

**Ordinance No. 778**

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING SECTION 2-01-040 "VACANCIES IN COUNCIL" IN ARTICLE 2-01 "COUNCIL" AND SECTION 2-04-010 "REGULAR MEETINGS" IN ARTICLE 2-04 "COUNCIL PROCEDURE" IN CHAPTER 2 "MAYOR AND COUNCIL", AND SECTION 8-01-050 "INVESTIGATION AND ISSUANCE" IN ARTICLE 8-01 "PEDDLERS" IN CHAPTER 8 "BUSINESS", AND REPEALING AND REENACTING SECTION 2-04-060 "ORDER OF BUSINESS" IN ARTICLE 2-04 TO CONFORM WITH CURRENT PRACTICE AND CHANGES IN STATE LAW; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES, AND SECTIONS OF THE TOWN CODE, NOT HEREIN AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Mayor and Common Council of the Town of Prescott Valley passed and approved Ordinance No. 178 on May 26, 1988, enacting a new Town Code that included Articles 2-01 "COUNCIL" and 2-04 "COUNCIL PROCEDURE" in Chapter 2 "MAYOR AND COUNCIL" and Article 8-01 "PEDDLERS" in Chapter 8 "BUSINESS"; and

WHEREAS, certain procedures related to Council member appointment, order of Council meetings, location of the Council chambers, and retention schedule for records pertaining to peddler applications have changed either as a result of standard practice or changes in state statutes or rules; and

WHEREAS, as a matter of housekeeping Town staff proposes to amend the relevant sections of the Town Code to conform to current procedures;

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

SECTION ONE. That Section 2-01-040 "Vacancies in Council" in Article 2-01 "COUNCIL" in Chapter 2 "MAYOR AND COUNCIL" of the Town Code of the Town of Prescott Valley, Arizona, be hereby amended to read as follows:

**2-01-040 Vacancies in Council.**

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

The Council shall fill a vacancy that may occur by appointment until the next regularly scheduled Council election if the vacancy occurs more than thirty (30) days before the nomination petition deadline. Otherwise, the appointment is for the unexpired term. The member appointed shall meet the qualifications established in A.R.S. §9-232.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 778, Amended, 10/10/13)

SECTION TWO. That Section 2-04-010 "Regular Meetings" in Article 2-04 "COUNCIL PROCEDURE" in Chapter 2 "MAYOR AND COUNCIL" of the Town Code be hereby amended to read as follows:

**2-04-010 Regular Meetings.**

The Council shall hold regular meetings on the second (2nd) and fourth (4th) Thursdays of each month, provided when the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal holiday, such meeting shall be held at the same hour on a day to be specified by the Council. Work/Study sessions may be held as needed on the first (1st) and third (3rd) Thursdays of the month after such notice as required by the Arizona Open Meeting Law, as determined by the Mayor and the Town Manager. All regular meetings and work/study sessions of the Council shall be held at the Prescott Valley ~~Magistrate Court~~ Council Chambers/Auditorium, 7504 7401 East Civic Circle, Prescott Valley, Arizona. All regular meetings and work/study sessions shall commence at 5:30 p.m. unless a different time is designated.

(Ord. No. 1, Enacted, 09/14/78; Ord. No. 8, Rep&ReEn, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 595, Amended, 05/27/04; Ord. No. 778, Amended, 10/10/13)

SECTION THREE. That Section 2-04-060 “Order of Business” in Article 2-04 “COUNCIL PROCEDURE” in Chapter 2 “MAYOR AND COUNCIL” of the Town Code be hereby repealed in its entirety and reenacted to read as follows:

**2-04-060 Order of Business.**

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

- A. Call to Order
- B. Invocation
- C. Pledge of Allegiance
- D. Roll Call
- E. Scheduled Announcements & Presentations
- F. Certificates
- G. Proclamations
- H. Comments/Communications
- I. Consent Agenda
- J. Old Business
- K. New Business
- L. Comments from the Public
- M. Adjournment

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 778, Rep&ReEn, 10/10/13)

SECTION FOUR. That Section 8-01-050 “Investigation and Issuance” in Article 8-01 “PEDDLERS” in Chapter 8 “BUSINESS” of the Town Code be hereby amended to read as

follows:

**8-01-050 Investigation and Issuance.**

...

- C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval and return the application to the Town Clerk who shall, upon payment of the prescribed license fee, deliver to the applicant his license. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of said licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such licensed business. Each peddler, solicitor or transient merchant must secure a personal license. No license shall be used at any time by any person other than the one to whom it is issued. ~~The Town Clerk shall keep a permanent record of all licenses issued.~~

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 8-01-030; Ord. No. 778, Amended, 10/10/13)

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

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

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

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 10<sup>th</sup> day of October, 2013.

\_\_\_\_\_  
Harvey C. Skoog, Mayor

ATTEST:

\_\_\_\_\_  
Diane Russell, Town Clerk

APPROVED AS TO FORM:

---

Ivan Legler, Town Attorney