

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION
Date: January 9, 2014**

SUBJECT: Amendments to Town Code Chapter 9 “HEALTH AND SANITATION” and Chapter 13 “ZONING”

SUBMITTING DEPARTMENT: Community Development

PREPARED BY: Richard Parker, Director

AGENDA LOCATION: Comments/Communications , Consent , Work/Study ,
New Business , Public Hearing , Second Reading

ATTACHMENTS: a) Resolution No. 1864 b) document titled “Property Maintenance Amendments”,
and 3) Ordinance No. 785.

SUMMARY/BACKGROUND: ARS §9-499 authorizes the Towns to adopt by ordinance a requirement that owners, lessees or occupants of buildings, grounds or lots remove rubbish, trash, weeds, etc. from property which may constitute a hazard or nuisance. Under this authority, the Town has previously adopted Article 9-04 “PROPERTY MAINTENANCE” of the Town Code.

On April 10, 2013, the Governor signed SB 1466 which amended ARS §9-499 to add a definition for “dilapidated buildings” with regard to this authority. It is, therefore, proposed that the Town now add this definition to its own Code in §9-04-010. This definition appears to slightly narrow Town authority with regard to abating nuisances.

The proposed amendments alter the numerical sequence of certain non-affected Code sections. Therefore, conforming changes to §13-06-020 (citing §9-04-010(C) have to also be adopted.

[Note: when ordinances are of any length, it is a cost-saving measure for the Town Clerk’s office to adopt the substantive changes by “reference” in accordance with A.R.S. §9-802. This reduces publication costs. It involves a first step of declaring by Resolution that the substantive changes are a separate public document, then adopting those changes by reference in the published ordinance.]

OPTION ANALYSIS: The Council may adopt Resolution No. 1864 declaring the proposed changes to Chapter 9 “HEALTH AND SANITATION” and Chapter 13 “ZONING” to be a separate public document (which may then be adopted by reference in Ordinance No.785), or decline to adopt Resolution No. 1864

ACTION OPTION: a) Motion to authorize the Mayor (or, in his absence, the Vice-Mayor) to sign Resolution No. 1864 declaring certain revisions to Town Code Chapter 9 “HEALTH AND SANITATION” and Chapter 13 “ZONING” to be a public record for purposes of adoption by reference, **OR** Motion not to approve Resolution No. 1864. **VOTE.**

b) Motion to read Ordinance No. 785 (adopting by reference the Amendments to Chapter 9 “HEALTH AND SANITATION” and Chapter 13 “ZONING” declared by Resolution No. 1864 to be a public record) on two separate occasions by title only, then to place the same on final passage, **OR** Motion not to read Ordinance No. 785. **VOTE.**

(if the Motion is to read Ordinance No. 785, the Mayor instructs the Town Clerk to read the Ordinance by title only for the first reading).

RECOMMENDATION: Staff recommends authorizing signing Resolution No. 1864 and adopting Ordinance No. 785 for the purpose of adopting these amendments to Town Code Chapter 9 “HEALTH AND SANITATION” and Chapter 13 “ZONING.”

FISCAL ANALYSIS: Adoption of the proposed Resolution and Ordinance is not expected to have any fiscal impact on the Town.

REVIEWED BY:

Management Services Director _____

Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____