BE INTERMITTENT, FLASHING, SCINTILLATING, ANIMATED OR OF VARYING INTENSITY.</p> <p>IF LOCATED IN THE SAME LINE OF</p>	

			WIDENING AT THE EXIT FROM OR ENTRANCE TO ANY PORTION OF THE HIGHWAY.		VISION AS A TRAFFIC CONTROL SIGNAL, NO RED, GREEN OR YELLOW ILLUMINATION SHALL BE USED. LIGHTING SOURCE SHALL BE SO ORIENTED OR SHIELDED SO THAT IT IS NOT VISIBLE FROM THE HIGHWAY RIGHT-OF-WAY OR FROM ANY RESIDENTIAL USE DISTRICT.	
C2, C3, M1 AND M2 DISTRICTS	TEMPORARY OFF-PREMISES SIGNS.			MAXIMUM AREA: 48 SQ. FT. MAXIMUM HEIGHT: 8 FT.	NO	YES
Residential AND MULTIFAMILY OF LESS THAN 4 UNITS	Name plate ⁽⁴⁾ Historical marker	1		MaxIMUM AREA: ~ 15 sq. ft. MaxIMUM HEIGHT: 16 ft. in clear	Yes.—refer to light pollution, SEE §§153.150 – 153.153. for restrictions	No

				height		
Multi-family (for - more than 4 units -for less than 4 units see residential above)	Wall or freestanding	1 per street frontage		MaxIMUM AREA:- 16 sq. ft. MaxIMUM HEIGHT:- 10 ft. in height	Yes.—refer to light pollution, SEE §§ 153.150 - 153.153 for restrictions	Yes
Subdivision RESIDENTIAL DISTRICTS	Monument	2		MaxIMUM AREA:- 120 sq. ft. MaxIMUM HEIGHT: -6 ft. in height	Yes. -refer to light pollution, SEE §§ 153.150 - 153.153 for restrictions	Yes
Commercial , education, religious, industrial DISTRICTS	Wall or freestanding, which can MAY be double-sided	On property less than 5 acres: 4 total; 3 wall and 1 freestanding. On property 5 acres or more: 3 total and if frontage on two roads, 2 freestanding signs are allowed		Wall signs: MaxIMUM AREA:- 100 sq. ft. No height restriction Freestanding signs: MaxIMUM AREA:- 80 sq. ft. MaxIMUM HEIGHT:- 10 ft. high	Yes. refer to light pollution, SEE §§ 153.150 – 153.153 for restrictions	Yes
	Temporary Banners	3 PER each road frontage		MaxIMUM AREA:- 64 sq. ft.	NO	YES
Commercial	Wall or	1 per		MaxIMUM	Yes – refer	Yes

complexes (for more than 3 commercial use occupants joined together) ⁽²⁾	Freestanding	business on each road frontage		AREA:- 150 sq. ft. MaxIMUM HEIGHT:- 30 ft. high	to light pollution, SEE §§153.150 – 153.153. for restrictions	
	Temporary Banners	3 per business on each road frontage		MaxIMUM AREA:- 64 sq. ft.	NO	YES
PAD				Must submit PER APPROVED comprehensive sign plan	Yes	YES
<p>(1) A name plate sign identifying the occupant, occupant's profession or title and the address of the dwelling.</p> <p>(2) Menu boards for drive thru restaurants:</p> <p>— (a) One pre order and one order board is allowed per business. The signs may be free standing or wall mounted.</p> <p>— (b) The maximum aggregate area for a menu board shall not exceed 45 square feet.</p> <p>— (c) The maximum sign height shall not exceed six feet for free standing signs.</p> <p>— (d) The sign should be located so as to not be readable from the public right of way.</p>						

~~§ 153.132 [RESERVED].~~

~~§ 153.133 [RESERVED].~~

~~§ 153.134 [RESERVED].~~

~~§ 153.135 [RESERVED].~~

~~§ 153.136-130 Sign Regulations, Mobile Home, Travel Trailer and Recreational Vehicle Parks.~~

(A) Signs placed or maintained AT THE ENTRANCE TO OR within any mobile home park are subject to all the regulations set forth under § ~~153.131~~129 FOR RESIDENTIAL AND MULTI-FAMILY ZONING DISTRICTS.

(B) ~~Permanent mobile home park entrance signs shall comply with the regulations set forth under §.153.131 FOR SUBDIVISIONS.~~

~~(C) Signs PLACED OR MAINTAINED AT THE ENTRANCE TO OR WITHIN identifying travel trailer parks and recreational vehicle parks are subject to all the regulations set forth under § [153.131](#) FOR THE ZONING DISTRICT WITHIN WHICH THEY ARE LOCATED.~~

~~§ 153.137 [Reserved].~~

~~§ 153.138 Sign Permits.~~

~~—(A) Permit required. A sign permit shall be secured from the Town Community Development Department prior to the erection, relocation, construction, installation or substantial reconstruction (including painting or enlarging a painted sign on the surface of a permitted structure) of any non-exempt sign exceeding eight square feet in area, or higher than eight feet above grade at the sign, regardless of value.~~

~~—(B) Fees.~~

~~—(1) The fees shall be as set forth in and amended from time to time, [Chapter 153, Appendix A](#), Fees.~~

~~—(2) The sign permit fees established in division (B)(1) above shall be double in the event that the erection, relocation, construction, installation or substantial reconstruction of any sign is begun prior to the issuance of a sign permit.~~

~~—(C) Sign permit application. Each application for a sign permit shall be made at the Town Hall on the appropriate form(s) and shall contain at a minimum the following information:~~

~~—(1) Assessor's parcel number identifying the property;~~

~~—(2) Street address, if any, legal description of the property, and dimensions thereof. In the case of a metes and bounds parcel (a parcel that is not part of a recorded subdivision), a copy of the recorded legal description must be submitted with the application;~~

~~—(3) Nature of the proposed use of the sign and premises;~~

~~—(4) Type of sign and materials used, methods of support, freestanding or other;~~

~~—(5) Estimated true value of sign and associated structural supports;~~

~~—(6) Dimensions of sign panel as well as bottom and top heights above grade;~~

~~—(7) Type, placement and strength of illumination, if any;~~

~~—(8) Number and orientations of faces of sign (aerial view sketch, if necessary, to depict faces and orientation);~~

~~—(9) A (signed) plot plan showing the following:~~

~~—(a) Shape and dimensions of lot boundaries, adjacent street right-of-way, driveways, buildings (existing and proposed);~~

~~—(b) North designation; and~~

~~—(c) Location of sign(s) on property (indicate type).~~

~~—(10) A (signed) elevation view, with dimensions and approximate copy ad design, of the sign(s) faces;~~

~~—(11) Such other information as the Zoning Administrator may require for the purpose of determining whether the application complies with the subchapter requirements;~~

~~—(12) Name, address and phone number of property owner and agent, if any; and~~

~~—(13) Signature of applicant or agent.~~

~~—(D) Signs not requiring permits. Signs not requiring permits as set forth in §§ [153.128](#) through [153.131](#) shall comply with all other requirements and restrictions of this code.~~

~~—(E) *Temporary sign permits.* Signs with a limited duration of use, such as those provided in §§ [153.130](#) and [153.131](#), shall obtain a temporary sign permit. The requirements and criteria for such signs are as follows:~~

~~—(1) A temporary sign permit is specifically required for community special event banners and signs, signs advertising the forthcoming construction of a building, exceptions granted administratively for grand openings, and one time events.~~

~~—(2) Temporary sign permits shall be issued for no more than six months. An extension of a temporary sign permit may be obtained pursuant to the granting of a use permit.~~

~~—(3) Temporary signs shall conform to all other requirements of this code.~~

~~—(4) The fee for a temporary sign permit shall be the same as a permanent sign permit, except as otherwise noted.~~

Town of Dewey-Humboldt Sign Code

September 19, 2017

SIGN CODE

§ 153.125 Purpose.

(A) The purpose of the Sign Code is:

1. To provide freedom and flexibility for the design, construction and maintenance of signs in harmony with the values and character of this country community;
2. To preserve aesthetics, maintain property values, protect the general public from damage or injury caused by distractions/hazards/obstructions which result from improperly designed or located signs;
3. To insure that the constitutionally guaranteed right of free speech is protected;
AND
4. To regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message or content.

(B) This subchapter shall be known and cited as the Town of Dewey-Humboldt Sign Code.

§ 153.126 Definitions.

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

AWNING. A shelter or cover projecting from and supported by an exterior wall of a building.

BANNER. A temporary sign composed of lightweight material, enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign.

BILLBOARD. An off-premise sign that is free-standing and ground-mounted.

CHANGEABLE COPY. A sign on which copy is changed electronically or manually.

COMPREHENSIVE SIGN PLAN. A coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site. The sign program shall include, but not be limited to indications of the locations, dimensions, and sign types of all signs to be located on a site.

EMBLEM. A symbol representing any government, whether state, federal or local.

ERECT. To build, construct, alter, repair, display, relocate, attach, hand, place, suspend, affix, or maintain any sign including the painting of exterior wall signs.

FLAG. Any fabric or banner containing distinctive colors, patterns, or symbols used as a symbol of a government, whether state, federal or local.

FRONTAGE. The length of the property line along a public right-of-way.

GROUND LEVEL. The average ground elevation within ten feet measured horizontally to the sign base.

POSTER. A temporary bill or placard.

SANDWICH BOARD. A temporary sign which is of the A-frame type that sits on the ground.

SIGN. Any device or structure which draws attention to an object, product, place, activity, opinion, person, organization or business.

SIGN, ABANDONED. A permanent sign which is no longer safe or no longer serves its intended purpose.

SIGN, FREESTANDING. A sign which is erected on its own self-supporting permanent structure, not attached to a building.

SIGN, GOVERNMENT. A sign erected and maintained pursuant to and in discharge of any governmental function or required by a law or ordinance or governmental regulations, including official notices.

SIGN, ILLUMINATED. A sign with an artificial light source incorporated internally or externally.

SIGN, NONCONFORMING. Any sign which does not conform to the regulations for signs for the district in which it is located but which when first constructed was lawfully permitted, constructed and installed or was lawfully installed in another political jurisdiction prior to annexation to the town.

SIGN, NUMBER OF FACES ON.

(1) *Single-faced.* If a sign has copy on one side only.

(2) *Double-faced.* If the angle between the two sign faces is less than 45 degrees, the sign shall be considered double-faced; the sign area will be the area of one face only.

SIGN, OFF-PREMISES. A permanent sign providing information or directing attention to a business, place, activity, goods, services, entertainment or product which is not conducted, sold

or offered on the property on which the sign is located or which does not pertain to the property upon which the sign is located.

SIGN, ON-PREMISES. A sign providing information or directing attention to a business, place, activity, goods, services or products on the same property on which the sign is located.

SIGN, PERMANENT. A sign constructed of durable materials, attached to the ground or a building and intended to remain in use for six months or more.

SIGN, POLITICAL. A temporary sign regulated pursuant to Arizona Revised Statutes § 16-1019.

SIGN, PORTABLE. A sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

SIGN, PROJECTING. Any sign attached to a building or other structure and extending in whole or in part more than 12 inches beyond the building.

SIGN, TEMPORARY. A sign intended to remain in use for less than six months.

SIGN, WALL. A sign fastened to or painted on the wall of a building in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from the building.

SIGN, WINDOW. A sign that is painted on or adhered to the interior or exterior of a glass window or door and is visible from the exterior of the glass window or door.

STANDARD. A post embedded in the ground on which a sign is mounted.

§ 153.127 Permits Required.

(A) **Permit Required.** Except as provided for exempt signs, it shall be unlawful for any person to construct, install, attach, place, paint, alter, relocate, or otherwise maintain any sign in the town without first obtaining a sign permit in accordance with this sign code.

(B) **Requirement of Conformity.** Signs shall not be installed, placed, or maintained in the town except in conformance with this Sign Code. If provisions of this Sign Code conflict with any other town code, the more restrictive requirement(s) shall apply. Signs maintained contrary to the provisions of this Sign Code are declared to be nuisances and may be abated as provided by law.

(C) **Fees.** Sign permit fees shall be as adopted by the town council by resolution.

(E) **Sign Permit Application.** Application for a sign permit shall be made to the Community Development Department on forms provided by the town and shall include at a minimum the following information:

- (1) Assessor's parcel number identifying the property;
- (2) Street address, if any, legal description of the property, and dimensions thereof. If the parcel is not located within a recorded subdivision, a metes and bounds legal description shall be submitted with the application;
- (3) Zoning designation of the property on which the sign will be located;
- (4) Type of sign and materials used, methods of support, freestanding or other;
- (5) Estimated true value of sign and associated structural supports;
- (6) Dimensions of sign panel as well as bottom and top heights above grade;
- (7) Type, placement and strength of illumination, if any;
- (8) Number and orientations of faces of sign (aerial-view sketch, if necessary, to depict faces and orientation);
- (9) A final plot plan showing the following:
 - a. Shape and dimensions of lot boundaries, adjacent street right- of-way, driveways, buildings (existing and proposed);
 - b. North designation; and
 - c. Location of sign(s) on property (indicate type).
- (10) A final elevation view, with dimensions and approximate copy ad design, of the sign(s) faces;
- (11) Such other information as the Zoning Administrator may require for the purpose of determining whether the application complies with the Sign Code requirements;
- (12) Name, address and telephone number of property owner and agent, if any; and
- (13) Signature of applicant or agent.

(F) Signs Not Requiring Permits. Exempt signs not requiring permits shall comply with all other requirements and restrictions of this code.

(G) Temporary Sign Permits. Signs with a limited duration of use shall obtain a temporary sign permit. The requirements and criteria for such signs are as follows:

(1) Temporary sign permits shall be issued for no more than six months. An extension of a temporary sign permit may be obtained pursuant to the granting of a use permit.

(2) Temporary signs shall conform to all other requirements of this code.

(H) Sign Permit Review; Time Frames.

(1) Within ten business days of submission of an application for a sign permit, town staff shall review the application for completeness. If the application is not complete, the applicant will be notified of the deficiency via email, telephone, or first class mail.

(2) Within thirty business days of receipt of a complete application, town staff shall review the application for compliance with the regulations set forth in this code and in the town code, as applicable, and shall issue the permit or notify the applicant of deficiencies and the need for corrections.

(3) For a comprehensive sign plan, the review of the complete application for compliance with town regulations shall be extended to forty-five days from the date of submission, or as may be otherwise agreed upon by the town and the applicant.

(I) Exempt Signs.

The following types of signs are exempt from permitting requirements but shall be subject to the regulations set forth below. No more than two exempt signs shall be allowed per business or residential lot:

<i>Districts</i>	<i>Type</i>	<i>Number Permitted</i>	<i>Maximum Area and Height</i>
All districts	Government signs	No limit	No limit
All districts	Posters	No limit	§ 153.128(J)
All districts	Flags	No limit	No limit
All districts	Sandwich boards	2 per frontage	10 sq. ft.
Commercial districts	Window signs	No limit	No limit
Residential districts	Wall, window, or ground-mounted	No limit.	16 sq. ft.

§ 153.128 General Provisions

Except as may be further restricted in specific zones, all signs shall be subject to the following:

- (A) No sign shall be audible.
- (B) Lighted beacons, searchlights or similar lights, are prohibited (see Light Pollution, § 153.150 through 153.153).
- (C) No signs are permitted in the public right-of-way, including public roadway easements.
- (D) No sign shall be attached to a utility pole, light standard, bridge or other fixture in the public right-of-way.
- (E) No sign shall be painted directly on or affixed to any natural object in its natural location.
- (F) No sign shall exceed 30 feet in height.
- (G) No sign shall be placed in a location that obstructs or interferes with any official traffic signs and/or devices or obstructs a driver's view of oncoming, merging or intersecting traffic.
- (H) No sign shall display any statement, symbol or picture of an obscene nature.
- (I) Signs may be painted directly onto vertical structural surfaces.
- (J) Signs that are not allowed in a residential zone shall not be placed within 20 linear feet of any residentially zoned property.
- (K) New signs exceeding eight square feet in area or exceeding eight feet in height shall follow the permitting requirements specified in § 153.127.
- (L) All freestanding signs shall maintain a one foot setback for each foot of sign height.
- (M) The square footage of a sign made up of letters, words, or symbols within a frame or border shall be determined from the outside edge of the frame or border itself. The square footage of a sign composed only of letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of the letters words or symbols. Only those portions of the construction elements that are an integral part of the sign itself shall be considered in the allocation of square footage allowed.
- (N) Signs deemed dangerous, abandoned or in substantial violation of this Sign Code by the Zoning Administrator or designee, shall require correction within 30 days of official notification. In addition to the penalties provided pursuant to the Zoning Code, the Town may pursue additional remedies in Superior Court for failure to correct violations of the Sign Code.

(O) Sandwich board signs shall be displayed only during times when the business being advertised is open for business.

(P) Legal nonconforming signs existing prior to the effective date of this subchapter or amendments thereto, shall be permitted to continue subject to general provisions regarding the removal of dangerous or abandoned signs and off-premises signs of this code, regarding obsolescence and abandonment. Continuation shall include the right to repaint or change the message or copy on the sign, provided the size and height is not increased and provided the sign is not converted from on-premises to off-premises use. Changes of ownership and/or business name shall not in and of itself alter the right of continued use of a sign. If a nonconforming sign becomes a hazard to public safety, it shall be removed, in compliance with state law and this Code.

§ 153.129 Sign Regulations for Use Districts.

(A) Attached on-premises signs shall be on the occupant’s building only.

(B) Awning signs shall only be allowed on the ground floor of a building.

<i>Districts</i>	<i>Type</i>	<i>Number Permitted</i>	<i>Setbacks/ Location</i>	<i>Area & Height</i>	<i>Lighting</i>	<i>Permit</i>
All districts	Off-premise Wall signs	1 per parcel	Minimum 200 feet from a residential zoned district boundary.	Maximum area: 200 sq. ft. Maximum height: 20 ft. from ground where located.	May be illuminated internally or by external source. See §§ 153.150 – 153.153	
Commercial (C) and Industrial (M) districts.	Off-premises Billboards*		1. Minimum 1,500 feet from another billboard located on the same side of the highway; and 2. Only on parcels contiguous to state highway right-of-way; and 3. Minimum 500 ft. from beginning or end of	Maximum 300 sq. ft. per face with a maximum 25 ft. vertical face and 60 ft. horizontal face. Maximum height: 30 ft.	May be illuminated. See §§ 153.150 – 153.153. Shall not be intermittent, flashing, scintillating, animated or of varying intensity. If located in	

			pavement widening at the exit from or entrance to any portion of the highway.	measured from grade (including all supporting structures)	the same line of vision as a traffic control signal, no red, green or yellow illumination shall be used. Lighting source shall be so oriented or shielded so that it is not visible from the highway right-of-way or from any residential use district.	
C2, C3, M1 and M2 districts	Temporary off-premises signs.			Maximum area: 48 sq. ft. Maximum height: 8 ft.	No	Yes
Residential and Multi-Family of less than 4 units		1		Maximum area: 15 sq. ft. Maximum height: 16 ft.	Yes. See §§153.150 – 153.153.	No
Multi-family - more than 4 units	Wall or freestanding	1 per street frontage		Maximum area: 16 sq. ft. Maximum height: 10 ft.	Yes. See §§ 153.150 - 153.153	Yes
Residential districts	Monument signs	2		Maximum area: 120	Yes. See §§ 153.150 -	Yes

				sq. ft. Maximum height: 6 ft.	153.153	
Commercial, industrial districts	Wall or freestanding, which may be double-sided	On property less than 5 acres: 4 total - 3 wall and 1 freestanding. On property 5 acres or more: 3 total and if frontage on two roads, 2 freestanding.		Wall signs: Maximum area: 100 sq. ft. No height restriction Freestanding signs: Maximum area: 80 sq. ft. Maximum height: 10 ft.	Yes. See §§ 153.150 - 153.153	Yes
	Temporary Banners	3 per business on each road frontage		Maximum area: 64 sq. ft.	No	Yes
Commercial complexes (for more than 3 commercial use occupants jointed together)	Wall or Freestanding	1 per business on each road frontage		Maximum area: 150 sq. ft. Maximum height: 30 ft.	Yes. See §§153.150 – 153.153.	Yes
	Temporary Banners	3 per business on each road frontage		Maximum area: 64 sq. ft.	No	Yes
PAD				Per approved comprehen	Yes	Yes

				sive sign plan		
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* Billboards located within 660 feet of the edge of a state highway or interstate right-of-way shall obtain Arizona Department of Transportation approval prior to applying for a town sign permit.

§ 153.130 Sign Regulations, Mobile Home, Travel Trailer and Recreational Vehicle Parks.

(A) Signs placed or maintained at the entrance to or within any mobile home park are subject to all the regulations set forth under § 153.129 for residential and multi-family zoning districts.

(B) Signs placed or maintained at the entrance to or within travel trailer parks and recreational vehicle parks are subject to all the regulations set forth under § 153.129 for the zoning district within which they are located.



Town of Dewey-Humboldt

P.O. Box 69 / 2735 South Highway 69, Suite 10, Humboldt Station, Humboldt, AZ 86329

PUBLIC HEARING NOTICE

PLANNING AND ZONING ADVISORY COMMISSION AND TOWN COUNCIL

Pursuant to A.R.S. §§ 39-204 and 9-462.04, NOTICE IS HEREBY GIVEN OF the following public hearings in the Town of Dewey-Humboldt, Arizona:

**TOWN OF DEWEY-HUMBOLDT PLANNING AND ZONING ADVISORY COMMISSION
ON SEPTEMBER 7, 2017, 6:00 PM**

AND

TOWN OF DEWEY-HUMBOLDT TOWN COUNCIL ON SEPTEMBER 19, 2017, 6:30 PM

Both hearings will be conducted at Dewey-Humboldt Town Hall
2735 South Highway 69, Suite 10, Humboldt, AZ 86329

Public Hearing Item:

ITEM #: ZTC 17-001

Request: Adoption of the Town of Dewey-Humboldt Sign Code, dated September 19, 2017

Amending the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations by repealing Subchapter Sign Code, and by adopting by reference the "Town of Dewey-Humboldt Sign Code, dated September 19, 2017" consisting of the following sections: §153.125 Purpose, §153.126 Definitions, §153.127 Permits Required, §153.128 General Regulations, §153.129 Sign Regulations for Use Districts, and §153.130 Sign Regulations, Mobile Home, Travel Trailer and Recreational Vehicle Parks related to changing the way the Town regulates signs to comply with the U.S. Supreme Court decision in the matter of *Reed v. Gilbert*. The new Sign Code deletes content-based sign definitions, including logo, religious symbols, commemorative sign, construction sign, directional sign, directory sign, identification sign, informational sign, property sign, and subdivision sign; revising other definitions to remove content-based criteria; setting forth permitting requirements and application and approval processes; exempting government signs, posters, flags, sandwich boards, window signs, and wall, window or ground-mounted signs from permitting requirements; setting forth reasonable regulations for the size, type, materials, and placement of permanent and temporary signs based upon the zoning district in which the sign will be located; and prohibiting signs in the Town rights-of-way. The effect of the amendment will be to regulate the size, material, type, location, and height of signs within the Town based on the location of the sign, not on its message and to require permits to be obtained for most types of signs.

Applicant: Town of Dewey-Humboldt

The project file may be viewed by the public Monday through Friday from 8:00 a.m. to 6:00 p.m. at the Town of Dewey-Humboldt Town Hall, located at 2735 South Highway 69, Dewey-Humboldt, AZ. Written

comments may be sent to Town of Dewey-Humboldt, Community Development Department, P.O. Box 69, Dewey-Humboldt, AZ 86329. Written comments may also be submitted at the public hearing.

Any interested person may appear and be heard at the public hearings. Property owners may submit letters in support or opposition of a Public Hearing Item by directing written correspondence to the Town of Dewey-Humboldt, PO Box 69, Humboldt, Arizona 86329. For more information, contact Dewey-Humboldt Town Clerk, Julie Gibson, at (928) 632-7362/ Fax 928-632-7365.

Reed v. Town of Gilbert, U.S. Supreme Court, 576 U.S. ____ (2015), June 18, 2015

The Town of Gilbert, Arizona adopted a Sign Code that requires a permit for the display of outdoor signs, except for those signs that fall under one of the exempted categories. Petitioners, Good News Community Church (“Church”) and Pastor Clyde Reed posted temporary signs on Saturday mornings bearing the Church name and the time and location of the next service and removed the signs midday the next day. Gilbert categorized these signs as “Temporary Directional Signs” and cited the Church for exceeding the time limits for displaying the signs and for failing to include an event date on the signs. The Church did not dispute these violations but filed a complaint in U.S. District Court that Gilbert was abridging their freedom of speech.

The District Court denied their motion for a preliminary injunction and the Ninth Circuit affirmed, concluding that the Gilbert’s code was content -neutral (the regulation applies to all speech regardless of the viewpoint and subject matter) and Gilbert was able to satisfy the intermediate scrutiny for content-neutral regulation.

On June 18, 2015, the U.S. Supreme Court reversed the Ninth Circuit’s decision and found that Gilbert’s sign code is “facially content-based” meaning that on its face Gilbert regulates speech based on the subject matter because Gilbert used the content of the sign to determine whether the sign was Temporary Directional, Ideological or Political¹ among other categories. Essentially, the Court found that the Church’s sign was regulated according to the message it was conveying.

The Court dismissed Gilbert’s argument that because its regulation was not based on any disagreement with the message conveyed on the Church’s sign that regulation of the sign was not content-based. The Court stated that it was irrelevant whether Gilbert agreed or disagreed with the content of the sign when regulating it, finding that a “benign motive” was not relevant when examining whether the regulation is content-based.

Additionally, the Court disagreed with Gilbert’s assertion that the sign regulation was content-neutral because all temporary directional signs were treated similarly, regardless of the particular viewpoint. The Court asserted that the regulation singles out specific subject matter for differential treatment, even if it does not target viewpoints within the subject matter. In Gilbert, an Ideological Sign can be up to 20 square feet and have no placement or time restrictions; a Political Sign can be up to 32 square feet and may only be displayed during an election season; and a Temporary Directional Sign, such as the Church’s sign, is limited to six square feet and could only be displayed no more than 12 hours before the qualifying event and 1 hour after. The Court found that the more favorable treatment to some signs rather than other types of signs, based on the content, was an example of content-based discrimination.

¹ Temporary Directional Signs: conveys a message directing the public to a qualifying event; Political Signs: influences the outcome of an election; Ideological Signs: communicates a message or idea and doesn’t fit within another category.

Lastly, the Court dismissed the argument that the regulation was speaker or event based and therefore was not content-based and reiterated that speech regulation is content-based if the law applies to a particular speech because of the topic discussed or the idea or message expressed.

The Court found that Gilbert's regulation failed the strict scrutiny test because it could not provide evidence that its regulation furthered a compelling governmental interest and is narrowly tailored to that interest. Gilbert's assertions that the regulation is necessary for aesthetic appeal and for traffic safety were not sufficient to warrant content-based regulation because Gilbert's Sign Code allowed unlimited display of larger Ideological Signs and was unable to demonstrate that Temporary Directional Signs posed a greater threat to safety than any other signs.

The Court reversed the judgment of the Ninth Circuit Court of Appeals.

Additional Considerations

Justice Alito's concurring opinion indicates that government can regulate signs in a manner that would not be content-based and provided the following examples of content-neutral regulation:

- Size of signs;
- Location of signs such as free standing signs or those attached to buildings;
- Lighted and unlighted signs;
- Fixed messages and electronic signs with messages that change;
- Distinguishing placement of signs on private and public property;
- Distinguishing on-premises and off-premises signs;
- Restricting the total number of signs allowed per roadway;
- Imposing time restrictions on signs advertising a one-time event (Kagan's concurring opinion disputes that this is content-neutral); and
- Signs erected by private actors and government entities.

In Kagan's concurring opinion, she indicates that many illuminated signs, certain safety-related signs and historic site markers may be in jeopardy if the regulation is focused on a specific subject matter (content-based) and there is not a compelling governmental interest under strict scrutiny. Justice Kagan states that communities may have to repeal the sign exemptions or remove all sign restrictions.



Town of Dewey-Humboldt

P.O. Box 69 / 2735 South Highway 69, Suite 10, Humboldt Station, Humboldt, AZ 86329

PUBLIC HEARING NOTICE

PLANNING AND ZONING ADVISORY COMMISSION AND TOWN COUNCIL

Pursuant to A.R.S. §§ 39-204 and 9-462.04, NOTICE IS HEREBY GIVEN OF the following public hearings in the Town of Dewey-Humboldt, Arizona:

**TOWN OF DEWEY-HUMBOLDT PLANNING AND ZONING ADVISORY COMMISSION
ON September 7, 2017, 6:00 PM**

AND

TOWN OF DEWEY-HUMBOLDT TOWN COUNCIL ON SEPTEMBER 19, 2017, 6:30 PM

Both hearings will be conducted at Dewey-Humboldt Town Hall
2735 South Highway 69, Suite 10, Humboldt, AZ 86329

Public Hearing Item:

ITEM #: MGPA-17-001

Request: Request for a Minor Amendment to the General Plan to change the Land Use Designation of Assessor's Parcel Numbers 402-02-003R, 402-02-003T, 402-02-003V and 402-02-003W from Low Density Residential land use designation to Community Core land use designation. The property is generally located at the southwest corner of East State Route 169 and South Foothill Drive. The effect of the General Plan Amendment will be to change the permitted zoning classifications from low-density residential to a mix of residential and commercial.

Applicant: John Hughes

The project file may be viewed by the public Monday through Friday from 8:00 a.m. to 6:00 p.m. at the Town of Dewey-Humboldt Town Hall, located at 2735 South Highway 69, Dewey-Humboldt, AZ. Written comments may be sent to Town of Dewey-Humboldt, Community Development Department, P.O. Box 69, Dewey-Humboldt, AZ 86329. Written comments may also be submitted at the Public Hearing.

Any interested person may appear and be heard at the public hearings.

Property owners may submit letters in support or opposition of a Public Hearing Item by directing written correspondence to the Town of Dewey-Humboldt, PO Box 69, Humboldt, Arizona 86329. For more information, contact Dewey-Humboldt Town Clerk, Julie Gibson, at (928) 632-7362/ Fax 928-632-7365.

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AUG 09 2017

TOWN OF DEWEY-HUMBOLDT
DEVELOPMENT APPLICATION

Dewey-Humboldt
PROJECT DESCRIPTION:

General Plan Amendment - Minor 2-17-170148

- General Plan Amendment - Major
General Plan Amendment - Minor
Pre-Application
Community Master Plan
Major Use / Site Plan
Preliminary plat
Commercial Design Review
Annexation
Zoning Clearance
Conditional Use Permit
Abandonment
Rezone
Land split (3 parcels max)
Lot Combine
Variance
Area Plan / Amendment
Final Plat / Amendment
Land Use District
Other

LEGAL DESCRIPTION:

Property Address: 938 S Foothill Dr. Dewey AZ 86327
Number of Lots / Units Proposed: 4 Parcels
Assessor's Parcel Number: 402-02-003T, V, R, W Parcel Size (Acres): 18.29
Existing Land Use District: Low Density Residential Proposed Land Use District: Commercial
Plat Name: Block: Lot: Tract:

DESCRIBE UTILITIES AVAILABLE TO PROPERTY:

- Water Well
Gas Propane
Sewer Septic
Phone
Electric
Cable

Describe Public Access to Property:

FEES

Base Fees: \$3743.00 Other Fees: Subtotal: Total: \$3743.00

*APPLICANT / CONTACT INFORMATION:
Name:
Address:
Phone:
Email:
OWNER INFORMATION:
Name: CARIC & John Hughes
Address: P.O. Box 1828
Phone: 928 848-8717
Email: CherryCreekRanchAZ@gmail.com

Signature of owner or representative

*If application is being submitted by someone other than the owner of the property under consideration, a letter of authorization or other corresponding information must be provided.



TOWN OF DEWEY-HUMBOLDT
Plot Plan Sketch and Affidavit

I certify that I am authorized by the property owner to make this application, that all information provided for this application is correct and that this plot plan, as part of the permit, indicates all structures (including fences, walls, and pads), correct property and building dimensions; setback distances; legal access and easements; road cuts; walls and/or any water course (including washes, drainage ditches etc.) on or within 50', 100' and 200' respectively of the property. We agree to conform to all applicable laws of this jurisdiction.

CA

Signature

8-9-17

Date

Orientation of Plot Plan

Dimension & Lettering ↑				
Dimension & Lettering ↔				

Document #

Sec

Twn

Rng

A P N

Zoning:

Stories:

Height:

Slope: %

FY:

RY:

BY:

IY:

LC:

Lot Area

Lot %

Density
Used:

Scale:

North
Arrow

SEE ATTACHED
EXHIBIT A

RECEIVED

AUG 09 2017

Dewey-Humboldt

MUST BE DRAWN TO SCALE PER CHECKLIST. An additional 8 1/2" x 11" sheet may be used to provide an area map for a parcel which exceeds 2 acres or dimensions of 300 feet.

EXHIBIT A

RECEIVED

1 Inch = 145 feet

AUG 09 2017

Dewey-Humboldt

Pct 2

402-02-003N

800-10-029X

402-02-003T

800-27-002U

402-02-003W

402-02-003V

402-02-003R

402-02-003E

402-02-003G

402-02-422H

402-02-422K

402-02-422J

402-02-422J

402-01-394E
402-02-422R



YAVAPAI COUNTY ASSUMES NO RESPONSIBILITY FOR ANY ERRORS, OMISSIONS AND/OR INACCURACIES IN THIS MAPPING PRODUCT. THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING OR SURVEYING PURPOSES. USERS OF THIS INFORMATION SHOULD REVIEW OR CONSULT THE PRIMARY DATA AND INFORMATION SOURCES TO ASCERTAIN THE USABILITY OF THE INFORMATION.

September 19, 2017

Page 90 of 107

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AUG 09 2017

Town of Dewey-Humboldt

Dewey-Humboldt

Directions to Site

Instructions: An actual detailed line map is needed, not written instructions, adding any significant buildings, land marks, main highway, street names, and north arrows. If the map is not adequate it could cause a delay in issuing your permit.

Assessor's Parcel Number 402-02-003T Address 938 S. Foothill Dr.
003V
003R DEWEY AZ. 86327
003W



SITE PLAN: The site plan shall consist of an accurate, reproducible drawing at a scale of 1"=100' or less, showing the site and all land within 150' of the site. If multiple sheets are used, each shall be labeled and the preparer identified. Along with the reproducible copies, each applicant shall submit a digital copy of the site plan, which has been developed using the Tribe's survey control file, in Nad 83, State Plane Coordinates at sea level. Each site plan shall depict the following:

- A. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
- B. Existing topographic elevation at two-foot intervals, proposed grades and direction of drainage flows.
- C. Location and type of significant existing vegetation.
- D. Location and elevations of existing watercourses and water bodies, including natural and man-made surface drainage ways, floodplains and wetlands.
- E. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building and typical elevation views of proposed structures, indicating fenestration, surface materials and colors.
- F. Proposed location of accessory structures, buildings and uses, including but not limited to all flagpoles, lightpoles, bulkheads, docks storage sheds, transformers, air conditioners, smoke stacks, generators and similar equipment, and the method of screening where applicable.
- G. Location of existing roads, rights-of-way and easements of record and abutting streets.
- H. Location and dimensions of existing and proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations should be separately depicted with an elevation view.
- I. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
- J. Location, size and characteristics of all loading and unloading areas.
- K. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.

- L. Location of water supply lines and/or wells, including fire hydrants and shut off valves, and the location and design of storm sewers, retention or detention ponds, waste water lines, cleanout locations, connection points and treatment systems, including septic systems if applicable.
- M. Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, and telephone.
- N. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.
- O. Location, size and specifications of all signs and advertising features with cross-sections.
- P. Exterior lighting locations with area of illumination illustrated as well as type of fixtures and shielding to be used.
- Q. Location and specifications for all fences, walls, and other screening features with cross-sections.
- R. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material the proposed size at the time of planting and maturity must be indicated. All vegetation to be retained on the site must also be indicated.
- S. Location, size and specifications for screening for all trash receptacles and other solid waste disposal facilities.
- T. Location and specifications for any existing or proposed above or below ground storage facilities or tanks for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
- U. Identification of any significant site amenities or unique natural features.
- V. Identification of any significant views onto or from the site to or from adjoining areas.
- ✓ W. North arrow, scale and date of original submittal and last revision.

RECEIVED FROM: JOHN AND CARIE HUGHES
P.O. Box 1828; Dewey, AZ 86327

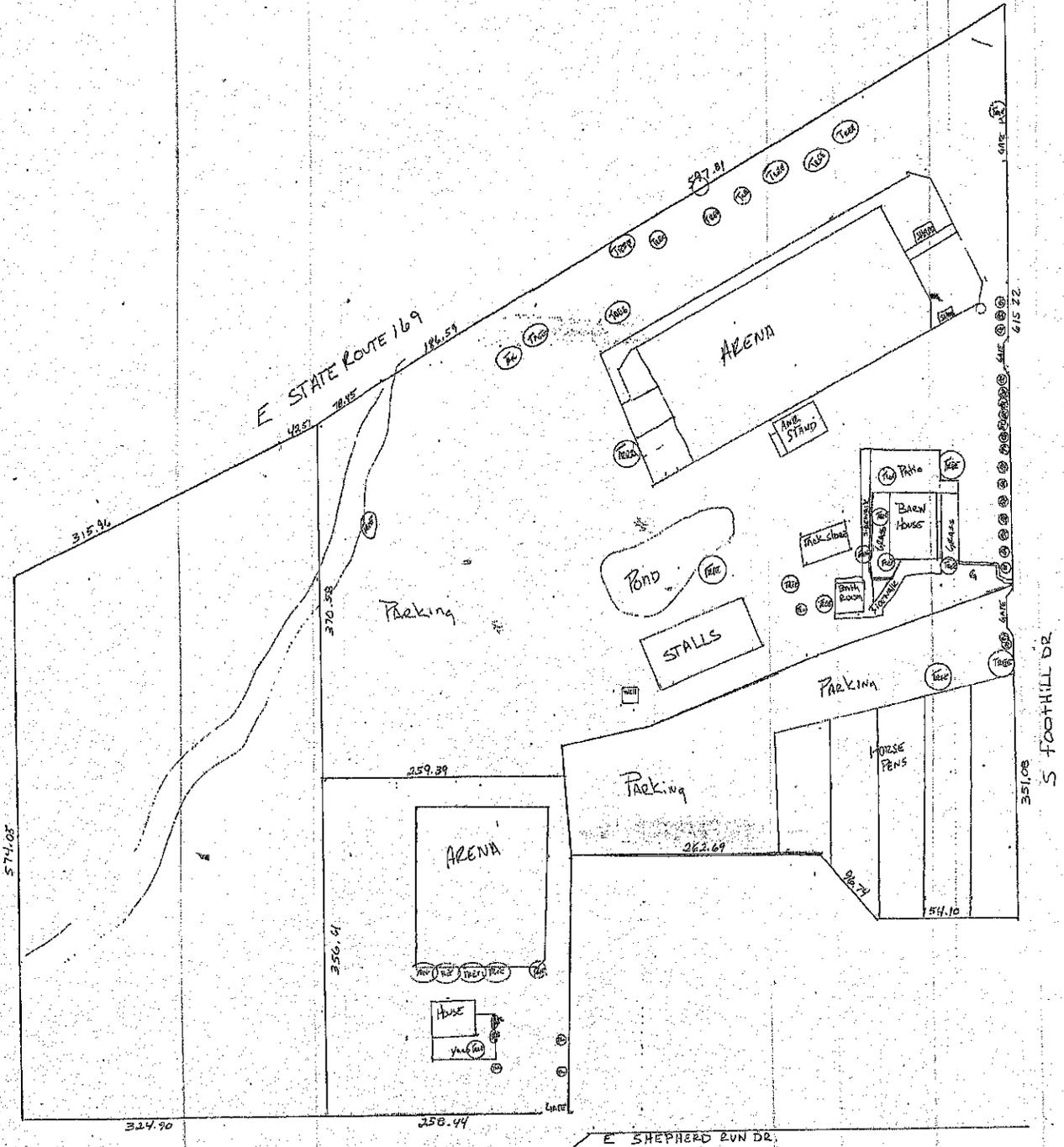
Linked to Permit#: Z-17-170148

For: General Plan Amendment - Minor / P.O. Box 1828; Dewey,

DESCRIPTION	ACCOUNT #	AMOUNT
PLANNING/ZONING	(PZ) 101003403	3743.00
TOTAL PAID:		3743.00

PAID BY CHECK #: R280698

2-17-170148
 2-17-170149
 RECEIVED
 AUG 19 2017
 Denver-Humboldt



CHESTER

995 S. Foothill Drive, Dewey, Arizona 86327 (602) 321-8897 lchester2@cox.net

August 26, 2017

Mr. Steven Brown, AICP
Town of Dewey-Humboldt
Community Development Department
P. O. Box 69
Dewey-Humboldt, AZ 86329

Subject: Public Hearing Item # MGPA-17-001

This letter is written in opposition of the request to amend the land use designation for Parcel Numbers 402-02-003R, 402-02-003T, 402-02-003V and 402-02-003W. We reside at 995 S. Foothill Drive.

The opposition rests on two premises. First and foremost, this is a total conflict of interest for the overall good of the community. Five years ago, we were going to purchase these parcels and utilize the special use permits to engage in "General Store" activities. We submitted a request to extend the special use permit to include General Store activities as well as a request to rezone if General Store activities could not align with the current zoning. WE WERE DECLINED. (See enclosed document) This was five years ago. Fast forward to 2017, Mr. John Hughes is now on the City Council and is being considered to rezone to C2 Commercial. Carri Hughes is a local Real Estate agent. Five years ago, we could not even get the city to consider such a rezoning. This is a total conflict of interest on behalf of the city of Dewey-Humboldt and The Hughes.

The second premise is based on the fact that proper notification has not been provided to the community. We are certain that if adequate notification to all of Dewey-Humboldt residences within a 10-mile range had received notification of this request and hearing, you would receive an overwhelming opposition to this effort. It is our understanding that the notification letter sent out went to a very limited audience, which included residences within a 1-mile range who are located "on" Foothill Drive and those properties that border these parcels.

The community also should have been informed of the overall impact this change will bring to the community once these parcels are rezoned. It's called full disclosure. Mr. Hughes can sell these parcels utilizing Carri Hughes (Spouse) as agent to major developers, who in turn can develop these parcels into high density developments, both residential and commercial. The residences of Dewey-Humboldt should be adequately informed on the long-term effects this rezoning, if approved, could have on the community as we know it today. If approved, this is not going to end up being a small country store that fits the look and lifestyle of the Dewey-

Humboldt community. The intent is to establish an Industrial Diesel Shop on the property and sell off the remaining parcels to commercial developers.

We will be attending the hearing on September 7th, as well as the City Council meeting on September 19th and look forward to opposing this proposed change submitted by Mr. John Hughes, owner and residence; as well as City Council Member who has decision making power on this proposal. Again, major conflict of interest. The question begging to be asked is "what has changed to warrant this consideration that the council would not consider five years ago.?" Answer...Election.

Sincerely,



William Chester



Leslie Chester

cc: Arizona State Attorney General's Office
Jeffrey McKee, Attorney at Law



Town of Dewey-Humboldt

P.O. Box 69 / 2735 South Highway 69, Suite 10, Humboldt Station, Humboldt, AZ 86329

PUBLIC HEARING NOTICE

PLANNING AND ZONING ADVISORY COMMISSION AND TOWN COUNCIL

Pursuant to A.R.S. §§ 39-204 and 9-462.04, NOTICE IS HEREBY GIVEN OF The following public hearings in the Town of Dewey-Humboldt, Arizona:

**TOWN OF DEWEY-HUMBOLDT PLANNING AND ZONING ADVISORY COMMISSION
ON September 7, 2017, 6:00 PM**

AND

TOWN OF DEWEY-HUMBOLDT TOWN COUNCIL ON SEPTEMBER 19, 2017, 6:30 PM

Both hearings will be conducted at Dewey-Humboldt Town Hall
2735 South Highway 69, Suite 10, Humboldt, AZ 86329

Public Hearing Item:

ITEM #: ZDC-17-001

Request: Request for a Zoning District Change to change the Zoning District designation of Assessor's Parcel Numbers 402-02-003R, 402-02-003T, 402-02-003V and 402-02-003W from R1L-70 (Residential; Single Family – Low Density; 70,000 acre minimum lot size) zoning district to C-2 (Commercial; General Sales and Services) zoning district. The property, consisting of approximately 18.29 acres is generally located at the southwest corner of East State Route 169 and South Foothill Drive. The effect of the rezoning will be to change the use of the property from residential to Commercial; General Sales and Services. The property has been operated in the past as the Cherry Creek Ranch Event Center and is proposed to continue in that use.

Applicant: John Hughes

The project file may be viewed by the public Monday through Friday from 8:00 am to 6:00 pm. at the Town of Dewey-Humboldt Town Hall located at 2735 South Highway 69, Dewey-Humboldt, AZ. Written comments may be sent to Town of Dewey-Humboldt, Community Development Department, P.O. Box 69, Dewey-Humboldt, AZ 86329. Written comments may also be submitted at the public hearing.

Any interested person may appear and be heard at the public hearings. Property owners may submit letters in support or opposition of a Public Hearing Item by directing written correspondence to the Town of Dewey-Humboldt, PO Box 69, Humboldt, Arizona 86329. For more information, contact Dewey-Humboldt Town Clerk, Julie Gibson, at (928) 632-[73628562](tel:9286328562)/ Fax 928-632-7365.

AUG 09 2017

Dewey-Humboldt

TOWN OF DEWEY-HUMBOLDT DEVELOPMENT APPLICATION

PROJECT DESCRIPTION:

Rezoning map change to Commercial

2-17-170149

- General Plan Amendment - Major, General Plan Amendment - Minor, Pre-Application, Community Master Plan, Major Use / Site Plan, Preliminary plat, Commercial Design Review, Annexation, Zoning Clearance, Conditional Use Permit, Abandonment, Rezone, Land split (3 parcels max), Lot Combine, Variance, Area Plan / Amendment, Final Plat / Amendment, Land Use District, Other

LEGAL DESCRIPTION:

Property Address: 938 S. Foothill Dr. Dewey AZ 86327
Number of Lots / Units Proposed: 4 Parcels
Assessor's Parcel Number: 402-02-003T, V, R, W Parcel Size (Acres): 18.29
Existing Land Use District: R/L-70 Proposed Land Use District: C2
Plat Name: Block: Lot: Tract:

DESCRIBE UTILITIES AVAILABLE TO PROPERTY:

- Water Well, Gas Propane, Sewer Septic, Phone, Electric, Cable

Describe Public Access to Property:

FEES

Base Fees: \$1900.00 Other Fees: Subtotal: Total: \$1900.00 - 8/17/17

Table with 2 columns: *APPLICANT / CONTACT INFORMATION and OWNER INFORMATION. Includes names, addresses, and phone numbers for Carie and John Hughes.

Signature of owner or representative

*If application is being submitted by someone other than the owner of the property under consideration, a letter of authorization or other corresponding information must be provided.



TOWN OF DEWEY-HUMBOLDT
Plot Plan Sketch and Affidavit

I certify that I am authorized by the property owner to make this application, that all information provided for this application is correct and that this plot plan, as part of the permit, indicates all structures (including fences, walls, and pads), correct property and building dimensions; setback distances; legal access and easements; road cuts; walls and/or any water course (including washes, drainage ditches etc.) on or within 50'; 100' and 200' respectively of the property. We agree to conform to all applicable laws of this jurisdiction.

Signature CA

Date 8-9-17

Orientation of Plot Plan

Dimension & Lettering ↕				
Dimension & Lettering ↔				

Document #

Sec

Twn

Rng

A P N

RECEIVED

AUG 09 2017

SEE ATTACHED

Dewey-Humboldt

EXHIBIT B

Zoning:

Stories:

Height:

Slope: %

FY:

RY:

EY:

IY:

LC:

Lot Area

Lot %

Density Used:

Scale:

North Arrow

MUST BE DRAWN TO SCALE PER CHECKLIST. An additional 8 1/2" x 11" sheet may be used to provide an area map for a parcel which exceeds 2 acres or dimensions of 300 feet.

Exhibit B

1 inch = 145 feet

Pol 2

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Dewey-Humboldt

402-02-003N

800-10-029X

402-02-003T

800-27-002U

402-02-003W

402-02-003V

402-02-003R

402-02-003E

402-02-003G

402-02-422H

402-02-422K

402-02-422J

402-02-422L

402-01-394E
402-02-422F



YAVAPAI COUNTY ASSUMES NO RESPONSIBILITY FOR ANY ERRORS, OMISSIONS AND/OR INACCURACIES IN THIS MAPPING PRODUCT. THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING OR SURVEYING PURPOSES. USERS OF THIS INFORMATION SHOULD REVIEW OR CONSULT THE PRIMARY DATA AND INFORMATION SOURCES TO ASCERTAIN THE USABILITY OF THE INFORMATION.

RECEIVED

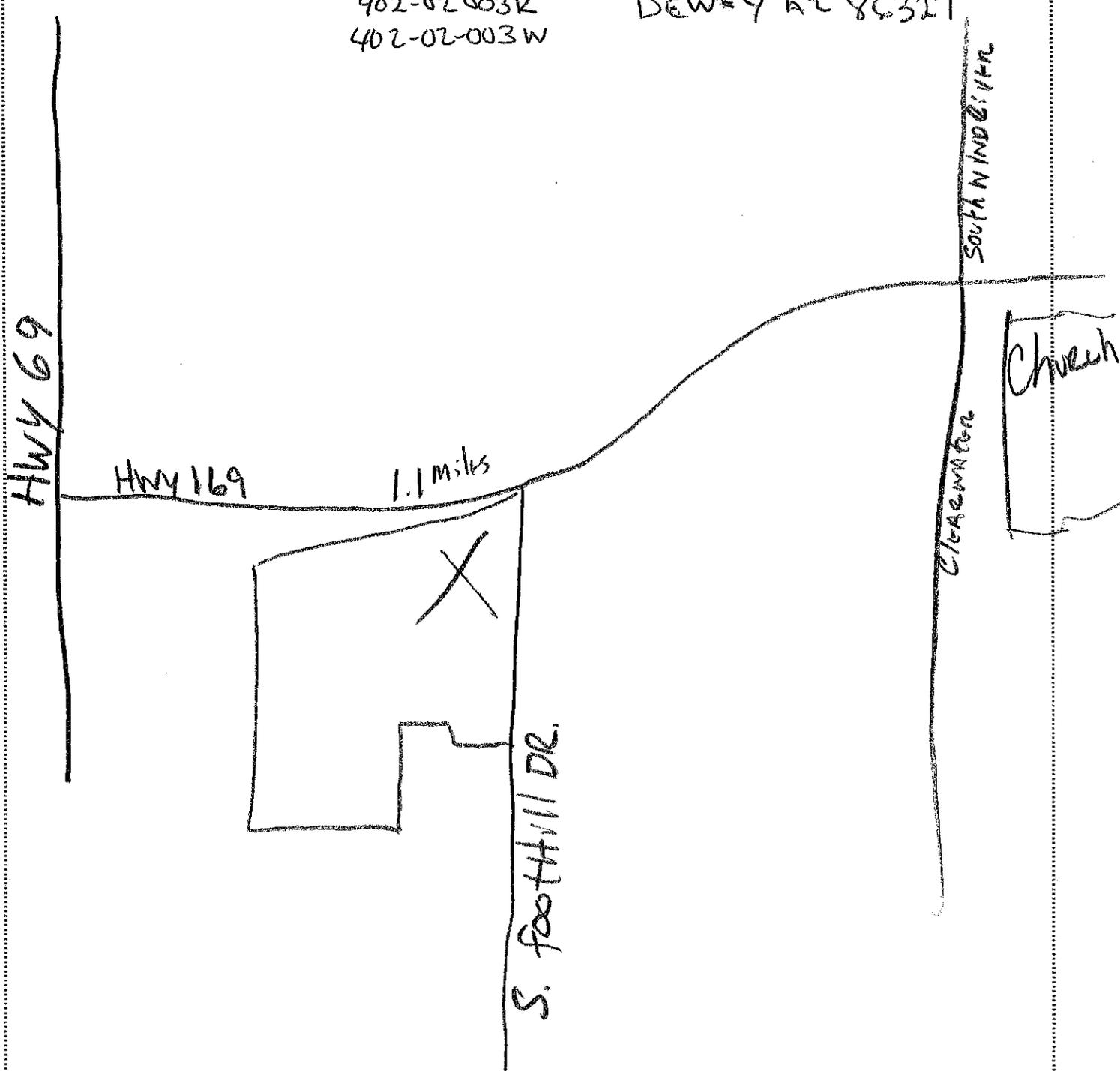
AUG 09 2017

**Town of Dewey-Humboldt
Dewey-Humboldt**

Directions to Site

Instructions: An actual detailed line map is needed, not written instructions, adding any significant buildings, land marks, main highway, street names, and north arrows. If the map is not adequate it could cause a delay in issuing your permit.

Assessor's Parcel Number 402-02-003T Address 938 S. foothill Dr.
402-02-003V DEWEY AL 86327
402-02-003R
402-02-003W



SITE PLAN: The site plan shall consist of an accurate, reproducible drawing at a scale of 1"=100' or less, showing the site and all land within 150' of the site. If multiple sheets are used, each shall be labeled and the preparer identified. Along with the reproducible copies, each applicant shall submit a digital copy of the site plan, which has been developed using the Tribe's survey control file, in Nad 83, State Plane Coordinates at sea level. Each site plan shall depict the following:

- A. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
- B. Existing topographic elevation at two-foot intervals, proposed grades and direction of drainage flows.
- C. Location and type of significant existing vegetation.
- D. Location and elevations of existing watercourses and water bodies, including natural and man-made surface drainage ways, floodplains and wetlands.
- E. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building and typical elevation views of proposed structures, indicating fenestration, surface materials and colors.
- F. Proposed location of accessory structures, buildings and uses, including but not limited to all flagpoles, lightpoles, bulkheads, docks storage sheds, transformers, air conditioners, smoke stacks, generators and similar equipment, and the method of screening where applicable.
- G. Location of existing roads, rights-of-way and easements of record and abutting streets.
- H. Location and dimensions of existing and proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations should be separately depicted with an elevation view.
- I. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
- J. Location, size and characteristics of all loading and unloading areas.
- K. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.

- L. Location of water supply lines and/or wells, including fire hydrants and shut off valves, and the location and design of storm sewers, retention or detention ponds, waste water lines, cleanout locations, connection points and treatment systems, including septic systems if applicable.
- M. Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, and telephone.
- N. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.
- O. Location, size and specifications of all signs and advertising features with cross-sections.
- P. Exterior lighting locations with area of illumination illustrated as well as type of fixtures and shielding to be used.
- Q. Location and specifications for all fences, walls, and other screening features with cross-sections.
- R. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material the proposed size at the time of planting and maturity must be indicated. All vegetation to be retained on the site must also be indicated.
- S. Location, size and specifications for screening for all trash receptacles and other solid waste disposal facilities.
- T. Location and specifications for any existing or proposed above or below ground storage facilities or tanks for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
- U. Identification of any significant site amenities or unique natural features.
- V. Identification of any significant views onto or from the site to or from adjoining areas.
- W. North arrow, scale and date of original submittal and last revision.

RECEIVED FROM: JOHN AND CARIE HUGHES
P.O. Box 1828; Dewey, AZ 86327

Linked to Permit#: Z-17-170149

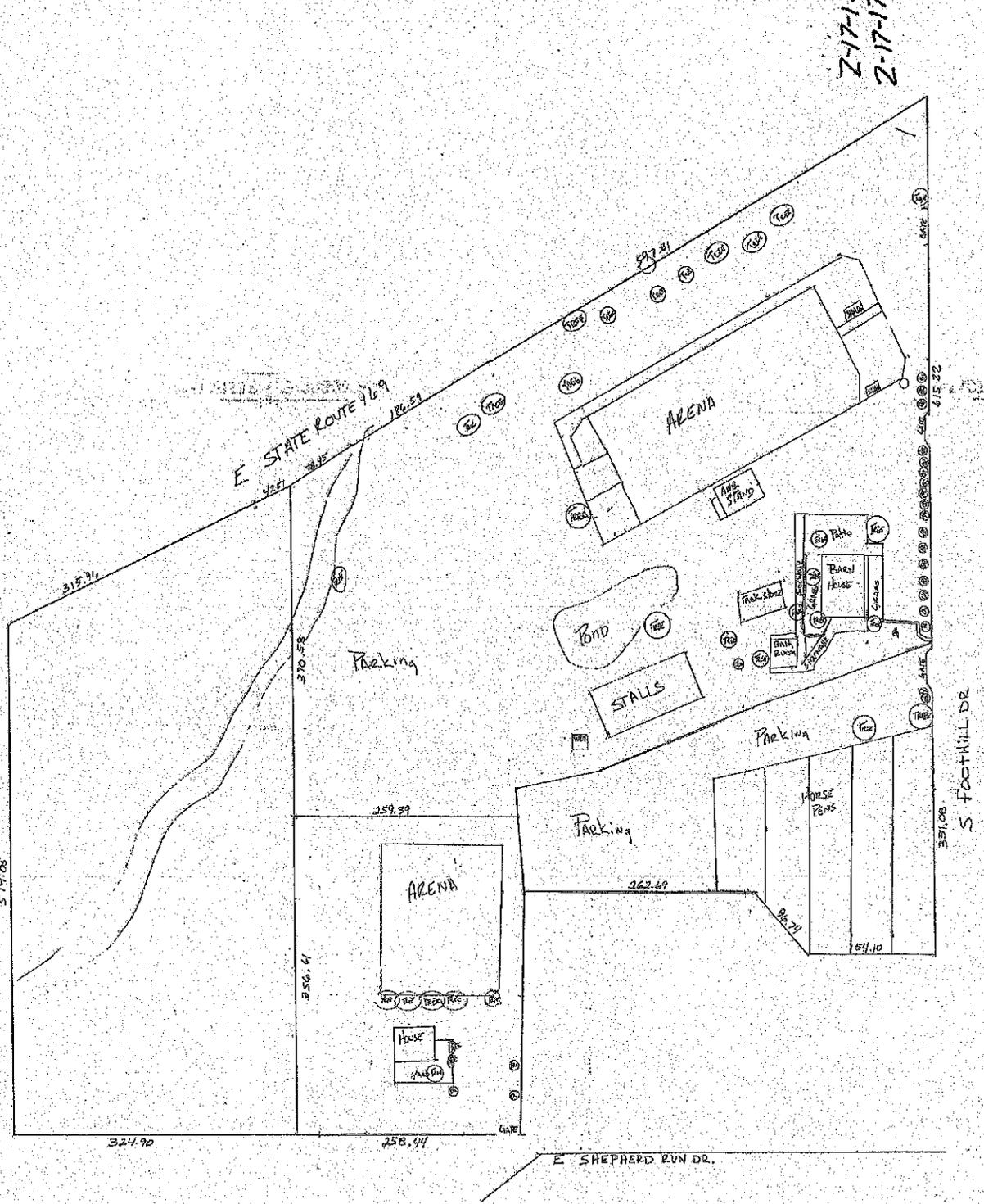
For: Rezoning map change to Commercial / P.O. Box 1828;

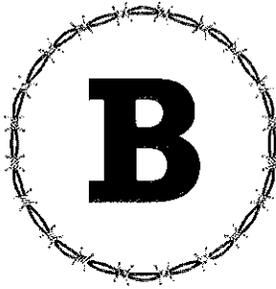
DESCRIPTION	ACCOUNT #	AMOUNT
PLANNING/ZONING	(PZ) 101003403	1900.00
TOTAL PAID:		1900.00

PAID BY CHECK #: R280697

Total
Fee \$13
\$1,914.50
| Due
\$14.50

2-17-170148
 2-17-170149
 RECEIVED
 AUG 18 2017
 Dewey-Harshbarger





To whom it may concern,

my wife and I are owners of 855 South Foothill Drive, Dewey, Arizona. We recently received notice of a public hearing ITEM # ZDC-17-001 regarding a zone change by applicant JOHN HUGHES.

We are totally against any zone change. Making a change from RESIDENTIAL, SINGLE FAMILY - LOW DENSITY TO COMMERCIAL would be a mistake and totally change our quiet country living which attracted us in the first place. I am certain other home owners in the area will feel the same.

Thank you, in advance, for your kind consideration to this matter.

Yours truly,


DAN BERGMAN


GAYLE BERGMAN