Holbrook City Code

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CHAPTER 1
ADMINISTRATION

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ARTICLE 1-1: GENERAL MATTERS

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1-1-1 How Code is Designated and Cited

The ordinances embraced in the following titles, chapters and sections shall constitute and be designated the "Holbrook City Code." This Code shall be supplemented to incorporate the most recent legislation of the City as provided in Section 1-1-3 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this City Code by title in any legal documents.

1-1-2 Acceptance

The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in Section 1-1-4 of this Title.

1-1-3 Amendments

Any ordinance amending the City Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be inserted in their proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code.

1-1-4 Ordinances, Repeal of General Ordinances

A. All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are included in this City Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; assessment ordinances; ordinances relating to boundaries, annexations and dedications; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; fee ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; the continued existence and operation of any department, agency, commission or office heretofore legally established or held; and all special ordinances.

B. The repeal of the ordinances as provided in subsection A of this Section, shall not affect any debt or fee which is accrued, any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the ordinances repealed or the term of office of any person holding office at the time these ordinances take effect; nor shall the repeal of any ordinance have the effect of reviving any ordinance heretofore repealed or superseded.

1-1-5 Public Ways and Public Utility Ordinances

No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of the preceding Section, excepting as the City Code may contain provisions for such matters, in which case, this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

1-1-6 Court Proceedings

A. No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, and applied to any judgment announced after the new ordinance takes effect.

B. This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

C. Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be

continuing provisions and not a new enactment of the same provisions; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code.

1-1-7 Severability Clause

A. General: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this City Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

B. Conflicting Provisions: If the provisions of different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter. A particular provision shall prevail over a general provision covering the same subject matter.

1-1-8 Definitions, Construction of Words

A. The rules and the definitions set forth in this Chapter shall be observed in the construction of this Code and the ordinances of the City, unless such construction would be inconsistent with either the manifest intent of the City Council, the Holbrook City Charter, the context of this Code, or the ordinances of the City.

B. Whenever any word in any section of this City Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this City Code by words importing the singular number only, or a particular gender, several matters, parties or persons and the opposite gender and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this City Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.

C. The word "ordinance" contained in the ordinances of the City has been changed in the content of this City Code to "Title", "Chapter", "Section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the City's ordinances is not meant to amend passage and effective dates of such original ordinances.

1-1-9 Definitions[1], General

All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as

[1]State law reference: For definitions and construction of statutes generally, A.R.S. § 1-211 through 1-215.

may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Whenever the following words or terms are used in this Code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

Definitions:

AGENT: A person acting on behalf of another with authority conferred, either expressly or by implication.

CHARTER: The Charter of the City of Holbrook.

CITY: The City of Holbrook, Arizona.

CITY MANAGER: City manager or his designee

CODE: The Holbrook City Code unless the context indicates otherwise.

COUNCIL: The City Council of the City of Holbrook, Arizona, unless otherwise indicated.

DAY: The period of time between any midnight and the midnight following.

DAYTIME, NIGHTTIME: Daytime is the period of time between sunrise and sunset. Nighttime is the period of time between sunset and sunrise.

DEPARTMENT, BOARD OR EMPLOYEE: Whenever any department, board, commission, office, officer or employee is referred to, it shall mean a department, board, commission, office, officer or employee of the City, unless the context clearly indicates otherwise.

FEE: A sum of money charged by the City for the carrying on of a business, profession or occupation.

GENDER: A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to persons.

IN THE CITY, WITHIN THE CITY: Shall mean and include all territory over which the City now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

MONTH: A calendar month.

NUISANCE: Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the City, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community.

OATH: Includes affirmation or declaration.

OCCUPANT: As applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE: Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

OPERATOR: The person who is in charge of any operation, business or profession.

OWNER: As applied to a building or land, shall include any part owner, joint owner, tenant in common, and joint tenant or lessee of the whole or of a part of such building or land.

PERSON: Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

PERSONAL PROPERTY: Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

PROPERTY: Shall include real and personal property.

REAL PROPERTY: Shall include lands, tenements and hereditaments.

RETAILER: Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

RIGHT OF WAY: The privilege of the immediate use of the roadway or other property.

SHALL HAVE BEEN: Includes past and future cases.

SHALL, MAY: Shall is mandatory and may is permissive.

STREET: Shall include alleys, lanes, courts, boulevards, rights of way, public ways, public squares, public places and sidewalks.

TENANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

TENSES: The present tense includes the past and future tenses, and the future includes the present.

TIME:

A. Computation: The time within which an act is to be done as provided in this Code or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is a Saturday, Sunday or holiday it shall be excluded; and when such time is expressed in hours, the whole of Saturday, Sunday or a holiday, from midnight to midnight, shall be excluded.

B. Reasonable: In all cases where any section of this Code shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

UTILITIES: Consists of the Water, Wastewater, and Sanitation Departments of the City.

WEEK: Consists of seven (7) consecutive days.

WHOLESALER: The terms "wholesaler" and "wholesale dealer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

WRITING: Includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise.

WRITTEN, IN WRITING: May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by such person's proper mark.

YEAR: A calendar year, except where otherwise provided.

1-1-10 Catch lines

The catch lines of the several sections of the City Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catch lines, are amended or re-enacted.

1-1-11 Penalties, General Penalty

A. Misdemeanor: Any person found guilty of violating any provisions of this Code, except as otherwise provided in this Code, shall be guilty of a Class One misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed two thousand five hundred dollars ($2,500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein above described.

B. Petty Offense: A petty offense shall be punishable by a fine not to exceed five hundred dollars ($500.00).

C. Civil Violation: A civil sanction shall not exceed five hundred dollars ($500.00).

1-1-12 Application of Provisions

A. The penalty provided in this Chapter shall be applicable to every section of this City Code the same as though it were a part of each and every separate section.

B. In all cases where the same offense is made punishable or is created by different clauses or sections of this City Code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

C. Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this City Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply.

1-1-13 Liability of Officers

No provision of this City Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the City Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

ARTICLE 1-2: MAYOR AND COUNCIL

1-2-1 Council Members
1-2-2 Mayor
1-2-3 Agenda
1-2-4 Voting
1-2-5 Suspension of Rules
1-2-6 Ordinances, Resolutions and Contracts
1-2-7 Elections

1-2-1 Council Members

The term of office for members of the Council is four years.

1-2-2 Mayor

A. Election of Mayor: The mayor shall be directly elected by the qualified electors of the City. The term of the Mayor's office shall be for four years.

B. Acting Mayor: In the absence or disability of both the mayor and vice mayor, the Council may designate another of its members to serve as acting mayor, and he shall have all the powers, duties and responsibilities of the mayor during such absence or disability.

C. Failure to Sign Documents: If the mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring his signature for five days consecutively, then a majority of the Council in attendance may, at any regular or special meeting, authorize the vice mayor, or in his absence, an acting mayor to sign such ordinance, resolution, contract, warrant, demand or other document or instrument which when so signed shall have the same force and effect as if signed by the mayor.

D. Committee Appointments: The mayor shall appoint members to various committees, boards and commissions after due official notice to the public and with the consent of the Council[2].

1-2-3 Agenda

Prior to each Council meeting, or on or before a time fixed by the Council for preparation and distribution of an agenda, whichever is earlier, the City manager shall collect all written reports, communications, ordinances, resolutions, contracts and other documents to be submitted to the Council, and prepare an agenda according to the order of business and shall furnish each Council member, the mayor and the attorney with a copy. Any Council member, including the mayor, the City manager, City clerk or City attorney, may place an item on the agenda for the City Council's consideration.

1-2-4 Voting

The mayor shall vote as a member of the Council.

1-2-5 Suspension of Rules

Any of the provisions of this article may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths of the members

[2]See City Charter Section 2.07(d)

present, except that this section shall not be construed to permit any action that is contrary to State statutes, or the City Charter.

1-2-6 Ordinances, Resolutions and Contracts

A. Introduction: Ordinances, resolutions and other matters or subjects requiring action by the Council shall be introduced and sponsored by a member of the Council, except that the attorney, City manager or clerk may present ordinances, resolutions and other matters or subjects to the Council, and any Council member may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject adopted; otherwise, it shall not be considered.

B. Effective Date of Ordinance: No ordinance or resolution having the effect of an ordinance or franchise shall become operative until thirty days after its passage by the Council except an emergency measure shall become immediately operative.[3]

C. Posting Required: Every ordinance imposing any penalty, fine, forfeiture or other punishment shall, after passage, be posted by the clerk in three or more public places within the City and an affidavit of the person who posted the ordinances shall be filed in the office of the clerk as proof of posting.[4]

1-2-7 Elections (Ordinance 21-03)

A. Term of Mayor: The Mayor shall be elected for a term of four years.

B. Terms of Council Members: Council Members shall be elected for terms of four years each, and three shall be elected every two years.

C. Consolidated Elections: The next election, per the State of Arizona consolidated election cycle, will be held in August 2022 with a run-off election, in November 2022, if necessary.

D. Terms Extended: To comply with the State mandated consolidated election cycle, terms will be extended as follows: Council Member terms ending in May 2021 will be extended to December 2022; Council Member terms ending in May 2023 will be extended to December 2024; and the Mayor's term ending in May 2023 will be extended to December 2024.

[3] Section 7.06, City Charter

[4] Also required in City Charter, Section 7.07(c)

ARTICLE 1-3: VOLUNTEER FIRE DEPARTMENT

1-3-1 Fire Department Composition
1-3-2 Departmental Rules and Regulations
1-3-3 Compensation
1-3-4 Powers and Duties of the Fire Chief
1-3-5 Providing Fire Protection outside the City Limits
1-3-6 Fire Code

1-3-1 Fire Department Composition

The volunteer Fire Department shall consist of a chief, one or more assistant chiefs, and as many other officers and firefighters as may be deemed necessary from time to time by the Council.

1-3-2 Departmental Rules and Regulations

The Fire Department shall be operated and managed in accordance with such departmental rules, regulations, and bylaws as may, from time to time, be adopted by the City Council. The Fire Department shall adopt rules and regulations to govern their internal operations.

1-3-3 Compensation

The Fire Chief, assistant Fire Chiefs and other members and officers of the Fire Department shall receive such compensation as may be determined by the Council.

1-3-4 Powers and Duties of Fire Chief

It shall be the duty of the Chief to:

A. Be accountable to the City manager for the personnel, morale and general efficiency of the Fire Department.

B. Direct the operations of the Fire Department, subject to the rules and regulations thereof.

C. Enforce or cause to be enforced, all ordinances, laws and regulations of the City and state insofar as they pertain to fire and safety.

1-3-5 Providing Fire Protection Outside the City Limits

The City Council may enter into agreements or contracts to furnish fire protection outside the City or enter into mutual aid agreements, and the Fire Department is authorized to render firefighting services pursuant to the terms of such agreements or contracts.

1-3-6 Fire Code

There is hereby adopted for the purpose of prescribing regulations governing the conditions hazardous to life and property from fire or explosion, those certain codes known as the Uniform Fire Code, current edition, promulgated in its entirety, by the Office of the State Fire Marshal; the Flammable and Combustible Liquids Code, current edition, being particularly NFPA No. 30; the Recommended Regulatory Standard for Tank Vehicles for Flammable Liquids, current edition, being NFPA No. 385; the Standard Life Safety Code, current edition, being particularly NFPA No. 101; the Model State Fireworks Law, being particularly NFPA No. 4941; including all future amendments, additions or deletions thereto, excepting any provisions which may be modified, deleted or amended

by ordinance of the City. Three copies of the above materials are and shall remain on file in the office of the Clerk and in the office of the Fire Chief and the same are hereby adopted and incorporated by reference as though fully set forth herein, and from the date this Chapter shall take effect the provisions thereof shall be controlling within the limits of the City of Holbrook.

ARTICLE 1-4: PURCHASING POLICY

1-4-1 Purchasing Agent; Authority
1-4-2 Bidding Procedures
1-4-3 Lowest Responsible Bidder Determined
1-4-4 Bid Preference for Local Businesses
1-4-5 Professional Services
1-4-6 Emergency Purchases
1-4-7 Cooperative Purchasing
1-4-8 Performance Bond

1-4-1 Purchasing Agent; Authority

The City manager, or his designee, shall be the purchasing agent for the City. No purchase or contract for services of any kind or description, payment for which is to be made from funds of the City, shall be made by the Purchasing Agent or any officer, employee or agent of the City, except in the manner set forth in this Chapter. Whenever any contemplated purchase or contract for goods or services is in excess of ten thousand dollars ($10,000.00), such purchase or contract shall be presented to the City Council for approval. The City Council may request that the Purchasing Agent solicit bids in the manner set forth herein prior to the approval of any such purchase or contract.

1-4-2 Bidding Procedures

When solicitation of bids is requested by the City Council, or is required by applicable State law, or if the Purchasing Agent determines that it is in the best interests of the City to solicit bids, the Purchasing Agent shall conduct the bidding procedures in the following manner:

A. Notice Contents: All notices and solicitation of bids shall state the time and place for opening.

B. Submission: All bids shall be submitted sealed to the Purchasing Agent and shall be identified as bids on the envelope.

C. Opening: All bids shall be opened in public at the time and place stated in the public notice.

D. Tabulation; Posting: A tabulation of all bids received shall be posted in the City Hall for public inspection.

E. Formal Bids: When the Council requests a formal bid, the formal bids shall specifically state the character of the City improvement, purchase or kind of supplies, materials, equipment and services required. Notice shall be published once in the official newspaper, not less than five (5) days prior to the opening of bids. Bidding shall be by sealed proposals only under regulations prescribed by the Council. Council has the right to reject any and all bids, and to advertise for bids again. [5]

F. Under $2,500: Whenever any contemplated purchase or contract for services is for the sum of less than $2,500, the purchasing agent may order the item without any further requirements. The item or service must have been budgeted and budget

[5] See City Charter Section 8.03

capacity must exist for the purchase. Due diligence must be exercised to ensure the best possible pricing. The purchase must not be artificially planned, divided or fragmented to circumvent the competitive bid process. A purchase requisitions /purchase order must be signed by the Finance Director and/or City Manager authorizing the purchasing agent to proceed with the purchase. (Ordinance 12-10)

G. $2,501 to $4,999 Inclusive: Whenever any contemplated purchase or contract for services is for the sum of at least $2,501 but not more than $4,999, the department manager shall solicit at least three (3) bids for the item or service. The bids may be orally obtained and the bids provided to the purchasing agent. The purchasing agent may then award the purchase or contract to the lowest responsible bidder. The item or service must have been budgeted and budget capacity must exist for the purchase. Due diligence must be exercised to ensure the best possible pricing. The purchase must not be artificially planned, divided or fragmented to circumvent the competitive bid process. A purchase requisition/purchase order must be signed by the Finance Director and/or City Manager authorizing the purchasing agent to proceed with the purchase. (Ordinance 12-10)

H. $5,000 to $14,999 Inclusive: Whenever any contemplated purchase or contract for services is for the sum of at least $5,000 but less than $14,999, the purchasing agent shall solicit at least three (3) written bids for the item or service on bid forms. No contract or purchase of $5,000 or more shall be approved except by the Council. The purchasing agent shall present to the Council any contemplated purchase or contract for $5,000 or more for approval and advise the Council of the advantages and disadvantages of the bid proposal.

I. $15,000 and Over: Whenever any contemplated purchase or contract for services is for the sum of $15,000 or more, the purchasing agent shall cause to be published once in the official newspaper a notice inviting bids, which notice shall be published not less than five (5) days prior to the opening of bids.[6] The notice herein required shall include a general description of the articles to be purchased or services to be performed and the time and place for the opening of bids. In addition, the purchasing agent shall post a notice inviting bids at the City Hall and shall provide notice by mail to any responsible prospective local suppliers known to the purchasing agent. No contract or purchase of $15,000 or more shall be approved except by the Council. The purchasing agent shall present to the Council any contemplated purchase or contract for $15,000 or more for approval and advise the Council of the advantages and disadvantages of the bid proposal. (Ordinance 12-10)

1-4-3 Lowest Responsible Bidder Determined

The City Council shall have the authority to reject any and all bids and parts of all bids and re-advertise or re-solicit bids. Unless the City Council exercises its right of rejection, the purchase or contract shall be made from and with the lowest responsible bidder for the entire purchase or contract or for any part thereof. In determining the lowest responsible bidder, the City Council may consider:

A. Ability: The ability, capacity and skill of the bidder to perform the contract or provide the service required.

[6] See City Charter Section 8.03

B. Timely Performance: Whether the bidder can perform the contract or provide the services promptly or within the specified time, without delay or interference.

C. Quality of Previous Contracts: The quality of performance of previous contracts.

D. Compliance with Laws: The previous and existing compliance by the bidder with the laws and ordinances of the City.

E. Financial Resources: The financial resources and ability of the bidder to perform the contract.

F. Supplies; Services: The quality, availability and adaptability of the supplies or service.

1-4-4 Bid Preference for Local Businesses

In awarding a contract for work or supplies to be paid for from public funds, bids of contractors or suppliers who own a business supplying the goods or services, and which maintain a physical address within the City limits may receive the bid if their bid is within five (5%) percent of the lowest bid on the project. The purpose of giving a bid preference to local businesses for goods and services is to reduce costs to the City due to the high cost of public works bids because of the cost of mobilizing equipment to the City of Holbrook and to promote economic development by encouraging businesses to locate and remain within the City of Holbrook.

1-4-5 Professional Services

Unless directed by the Council, the bidding and other requirements of this article shall not apply to professional services. Such services include but are not limited to: physicians, attorneys, engineers, accountants and other similar professions.

1-4-6 Emergency Purchases

In case of an emergency which requires immediate purchases of supplies or services and when time is of the essence, the mayor shall be empowered to authorize the Purchasing Agent to purchase goods or secure services without complying with the procedures of this Chapter. A full report in writing of the circumstances of any emergency purchase shall be filed by the Purchasing Agent with the City Council at its next meeting.

1-4-7 Cooperative Purchasing

When solicitation of bids is requested by the City Council or required by applicable State law, the Purchasing Agent may make purchases or award contracts for services without a formal bidding process whenever other governmental units have done so for the same item or service if a separate bidding process is not likely to result in a lower price for such items or services.

1-4-8 Performance Bond

The Purchasing Agent shall have the authority to require a performance bond, in cash or otherwise, for such amount as he may deem sufficient to secure the execution of the contract for the best interest of the City.

ARTICLE 1-5: MAGISTRATE COURT; PROSECUTING CIVIL AND CRIMINAL VIOLATIONS

1-5-1 Magistrate Court Established; Jurisdiction
1-5-2 Powers and Duties of City Magistrate
1-5-3 Court Fees
1-5-4 Purpose and Scope
1-5-5 Civil or Criminal Violation - Commencement of Action
1-5-6 Citation or Summons and Complaint - Authority to Issue
1-5-7 Rules of Procedure for Civil Violation
1-5-8 Collection of Civil Sanctions and Judgments
1-5-9 Procedure for Criminal Violations

1-5-1 Magistrate Court Established; Jurisdiction

There is hereby established in the City a magistrate court which shall have jurisdiction of all violations of this code and jurisdiction concurrently with justices of the peace of precincts in which the City is located of violations of laws of the State committed within the limits of the City.

1-5-2 Powers and Duties of City Magistrate

The powers and duties of the magistrate shall include the powers and duties set forth and conferred upon the magistrate under the provisions of the State Constitution and statutes, this code and the ordinances and resolutions of the City.

1-5-3 Court Fees

The City Council may, by resolution, establish and assess fees for court programs and services, including but not limited to, costs associated with court collections, civil traffic defaults, and issuing and executing failure to appear warrants.

1-5-4 Purpose and Scope

The City may use the procedures established in this article to enforce every City ordinance, whether or not the ordinance is codified in this code, and to prosecute any civil or criminal violation of every such ordinance. These procedures do not supersede other enforcement procedures which are established by ordinance, but rather are an alternative to such procedures.

1-5-5 Civil or Criminal Violation - Commencement of Action

A. An action to prosecute a civil or criminal violation of a provision of this code may be commenced by issuing a citation or by filing a summons and complaint.

B. The citation shall direct the defendant to appear in Magistrate Court within thirty (30) days after the issuance of the citation.

C. Service of the citation or of a summons and complaint may be accomplished by the following methods:
   1. In the case of both civil and criminal violations:
      a. By having the defendant sign the citation with a promise to appear in court within thirty (30) days (no less than five, not more than thirty) of the issuance of the citation;
      b. By delivering a copy of the citation or the summons and complaint to the defendant;

c. By mailing a copy of the citation or of the summons and complaint to the defendant by certified or registered mail, return receipt requested, at his or her last known address. An address which is contained in the records of the Holbrook Magistrate Court, the City of Holbrook, the Navajo County Assessor's Office, Navajo County Health Department, Arizona Motor Vehicle Department, or Navajo County Recorder's Office shall be sufficient. Service is complete upon mailing.

2. In the case of a civil violation only, by any means allowed by the Arizona Rules of Civil Procedure for the service of a summons;

3. In the case of a criminal violation only, by any means allowed by the Arizona Rules of Criminal Procedure for the service of a summons.

1-5-6 Citation or Summons and Complaint - Authority to Issue

Upon determining that probable cause exists to believe that the defendant committed or is responsible for a violation of this code, the City manager, his authorized representative or any peace officer may issue a civil or criminal citation or summons and complaint and serve the defendant as provided in this article.

1-5-7 Rules of Procedure for Civil Action

The Magistrate Court shall follow the Arizona Rules of Court for Civil Traffic Violation Cases in all cases of a civil violation of this code, with the following exceptions:

A. Notwithstanding Rule 13 of the Arizona Rules of Court for Civil Traffic Violation cases, the City is not required to give notice to the court and to the defendant of its election to be represented by counsel.

B. Rule 64 and 64.1 of the Arizona Rules of Civil Procedure shall apply to all civil violation cases.

C. Any matter not addressed by the Arizona Rules of Court for Civil Traffic Violation cases shall be governed by the Arizona Rules of Civil Procedure. In the event of an inconsistency between a provision of this code and a provision of either of these sets of rules, this code shall take priority.

1-5-8 Collection of Civil Sanctions and Judgments

A. The City may collect a sanction of judgment entered in a civil violation case in any manner provided by law for collecting a civil judgment, including the filing of a lien against the defendant's property and against any other property affected. In the case of a judgment for the expenses of correcting a violation of Chapter 3, the City may file a lien against the property upon which the violation existed.

B. In addition, the City may add the amount of the sanction or judgment to any other debt which the defendant owes to the City, including, but not limited to, the defendant's bill for utility service, the fee for any license or permit issued by the City, or the fee for any application filed with the City. The City may withhold utility service from the defendant, deny the defendant a license or permit or refuse to accept the defendant's application until the sanction or judgment is paid.

1-5-9 Procedure for Criminal Violations

A. All cases involving a criminal violation of this code shall be governed by the Arizona Rules of Criminal Procedure.

B. If the defendant in a case of criminal violation of this code fails to pay a fine or restitution as ordered by the court, the City may collect such fine or restitution in the manner provided in section 1-5-3 or in any other manner provided by law, including petitioning the court to issue an order to show cause, to issue an arrest warrant and to punish the defendant for contempt of court.

ARTICLE 1-6: BOARDS AND COMMISSIONS

1-6-1 Planning and Zoning Commission
1-6-2 Historic Preservation Commission

1-6-1 Planning and Zoning Commission

A. Establishment: There is hereby created a Planning and Zoning Commission composed of five (5) members to be appointed by the mayor after official notice and with the consent of the Council. (Ordinance 14-02)

B. Terms of Office: Members of the Planning and Zoning Commission shall be appointed to staggered, four-year terms. Those office terms begin and expire on October 15, annually. To provide continuity on the board, the first appointments shall be as follows: 1 member for a 1-year term, 2 members for a two-year term and 2 members for a 3-year term. Thereafter, all appointments shall be for 4-year terms. Vacancies occurring other than through expiration of the term may be filled for the unexpired portion of the term, or as deemed appropriate by Council. (Ordinance 10-03; 14-02)

C. Removal from Office: Members of the Planning and Zoning Commission may be removed from office by a two-thirds majority vote of the Council.

D. Compensation: Members of the Planning and Zoning Commission shall serve without compensation, but they may be reimbursed for actual and necessary expenses.

E. Non-participating Members: The City Council shall appoint one member of their body to be a non-participating member of the Planning and Zoning Commission. The non-participating designation is to ensure clear representation of Planning and Zoning decisions to the Council sitting as the Board of Adjustments. (Ordinance 10-03)

F. Qualifications: All regular members of the Planning and Zoning Commission shall be residents of the City of Holbrook.

G. Organization and Meetings: The commission shall elect from its membership such officers and prescribe their duties as it deems necessary or convenient. The commission shall hold at least one regular meeting each month and shall adopt such rules as it deems necessary for the transaction of business. The commission shall keep a record of its resolutions, transactions, findings and determinations, all of which shall be open and available at all times for inspection by the public.

H. All members of the Planning and Zoning Commission shall be residents of the City. If a member ceases to be a resident of the City, the Council may declare the office to be vacant by a majority vote of the Council and the mayor may appoint a new member with the consent of the Council.

I. Training: All board members are encouraged to participate in training designed for Planning and Zoning Commissioners. (Ordinance 10-03)

1-6-2 Historic Preservation Commission

A. Purpose: The protection, enhancement and perpetuation of landmarks and historic

districts are necessary to promote the economic, cultural, educational and general welfare of the public. Inasmuch as the identity of a people is founded upon its past, and inasmuch as Holbrook has many significant historic, architectural and cultural resources which constitute its heritage, this portion of the code is intended to:

1. Protect and enhance the landmarks and historic districts which represent distinctive elements of Holbrook's historic architectural and cultural heritage.
2. Foster civic pride in the accomplishments of the past.
3. Protect and enhance Holbrook's attractiveness to visitors and the support and stimulus to the economy thereby provided.
4. Ensure the harmonious, orderly and efficient growth and development of Holbrook.

B. Historic Preservation Commission

1. The City of Holbrook Preservation Commission is hereby established.
2. The Commission shall consist of at least five (5) members to be appointed, to the extent available in the community, by the mayor after official notice with consent of the Council, as follows:
   a. At least one member shall be a historian.
   b. At least one member shall be trained in archeology.
   c. At least one member shall be a resident of a historic district.
   d. At least one member shall have demonstrated significant interest and commitment to the field of historic preservation evidenced either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation, or other serious interest in the field.
   e. All members shall have a known interest in historic preservation and architectural development within the City of Holbrook.
   f. All members shall be residents of the City. If a member ceased to be a resident of the City, the Council may declare the office vacant by a majority vote of the Council and the mayor may appoint a new member with the consent of the Council.
3. Commission members shall serve for a term of three years with the exception of the initial term of two of the members, which shall be for one year, two of which shall be for two years and one of which shall be for three years.
4. A chairman and a vice-chairman of the commission shall be elected by and from among the members of the commission.
5. The responsibilities of the commission shall include:
   a. Recommendation of rules and regulations as necessary for the conduct of its business.
   b. Recommendation of criteria for the identification of significant historic, architectural, and cultural landmarks and for the delineation of historic district.
   c. Conduct of surveys of significant historic, architectural and cultural landmarks and historic districts.
   d. Recommendation to the City Council of the designation of identified structures or resources as landmarks and historic districts.
   e. Recommendation to the City Council concerning the acquisition of facade easements or other interests in real property as necessary to carry out the purposes of this article.
   f. Increasing public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.

g. Recommendation to the City Council concerning the utilization of state, federal and private business funds to promote the preservation of landmarks and historic districts within the City.
h. Recommending acquisition of any landmark structure by the City where its preservation is essential to the purposes of this article and where private preservation is not feasible.

6. The Commission shall meet at least four (4) times per year, but meetings may be held at any time upon the written request of any two of the commission members or upon the call of the chairman to the mayor.
7. A quorum for the transaction of business shall consist of three (3) of the commission's members.

C. Designation of Landmarks or Historic Districts
1. The commission may recommend to the City Council that an individual property be designated as a landmark if the owners of the property concur with the designation and the property either:
   a. Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social historic of the locality, region, state or nation, or
   b. Is identified with historic personages, or
   c. Embodies the distinguishing characteristics of an architectural style, or
   d. Is the work of a designer whose work has significantly influenced an age, or
   e. Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.
2. The commission may recommend to the City Council that a group of properties be designated as a historic district if the owners of said properties concur with the designation and the area either:

   a. Contains several properties which meet one or more of the criteria for designation of a landmark, and

   b. by reason of possessing such qualities, it constitutes a distinct section of the City.
3. The boundaries of each historic district designated henceforth shall be specified in detail and shall be filed in the City clerk's office for public inspection.
4. Notice of a proposed designation shall be sent by registered mail to the owners of the property proposed for designation. Where the proposed designation involves so many owners that individual notice is not feasible, notice may be published once in a newspaper of general circulation at least fifteen (15) days prior to the date of the public hearing. Once the notice of a proposed designation has been issued, no building permits shall be issued by the building inspector without the consent of the City Council until the City Council has decided whether to make the designation.
5. The City Council shall hold a public hearing prior to designation of any landmark or historic district.
6. The City shall forward to the owners a notice of each property designated as a landmark and of the boundaries of each designation of a historic district.

D. Certificate of Appropriateness for Alteration, Demolition or New Construction Affecting Landmarks or Historic Districts. No person shall carry out any exterior

alteration, restoration, reconstruction, demolition, new construction or moving a landmark structure within a historic district, no shall any person make any material change in the appearance of such a structure, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of the historic district, without first obtaining a certificate of appropriateness from the City.

E. Criteria for Approval of a Certificate of Appropriateness
   1. In passing upon an application for a certificate of appropriateness, changes to interior spaces shall not be considered unless they are open to the public.
   2. The decision on an application for a certificate of appropriateness shall be based upon the following principles:
      a. Properties which contribute to the character of the historic district shall be retained with their historic features altered as little as possible.
      b. Any alteration of an existing property shall be compatible with its historic character, as well as with the surrounding district.
      c. New construction shall be compatible with the district in which it is located.
   3. In applying the principle of the compatibility, the following factors shall be relevant:
      a. The general design, character and appropriateness to the property of the proposed alteration or new construction.
      b. The scale of proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood.
      c. The texture, composition, color and the appearance of materials and their relation to similar features of other properties in the neighborhood.
      d. Visual compatibility with surrounding properties, including the proportion of the property's front facade, the proportion and arrangement of windows and other openings within the facade, the roof shape, and the rhythm of spacing of properties on streets, including setbacks.
      e. The importance of historic, architectural or other features to the significance of the property.

F. Certificate of Appropriateness Application Procedure
   1. Prior to the commencement of any work requiring a certificate of appropriateness the owner shall file an application for such a certificate with the City. The application shall contain the following:
      a. The name, address and telephone number of applicant.
      b. The legal description and address of the property.
      c. Photographs of the property.
      d. Elevation drawings of proposed changes, if available.
      e. Perspective drawings of proposed changes, including relationship to adjacent properties, if available.
      f. Samples of materials to be used.
      g. Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination and a plan showing the sign's location on the property.
      h. Any other information which the City may deem necessary.
   2. No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the City. The certificate of

appropriateness required by this act shall be in addition to, and not in lieu of, any building permit that may be required by any other ordinance, regulation or requirement of the City.

G. Hardship Criteria
   1. An applicant whose certificate of appropriateness for a proposed demolition has been denied may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant shall establish that:
      a. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible,
      b. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return, and
      c. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
   2. An applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief on the grounds of hardship. In order to prove the existence of hardship, the applicant shall establish that the property is incapable of earning a reasonable return. Regardless of whether that return represents the most profitable return possible.

H. Hardship Application Procedure
   1. After receiving written notification from the City of the denial of a certificate of appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued without a finding that a hardship exists.
   2. The City Council may, at its discretion, hold a public hearing on the hardship application.

I. Enforcement
   All work performed pursuant to a certificate of appropriateness issued under this article shall conform to any requirements included therein. In the event that any work is not performed in accordance with the certificate of appropriateness, the City may issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

J. Maintenance and Repair Required
   1. Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design, material, color or outward appearance.
   2. No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the City, produce a detrimental effect upon the character of the historic district as a whole or in the life and character of the property itself.
   3. Examples of such prohibited deterioration include:
      a. Deterioration of exterior walls or other vertical supports.
      b. Deterioration of roofs or other horizontal members.
      c. Deterioration of exterior chimneys.

d. Deterioration or crumbling of exterior stucco or mortar.
e. Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors.
f. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

K. Violations
1. It is unlawful for any person or entity to violate any provision of this article.
2. In lieu of, or in addition to any prosecution or violation of this article, either or both of which shall be at the discretion of the City, the City may require the owners of any property covered by this article or any other person or entity occupying, using or controlling such property, or otherwise responsible for any violation of this article, to restore such property to an acceptable condition, in a manner substantially in compliance with the provisions of this Code.

CHAPTER 2
BUSINESS AND TAX REGULATIONS

2-1 TRANSIENT MERCHANTS
2-2 LICENSING OF SEXUALLY ORIENTED BUSINESSES
2-3 CITY TAX CODE ADOPTED; PENALTY
2-4 POSTING OF HOTEL AND MOTEL ROOM RATES

ARTICLE 2-1: TRANSIENT MERCHANTS

2-1-1 Definition
2-1-2 License Required
2-1-3 License Fee
2-1-4 Exemptions

2-1-1 Definition

"Transient merchant" means any person, firm, corporation or other entity, whether as owner, agent, consignee or employee, or whether a resident of the City of Holbrook, Arizona, that engages in a temporary business selling or delivering goods, wares, or services, or who conducts meetings open to the general public where franchises, distributorships, or contracts or business opportunities are offered to participants. A transient merchant shall not include a person who sells his own property at a yard or garage sale, which property was not acquired for resale, barter or exchange, and who does not conduct such sales or act as a participant by furnishing goods for such sales more than twice during any calendar year.

2-1-2 License Required

It is unlawful for any person or other entity or for any agent, servant, or employee of any person or other entity to engage in, carry on or conduct business of a transient merchant without first obtaining from the City of Holbrook a license to do so. It is unlawful for any person or other entity owning property on which a transient merchant conducts business to allow the conduct of a business without requiring the merchant of provide a copy of a current license.

2-1-3 License Fee

The license fee for engaging in, carrying on or conducting business as a transient merchant shall be established by action of the City Council and shall be payable in advance for each quarter such business shall continue.

2-1-4 Exemptions

This section shall not apply to any person, firm, corporation or other entity holding a current valid state sales tax license. This section does not apply to the Holbrook Chamber of Commerce, Holbrook Main Street, or other government entities that conduct periodic fund raisers.

ARTICLE 2-2: LICENSING OF SEXUALLY ORIENTED BUSINESSES

2-2-1 Purpose and Intent
2-2-2 Definitions
2-2-3 License Requirements
2-2-4 Employee License
2-2-5 Issuance and Renewal of License
2-2-6 Fees
2-2-7 Inspection
2-2-8 Expiration of License
2-2-9 Suspension
2-2-10 Revocation
2-2-11 Transfer of License
2-2-12 Injunction

2-2-1 Purpose and Intent

It is the purpose and intent of this article to regulate sexually-oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the City of Holbrook and to establish reasonable and uniform regulations to reduce or eliminate the adverse secondary effects from such sexually-oriented businesses. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent nor effect of this article to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is it the intent nor effect of the article to condone or legitimize the distribution of obscene material.

2-2-2 Definitions

In this article, unless the context otherwise requires:

A. *Employee* means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated as employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

B. *Licensee* means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

C. *Person* means an individual, proprietorship, corporation, association, or other legal entity.

D. *Specified criminal activity* means any of the following offenses:

1. Prostitution or promotion of prostitution, dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness;

indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; sexual abuse; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states and countries;

2. for which:
   a. less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date; if the conviction is a misdemeanor offense; or
   b. less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is a felony offense; or
   c. less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.
   d. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or person residing with the applicant.

E. *Transfer of ownership or contro*l of a sexually oriented business means and includes any of the following:
   1. the sale, lease, or sublease of the business;
   2. the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
   3. the establishment of a trust, gift, or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

F. *Definitions included*. All definitions listed in Article 6-2-2 of the Zoning Ordinance relating to sexually oriented businesses are applicable to this article.

2-2-3 License Requirements

A. It is unlawful:
   1. For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the City pursuant to this article.
   2. For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the City pursuant to this article.
   3. For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this article.

B. An application for a license must be made on a form provided by the City.

C. All applicants must be qualified according to the provisions of this article. The application may request and the applicant shall provide such information (including fingerprints) as to enable the City to determine whether the applicant meets the qualifications established in this article.

D. If a person who wishes to operate a sexually oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a twenty percent (20%) or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under this article and each applicant shall be considered a licensee if a license is granted.

E. The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:
   1. If the applicant is:
      a. an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is 18 years of age;
      b. a partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
      c. a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.
      d. a limited liability company, the company shall state its complete name, and the names of all members who own a twenty-percent or greater interest in the capital or profits of the limited liability company. If the management of the limited liability company is vested in a manager or managers, the company shall also state the name of each person who is a manager of the limited liability company.
   2. If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state the sexually oriented business's fictitious name and submit the required registration documents.
   3. Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this article, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each.
   4. Whether the applicant, or a person residing with the applicant, has had a previous license under this article or other similar sexually oriented business ordinances from another City or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this article whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
   5. Whether the applicant or a person residing with the applicant holds any other licenses under this article or other similar sexually oriented business ordinance from another City or county and, if so, the names and locations of such other licensed businesses.
   6. The single classification of license for which the applicant is filing.
   7. The location of the proposed sexually oriented business, including a legal

description of the property, street address, and telephone number(s), if any.

8. The applicant's mailing address and residential address.
9. A recent photograph of the applicant(s).
10. The applicant's driver's license number, Social Security Number, and/or his/her state or federally issued tax identification number.
11. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
12. A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within 200 feet of the property to be certified and also depicting the property lines of any established use listed in Article 6-2-4 of the Zoning Ordinance within one thousand (1,000) feet of the property to be certified. For purposes of this paragraph, a use shall be considered existing or established if it is in existence at the time an application is submitted.

2-2-4 Employee license

A. Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form to be provided by the City the following information:
   1. The applicant's name or any other name (including "stage" names) or aliases used by the individual;
   2. Age, date, and place of birth;
   3. Height, weight, hair and eye color;
   4. Present residence address and telephone number;
   5. Present business address and telephone number;
   6. Date, issuing state and number of driver's permit or other identification card information;
   7. Social Security number; and
   8. Proof that the individual is at least eighteen (18) years of age.

B. Attached to the application form for a sexually oriented business employee license as provided above, shall be the following:
   1. A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the police department. Any fees for the photographs and fingerprints shall be paid by the applicant.
   2. A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, City, state, or country has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.
   3. A statement whether the applicant has been convicted of a specified criminal

activity as defined in this article and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

C. Upon the filing of an application for a sexually oriented business employee license, the City shall issue a temporary license to said applicant. The application shall then be referred to the appropriate City departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within thirty (30) days from the date the completed application is filed. After the investigation, the City shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:
   1. The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
   2. The applicant is under the age of eighteen (18) years;
   3. The applicant has been convicted of a "specified criminal activity" as defined in this article;
   4. The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this article;
      a. The applicant has been denied a license by the City to operate a sexually oriented business within the preceding 12 months or has had a sexually oriented business operating license revoked by the City; or
      b. The applicant has had a sexually oriented business employee license revoked by the City within two (2) years of the date of the current application. If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this section shall be subject to appeal as set forth herein.

2-2-5 Issuance and Renewal of License

A. Within 30 days after receipt of a completed sexually oriented business application, the City shall approve or deny the issuance of a license to an applicant. The City shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:
   1. An applicant is under eighteen (18) years of age.
   2. An applicant or a person with whom applicant is residing is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business.
   3. An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
   4. An applicant or a person with whom the applicant is residing has been denied a license by the City to operate a sexually oriented business within the preceding twelve (12) months or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
   5. An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity defined in this article.
   6. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.

7. The license fee required by this article has not been paid.
8. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this article.

B. The license, if granted shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the license is issued. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.

C. The health department, fire department, and the building official shall complete their certifications that the premises is in compliance or not in compliance with the requirements of this article within twenty (20) days of receipt of the application by the City.

D. A sexually oriented business license shall issue for only one classification set forth in Article 6-2-3.

E. A license granted pursuant to this article shall be subject to annual renewal upon the written application of the applicant and a finding by the City that the applicant has not been convicted of any specified criminal activity as defined in this article or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth herein.

2-2-6 Fees

A. Every application for a sexually oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a $500.00 non-refundable application and investigation fee.

B. In addition to the application and investigation fee required above, every sexually oriented business that is granted a license (new or renewal) shall pay to the City an annual non-refundable license fee of $250.00 within thirty (30) days of license issuance or renewal.

C. Every application for a sexually oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual $250.00 non-refundable application, investigation, and license fee.

2-2-7 Inspection

A. An applicant or licensee shall permit representatives of the Police Department, Health Department, Fire Department, Zoning Department, or other City departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

B. A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is open for business.

2-2-8 Expiration of License

A. Each license shall expire one year from the date of issuance and may be renewed only by making application as provided herein. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.

B. When the City denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the denial became final.

2-2-9 Suspension

A. The City shall suspend a license for a period not to exceed thirty (30) days if it determines that a licensee or an employee of a licensee has committed any of the following:
   1. violated or is not in compliance with any provision of this article;

   2. refused to allow an inspection of the sexually oriented business premises as authorized by this article;

   3. has violated applicable provisions of the Holbrook City Code;

   4. been on the premises of the sexually-oriented business while in an intoxicated condition or has committed disorderly conduct as defined in A.R.S. §13-2904, as amended, while on the premises of the business, or knowingly has permitted an employee to be on the business premises while the employee was in an intoxicated condition;

   5. knowingly permitted gambling by any person on the premises of the sexually-oriented business.

2-2-10 Revocation

A. The City shall revoke a license if a cause of suspension occurs and the license has been suspended within the preceding twelve (12) months.

B. The City shall revoke a license if it determines any of the following:
   1. a licensee gave false or misleading information in the material submitted during the application process;

   2. a licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;

   3. a licensee has knowingly allowed prostitution on the premises;

   4. a licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

   5. except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to

occur in or on the licensed premises;

6. a licensee is delinquent in payment to the City, County, or State for any taxes or fees past due; or

7. on two (2) or more occasions within a twelve (12) month period, a person or persons while in or on the licensed premises committed an offense listed herein for which a conviction has been obtained, and the person or persons were managers or employees of the sexually-oriented business at the time the offenses were committed. The license denial, suspension, or revocation shall be stayed automatically pending judicial review of such administrative action.

C. When the City revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a sexually oriented business license for one (1) year from the date the revocation became effective. If, subsequent to revocation, the City finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.

D. After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

2-2-11 Transfer of License

A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

2-2-12 Injunction

A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of any part of this article is subject to suit for injunction as well as prosecution for a criminal violation. Each day a sexually oriented business operates in violation of any part of this article is a separate offense or violation.

ARTICLE 2-3: CITY TAX CODE ADOPTED; PENALTY

2-3-1 Adoption and Penalty

2-3-1 Adoption and Penalty

A. That certain document known as "The City Tax Code of the City of Holbrook, Arizona", three (3) copies of which are on file in the office of the City Clerk of the City of Holbrook, Arizona, which document was made a public record by Resolution NO. 98-5, is hereby adopted and referred to as Article 2-3 of the Holbrook City Code and is made a part hereof as if fully set out in the Code. The provisions shall become effective on the date the Holbrook City Code is passed.

B. Any person found guilty of violating any provisions of the City Tax Code shall be guilty of a Class 1 misdemeanor. Each day that a violation continues shall be a separate offense punishable as described above.

ARTICLE 2-4: POSTING OF HOTEL AND MOTEL ROOM RATES

2-4-1 Definitions
2-4-2 Posting of Rates
2-4-3 Penalty Clause

2-4-1 Definitions

"Contracted Rates" shall mean the negotiated room rates that are discounted below the posted rate.

"Operator" shall include a manager, or any person in charge of the operation of motels, motor hotels, motor courts, motor camps, hotels and like establishments. "Operator" or "Owner" includes natural persons, firms and operators.

"Outdoor or Outside Sign" shall mean any sign visible to passers-bys whether it is located within or outside the building.

"Room Rates" shall mean the rates at which rooms or other accommodations are rented to occupants.

"Surcharge" shall mean an amount added to the usual room rate.

2-4-2 Posting of Rates

A. It is unlawful for any owner or operator of an establishment within the scope of this chapter to post or display misleading of fraudulent room rates, of that contains any untrue, false, misleading, or fraudulent representation relating to room rates. For purposes of this chapter, an outdoor or outside sign shall be deemed misleading or fraudulent if:
   1. No rooms within that establishment are available for immediate occupancy at the posted or displayed rate and no rooms are currently occupied and rented at the posted or displayed rate.
   2. Any outdoor or outside sign posting room rates for that establishment does not contain the minimum and maximum room or other rental unit rates including surcharges. All posted room rates and surcharges on such sign shall be in a type and material of the same size and prominence, which size and prominence shall be a maximum of eight inches (8") in height and shall apply to all numbers and letters used to describe features other than room rates, including but not limited to hours of operation and specific sizes of televisions. Signs stating the rate per person or bearing the legend" and up" do not comply with this section.

B. This chapter shall be liberally construed to prevent untrue, misleading, false, or fraudulent representations relating to room rates. Nothing in this chapter shall be construed to require establishments within the scope of this chapter to have outdoor or outside signs, or to advertise room rates.

C. Contracted rates are not included in this article.

2-4-3 Penalty Clause

Any person or business found guilty of violating any provision of this chapter shall be guilty of a Class 1 misdemeanor. Each day that the violation continues shall be a separate offense. Conviction for a first offense under this section shall have a minimum

fine of one thousand dollars ($1,000.00). Conviction for a second offense under this section shall have a minimum fine of two thousand dollars ($2,000.00). Conviction for a third offense and subsequent offense under this section shall have a minimum fine of two thousand five hundred dollars ($2,500.00). Convictions for violations of any provision of this chapter may be punished by the foregoing fines, by imprisonment of not less than ten (10) days nor more than six (6) months, or both fine and imprisonment.

(Ordinance 09-11)

CHAPTER 3
PUBLIC HEALTH AND SAFETY

3-1 NUISANCE CONTROL AND PROPERTY MAINTENANCE
3-2 BURNING RESTRICTIONS
3-3 EMERGENCY OPERATIONS
3-4 GENERAL OFFENSES
3-5 ANIMAL CONTROL
3-6 DOGS
3-7 CITY PARKS
3-8 NOISE

ARTICLE 3-1: NUISANCE CONTROL AND PROPERTY MAINTENANCE

3-1-1 Purpose and Scope
3-1-2 Definitions
3-1-3 Administration and Enforcement
3-1-4 Public Nuisances
3-1-5 Premises Housing Animals
3-1-6 Litter Control
3-1-7 Maintenance of Land, Buildings and Structures
3-1-8 Violations, Citations, and Penalties
3-1-9 Correction of Violations
3-1-10 Joint and Several Liability
3-1-11 Administrative Abatement
3-1-12 Emergency Abatement Provision

3-1-1 Purpose and Scope

A. Health and Welfare. The purpose of this Chapter is to promote the health, safety, economic, aesthetic and general welfare of the citizens of the City, and to protect neighborhoods against nuisances, blight and deterioration by establishing requirements for maintenance of all buildings and structures of whatever kind, and by establishing requirements for the maintenance of all land, whether improved or unimproved.

B. Applicability. This Chapter shall apply to all buildings, structures and lands within the City without regard to the use thereof or the date of construction or alteration of any building or structure.

3-1-2 Definitions

In this Chapter:

ABANDONED OR JUNKED VEHICLE: Any vehicle without the current required license plate and tag; or that is inoperable, stripped, scrapped, junked, discarded, dismantled or wrecked.

ABANDONED BUILDING: A vacant building, the ownership responsibilities of which have been surrendered or relinquished, whether intentionally or by failure to occupy and maintain such property. (Ordinance 09-03)

ACCESSORY IMPROVEMENTS: Improvements to land other than buildings, including, but

not limited t driveways, parking areas, sidewalks, walkways, bridges, exterior steps, railings, monuments, fences, signs, screen walls, and retaining walls. (Ordinance 08-10)

AUTHORIZED RECEPTACLE: A garbage or debris storage and collection receptacle required or authorized by the City.

BLIGHT OR BLIGHTED: Unsightly conditions, including, but not limited to, the accumulation of debris or garbage; any building structure characterized by holes, rot, collapse, crumbling or rusting; the presence of any household appliance which is located out of doors at a place which is within public view; and any other similar condition of disrepair, dilapidation or deterioration.

BUILDING: Any structure having enclosed space and a roof for the housing and/or enclosure of persons, animals or chattels.

CITY MANAGER: The City Manager, his authorized representative or any peace officer.

CIVIL HEARING OFFICER: The City zoning administrator of such other person as designated by the City Manager. (Ordinance 08-10)

DEBRIS: All combustible and noncombustible solid waste, whether or not subject to decay, including, but not limited to, abandoned or junked vehicle or part thereof, industrial waste, junk, furniture, stove, sink, household fixture, refrigerator, vehicle part, mattress, broken asphalt, broken tile, broken brick, broken concrete, rubbish, dead animal, cigarette, trash, broken glass, refuse, ash, abandoned, broken or neglected equipment, a scattering or deposit of anything of little or no apparent economic value, or other material which creates an unsightly and unsafe condition.

DETERIORATED OR DETERIORATION: An excessive lowering in the quality of the condition or appearance of a building or structure or any part thereof, characterized by the process of decay or degeneration, holes, rot, collapse, crumbling, rusting, vermin infestation, exposed electric wiring, leaking or inoperable plumbing, unsafe conditions or crumbling asphalt or concrete; or by being used by one or more persons for criminal activity; or by any other evidence of physical decay, excessive neglect or lack of maintenance.

EXTERIOR SURFACE: The outside surfaces of a building or structure and any attachments thereto, including, but not limited to, walls, roofs, doors, windows, gutters, porches, patios and chimneys.

LANDSCAPE DEBRIS: Material generated of accumulated as a result of, or moved in the course of, landscape operations. Landscape debris includes, but is not limited to, grass clippings, leaves, branches, vegetable matter, rubbish, soil, and rock. (Ordinance 08-10)

LEAF BLOWER: Any device that generates a stream of air that is designed or used to move landscape debris. (Ordinance 08-10)

LITTER: Decaying or non-decaying solid and semisolid wastes, including, but not limited to, both combustible and noncombustible wastes, such as paper, trash, cardboard, waste materials, cans, yard clippings, wood, glass, bedding, debris, scrap paving material,

discarded furniture and/or appliances, dry vegetation, weeds, dead trees and/or branches, vegetations and trees which may harbor insect or rodent infestations and/or which may become a fire hazard, piles of earth mixed with any of the above or any foreign objects, including abandoned or junk vehicles. (Ordinance 08-10)

GARBAGE: Any spoiled or discarded animal or vegetable material resulting from the handling, preparation, cooking or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition, which is not handled or disposed of properly.

GRAFFITI: Any drawing or inscription that degrades the appearance of property which is carved, drawn or painted on a surface in a place which can be seen by the public.

INFESTATION: The apparent presence of insects, rodents or other pests.

LAND: All land in the City, whether improved or unimproved, including, but not limited to vacant lots.

MAJOR REPAIR: The repair of damage to the body of any vehicle, or the removal from any vehicle of a major portion thereof, including, but not limited to, the differential, transmission, head, engine block, door, fender, body panel, hood or other similar part.

OWNER: A person, who owns, leases, rents, occupies controls or has the right to control any land, building or structure.

PERSON: A human being, enterprise, corporation, association, partnership, firm, society or other similar group or organization.

PUBLIC PLACE: Any street, sidewalk, alley or other public way and any public park, square, space, ground or building.

RUBBLE: Broken solid surface fragments, usually resulting from asphaltic concrete, cement concrete, hardscape, penetration treatment of bituminous material and seal coat of bituminous binder and mineral aggregate, decomposed granite cover, crushed granite corer, aggregate cover, gravel cover, grass of together continuous vegetative cover or any combination of these stabilizers. (Ordinance 08-10)

STREET: The entire width between the boundary lines of every way, including, but not limited to, every road, alley, highway, right of way and easement, any part of which is open to use for pedestrian or vehicular traffic.

STRUCTURE: Anything constructed or erected which requires location on the ground, including, but not limited to, a driveway, sidewalk, walkway, exterior step, railing, fence or wall.

VACANT BUILDING: Any unoccupied real property which is empty or remains empty and is not continuously maintained for twenty-one (21) consecutive days or longer by occupants having custody or legal right of entry to said property; or any building which exhibits dilapidated walls, roof or doors which will fail to prevent the entry of a trespasser. (Ordinance 09-03)

VEGETATION: Any plant growth, whether living or dead, including, but not limited to, grass, weeds, bushes, cactus and trees.

VEHICLE: Every device in, upon or by which any person or property may be transported or drawn upon a street, upon water or stationary rails or tracks.

3-1-3 Administration and Enforcement

A. City Manager: The City Manager shall implement, administer and enforce this Chapter, and may establish rules, regulations and procedures to implement, administer and enforce this Chapter.

B. Entry Onto Private Property: At any time, the City Manager may:
   1. Inspect, from outside the boundaries of a property, every portion of the property which is within plain view;
   2. Inspect any portion of a property with the consent of a person who owns the property;
   3. Enter the exterior portion of a property, and/or make known his presence at the entrance to a building or structure, for the purpose of locating or obtaining information or permission from, the person in control of the property;
   4. Enter a property in the manner provided in a search warrant or other court order;
   5. Enter a property in any other lawful manner.

C. No Interference with Enforcement: No person shall, by threat or use of violence or physical force, or by threatening to do or doing any other act that can be reasonably anticipated to cause physical harm to any person including the perpetrator, intentionally obstruct, impede, or interfere with any officer, employee, contractor or other authorized representative of the city who is lawfully and constitutionally engaged in the enforcement or execution of the provisions of this chapter. Any person who violates this provision shall be guilty of a misdemeanor and shall be subject to the penalties provided in Section 8 of this chapter. (Ordinance 08-10)

D. Voluntary Compliance: Nothing is this chapter shall preclude City employees from seeking voluntary compliance with the provisions of this chapter or from enforcing this chapter through notices or violation, warnings, or other informal devices designed to achieve compliance in the most efficient and effective manner under the circumstances. (Ordinance 08-10)

3-1-4 Public Nuisances

A. Defined. Public nuisance means any of the following acts, omissions, conditions or things existing at any place in the City:
   1. Privy, Vault, Pit: A privy, vault, cesspool, sump, pit or like place which is not securely protected from insects or rodents, or which is foul or malodorous;
   2. Manure: Animal manure in any quantity which is not securely protected from insects, rodents and the elements, except for animal manure used on any farm, garden or ranch in such a manner and for such purposes as are compatible with reasonable and customary methods of good husbandry;
   3. Junk Yards: Except where permitted by the Zoning Ordinance, using or maintaining any place for a junk yard or dumping ground; or for the wrecking, disassembling, major repair or rebuilding of any vehicle, farm equipment or

machinery of any kind; or for the storing or leaving of any abandoned or junked vehicle, including parts thereof. Notwithstanding the foregoing, major repair or rebuilding of one vehicle at a time is allowed; provided, that the work is performed in a place which is not visible from the boundaries of the parcel of land. When an activity which would otherwise be prohibited by this subsection is nevertheless lawfully conducted on a parcel of property in accordance with the Zoning Ordinance, at all times every person who owns the parcel must conduct the activity, and must keep all of the items described in this subsection, in a place which is not visible from outside the boundaries of the parcel on which the activity is lawfully conducted;

4. Offensive Substances: Any quantity of putrid, decayed, rotten, unsound or unwholesome bone, meat, hide, skin, dead animal, fish, fowl or animal matter, butcher's trimmings, waste vegetation, garbage, urine, feces, sewage or other similarly offensive substance; except for the temporary retention of such items in an authorized receptacle in a manner authorized by law;
5. Excavations: Any unmarked or unprotected excavation, pit, well or hole which poses a substantial risk of injury to any person:
    a. It is unlawful for any person to make any excavation or dig any hole, drain or ditch in any highway or thoroughfare in the City without providing a sufficient light at night and a temporary fence or suitable obstruction around such excavation to protect the public during the day.
    b. It is unlawful for any person to maintain a well, cellar, pit or other excavation of more than two feet (2') in depth on any unenclosed lot, without substantial curbing, covering or protection.
6. Unlocked Containers: Leaving or permitting to remain out of doors at any place, or within any unoccupied or abandoned building or structure, any icebox, refrigerator or other container which has an attached door or lid designed or intended to be airtight and a locking device which may not be released from the inside;
7. Obstructions: Creating or maintaining any condition that obstructs or renders dangerous the use or passage of any public property such as parks, streams, watercourses, sidewalks, squares, alleys, streets or easements, or which interferes with, obstructs or blocks the vision of any motorist;
8. Buildings; Structures: Any building or structure which is partially destroyed, structurally unsound, left in a state of partial construction or abandoned;
9. Fire Conditions: Any condition which substantially increases the risk of fire;
10. Infestations: Any infestation or any condition which poses a substantial risk of attracting or concealing insects, rodents, vermin, wild animals, scorpions or poisonous snakes, or which increases the likelihood of infestation;
11. Health and Safety Risks: Any condition which poses a substantial risk to the health or safety of any person or of the public, including, but not limited to, an unsafe, unsanitary or structurally unsound condition;
12. Conditions Multiplying Flies: No owner, tenant or occupant of any premises within the City shall suffer, permit or have upon such premises any cesspool, vault, pit or like place; or animal manure, garbage, trash, litter, rags or any other thing in which flies may breed or multiply, unless the same shall be protected as to prevent the attraction, breeding and multiplying of flies;
13. Dangerous Structures: It is unlawful for any person to maintain or allow any signs, billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or

constructed as to endanger the public safety.

14. Discharge of Contaminated Water: It is unlawful for any person to allow any contaminated or hazardous water to flow onto another person's property in the City. It is unlawful for any person to discharge, pour, throw or allow to flow any offensive water upon any public or private property in the City.

B. Prohibited. Every person who owns any property in the City shall keep and maintain the property free of every public nuisance. No person shall cause, maintain, allow, suffer or permit the existence of a public nuisance anywhere in the City.

3-1-5 Premises Housing Animals

Where permitted by zoning, the premises upon which livestock including, but not limited to fowl, rodents, cattle, horses, mules, sheep or goats are kept shall always be sanitary and subject to inspection and regulation by the City.

3-1-6 Litter Control

A. Littering Unlawful. No person shall discard, deposit or bury any garbage or debris on any property within the City.

B. Property of Owner. Every person who owns property within the City shall at all times keep and maintain the property free of garbage, weeds and debris, except garbage, weeds or debris contained within an authorized receptacle. (Ordinance 04-05)

C. Area Adjacent. Every person who owns any property in the City shall at all times keep and maintain every sidewalk, landscape area, street, alley, easement, right-of-way or other similar area adjacent to the property free of garbage, weeds and debris, except garbage, weeds or debris contained within an authorized receptacle. (Ordinance 04-05)

D. Transporting. No person shall transport any garbage or debris within the City unless the vehicle used is loaded in a manner which prevents material contained within or loaded upon the vehicle, or any part thereof, from blowing, falling or being deposited upon any street, alley or other public place.

3-1-7 Maintenance of Land, Buildings and Structures

A. General Requirements. Every person who owns any land, building or structure in the City shall at all times keep and maintain the land, building or structure in a manner which is free of:
   1. Deterioration, blight, debris and garbage;
   2. Any noxious or toxic weed, any uncultivated or overgrown plant, any dry or dead vegetation; (Ordinance 09-03)
   3. Graffiti;
   4. Excessive noise and light pollution which exceeds acceptable standards as set forth in Section 6 of this Code.
   5. Every condition which poses a risk to the health and safety of the public or of any person.

B. Building and Structure; Exteriors.
   1. Exterior Surfaces. All exposed exterior surfaces, windows and doors shall be maintained so as to be free of deterioration that is a threat to health and safety,

impervious to moisture and weather elements, and shall not otherwise present a deteriorated or blighted appearance. Windows, doors, locks on doors, and hinges must be present and installed properly. These items must be free from deterioration or blighting conditions. Examples of such deterioration and blight may include the following:

a. Improperly anchored canopies, metal awnings, stairways, exhaust ducts, and overhead extensions;
b. Exterior windows and doors that are not fitted securely in their frames and are not substantially weather tight or that have inoperable locks;
c. Paint that is deteriorated, indicated by peeling, flaking, cracking, blistering or mildew, resulting in exposed, bare unprotected surfaces;
d. Window screening not maintained in good condition;
e. Boarded window or door openings on an occupied structure;
f. Boarded window or door openings on an unoccupied structure for ninety (90) consecutive days. (Ordinance 09-03)

C. Fences, screen walls, and retaining walls. All fences, screen walls, and retaining walls on the premises shall be safe, structurally sound and maintained so that they do not constitute a hazard, blight or condition of disrepair. Examples of hazards, blight or conditions of disrepair are inclusive of, but not limited to leaning fences, fences that are missing slats or blocks, graffiti, peeling paint, deterioration of paint or materials, rotting or damage.

D. Signs, monuments, and other accessory improvements. All signs, monuments, and other accessory improvements on the premises shall be safe, structurally sound and maintained so that they do not constitute a hazard, blight or condition of disrepair. Examples of hazards, blight or conditions of disrepair are inclusive of, but not limited to leaning signs, graffiti, peeling paint, deterioration of paint or materials, rotting or damage.

E. Exterior insect, rodent and animal control. All premises shall be kept free from insect and rodent infestation and other noxious pests. This provision shall not require action to disturb the natural or cultivated activity of bees, rabbits, or other insects and animals where such activity is not a danger or nuisance to any resident or residents of the area, and where other applicable legal requirements are met.

F. Drainage. All premises shall be maintained so as to prevent the accumulation of water when such water causes a hazardous or unhealthy condition, becomes a breeding area for insects, causes soil erosion, or which causes damage to neighboring property.

G. Coolers and their apparatus. Coolers and their mounting apparatus shall be maintained in a condition free from excessive accumulation of scale, rust, corrosion or mineral deposits. Cooler stands or mounts shall be structurally sound. Unused, deteriorating and unattached evaporative coolers are to be removed from the structure.

H. Exterior; weather tight, watertight and vermin proof. Every foundation, roof and exterior wall shall be reasonably weather tight, watertight and vermin proof and shall be kept in sound condition.

I. Exterior; deteriorated. All exposed exterior surfaces shall be maintained so as to be impervious to moisture and weather elements and every housing unit shall be free of broken, rotted, split or buckled exterior wall coverings or roof coverings. All exposed exterior surfaces shall not otherwise present a deteriorated appearance and will meet the specific requirements that follow:
   1. All exterior wood surfaces shall be protected from the elements and from deterioration by paint or other protective treatment; except such wood surfaces composed of wood that is naturally resistant to decay;
   2. All exterior painted surfaces shall be painted with paint that is lead free and shall be free of loose, cracked, scaling, chipping or peeling paint in such amounts as to present a deteriorated appearance;
   3. Roof coverings shall be watertight and weather tight and shall be free of broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated appearance.

J. Landscaping standards generally.
   1. Landscape materials: all landscape materials, including but not limited to grasses, groundcovers, trees, shrubs, ornamental plants, architectural pools, ponds, basins and fountains and all retention basins shall be maintained in substantial conformance to the conditions and requirements in existence at the time of their approval/acceptance by City inspectors.
   2. Airborne pollens: it is unlawful to offer to sell, sell or plant any male mulberry tree (morus alba) or olive tree (olea europea) in the City, unless it is one (1) of the non-pollinating varieties of such trees. The City shall maintain a current list of non-pollinating varieties that shall be available for public review and shall be based on industry standard for non-pollinating varieties, applicable horticultural and scientific research and data, review and evaluation by qualified experts, and other appropriate information.

K. Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background and shall not be obstructed by trees, shrubs or anything that would tend to hide or obscure the numbers.

L. Exterior premises and vacant land.
   1. General.
      a. All land including exterior premises and vacant land, whether improved or unimproved, shall be maintained free from any accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, waste material, or blight, which includes, but is not limited to, graffiti on walls, fences, mail boxes, etc., bottles, papers, glass, cans, organic or inorganic material, the exterior visible use or display of tarps, plastic sheeting, or other similar materials as flexible or inflexible screening, fencing or wall covering upon a residential lot, an accumulation of abandoned or junked vehicles, discarded, broken, or inoperable appliances, discarded or broken furniture, broken glass, discarded, broken or inoperable equipment, discarded or broken bicycles, bicycle or appliance parts, piles of mixed materials, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing straw, packing hay or other packing material, lumber not neatly piled,

lumber stored in front yards, scrap iron, tin and other metal not neatly piled or anything whatsoever in which insects, rodents, snakes or other harmful pests may live, breed or multiply or which may otherwise create a fire or safety hazard.

b. It is unlawful for any business, corporation, firm or person to fail to provide approved litter or trash receptacles for the containment of litter and trash generated within or upon their premises or to allow litter or trash from approved receptacles to become windblown and be disbursed about the area.

c. It is unlawful for any owner, agent, or contractor in charge of any construction or demolition site to cause, maintain or permit the accumulation of any litter or debris on the site before, during, or after completion of the project except in a designated contained area, or to allow any such litter or debris to become windblown and carried or deposited upon any alley, street, public place or adjacent private property.

2. Streets, alleys and sidewalks.

a. The owner of any portion of a street abutting the boundaries of a parcel of land, which street has not been opened for public use, shall be maintained by those persons who dedicated the street or their successors in interest, including lessees and other persons in control of the land abutting the street; provided that, if the abutting land on either side of such street is owned by different persons and each person has an obligation to maintain the street hereunder, then the owner, lessee or other person in control of the land shall only be required to maintain one-half (1/2) of the width of the street abutting their land. (Ordinance 09-03)

3. Maintenance of swimming and architectural pools. All swimming and architectural pools, ponds and spas shall be properly maintained so as not to create a safety hazard or harbor insect infestation, or create a visibly deteriorated or blighted appearance. Water shall not be allowed to stagnate, or to become stale or foul through lack of circulation. Fencing or other barriers required for swimming pool and spa enclosures shall be maintained in good condition. All pools shall also be free from visible deterioration or blighted appearance. Architectural pools that contain fish must be maintained to provide for the health of the fish. Dead fish must be removed immediately.

4. Weeds, bushes, trees and other vegetation.

a. All exterior property areas shall be kept free from dry vegetation, tumbleweeds, weeds, bushes and tall grass and trees which present a visual blight upon the area, which may harbor insect or rodent infestations, or dry vegetation which may likely become a fire hazard or result in a condition which may threaten the health and safety or the economic welfare of adjacent property owners or occupants.

b. The owner shall remove, restore or repair any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated appearance; including but not limited to uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than six (6) inches; or any dead trees, bushes, shrubs or portions thereof, or stumps. (Ordinance 09-03)

c. The owner must trim all overhanging vegetation to provide a thirteen (13) foot six (6) inch minimum height clearance in all streets and alleys, a seven (7) foot minimum height clearance on all sidewalks, and shall not allow vegetation to protrude more than one (1) foot six (6) inches into the alleyway. (Ordinance

09-03)

5. Dumping. Vacant lots or lands, which have been subject to dumping on more than one (1) occasion, shall be secured to prevent future occurrences of dumping. Methods of securing vacant lots or lands may include the following: permanent fencing; ditch and berm; placing four-foot-high posts at four-foot intervals; and other equally effective methods. Signs stating "no dumping" shall be erected in accordance with applicable laws on vacant lots or lands which have been subject to dumping on more than one (1) occasion.
6. Excavations. Excavations and other like or similar conditions must be filled with clean fill. Excavations shall be maintained in a secure manner so as to prevent a hazard to public health and safety. Any mound made of dirt or debris over five (5) feet in height must be secured in a manner as to prevent a hazard to public health and safety. An excavation or mound is considered secure when:
   a. It is protected by a permanent and complete five-foot minimum height enclosure that surrounds the excavation, mound or property.
   b. A well, pit, abandoned swimming pool, or similar excavation is completely and permanently covered, fenced securely or protected in an equivalent manner.
7. Vacant lots and parcels.
   a. The owners of vacant parcels five thousand (5,000) square feet or larger which have been disturbed by motor vehicles shall either:
      i. Erect signs, fencing, shrubs, trees or other barriers to prevent motor vehicle trespass or parking; or
      ii. Apply surface gravel or chemical/organic stabilizers to all disturbed surface areas.
   b. The owners of vacant lots or parcels where more than one-half (1/2) acre of the surface has been disturbed shall either:
      i. Establish ground cover;
      ii. Apply a dust suppressant;
      iii. Restore to a natural state; or
      iv. Apply gravel to the disturbed area.
   c. The owners of properties on which weed abatement disturbs more than one-half (1/2) acre of vacant land shall:
      i. Apply a dust suppressant immediately prior to or during such weed abatement;
      ii. Take reasonable precautions to prevent or eliminate cut plant material from being tracked out onto paved surfaces or onto access points adjoining paved surfaces; and
      iii. Apply a dust suppressant, gravel, use compaction or take other dust control measures immediately following weed abatement.
   d. Paragraphs b and c above do not apply to vacant lots located on an industrial facility or construction or earth-moving activity on-sites that have an approved permit issued by the City or by Navajo County.
   e. Property which is part of a subdivision or Planned Area Development (PAD) shall be maintained in conformance with the exhibits, conditions and stipulations approved and imposed by the City council at the time the approval for rezoning or development was granted.
8. Leaf blowers and landscape debris. No person shall cause or permit landscape debris or other material to be blown or placed in or on any highway, street, alley, public place or public right-of-way. No person shall operate a leaf blower over surfaces that have not been stabilized.

M. Vacant or abandoned buildings.

1. Sign posting.
    a. The owner of record of a vacant or abandoned building is required to post a sign at the front of the building, in a conspicuous location protected from the weather, that provides the current name, address, and phone number of the owner of record, if the owner of resides locally, or the current name, address, and phone number for a local authorized agent.
    b. If a notice of default or foreclosure has been recorded for the real property on which the vacant or abandoned building is constructed, the lender's name, address, and telephone number must also be provided.
    c. The sign shall be no smaller than 8 ½ inches by 11 inches.
2. Security. The owner of a vacant or abandoned building is responsible for securing that building and its premises against unauthorized entry in accordance with the following provisions:
    a. For the first ninety (90) consecutive days during which the building remains vacant or abandoned, the doors, windows, and other openings of the building may be secured with plywood panels.
    b. After the expiration of ninety (90) consecutive days, the owner shall be responsible for restoring the building to an occupied appearance, with all doors, windows, and other openings of the building in good repair. The owner shall also be responsible for installing a security fence around the building and a commercially-serviced, 24-hour burglar alarm system to prevent unauthorized entry into the building or premises.

(Ordinance 09-03)

3-1-8 Violations, Citations, Penalties

A. Civil

1. Civil Violations: Every person who owns any land, building or structure in the City is civilly responsible for any violation of this chapter which exists with respect to such land, building or structure. (Ordinance 08-10)
2. Civil Citation: A civil action for violations of this chapter may be commenced by issuance of a citation in the following manner:
    a. The Citation will be substantially in the form established by the City. The citation shall advise the responsible party of the violation(s) committed, either by written description of the violations or by designation of the City code section that was violated. The civil hearing officer may permit amendments to the citation if substantial rights of the responsible party are not thereby prejudiced. The citation shall direct the responsible party to pay the civil sanction and all fees in accordance with subsection 3 below within the time period specified on the citation or to appear before the civil hearing officer within the time period specified on the citation and admit or deny the allegations contained in the citation.
    b. The responsible party shall, within ten (10) days of the issuance of the citation, either pay the civil sanction and the fees, or appear in person or through an attorney before the civil hearing officer and admit or deny the allegations contained in the citation. If the responsible party pays the civil sanction and the fees, either in person or by mail payment to the City, the allegations in the citation shall be deemed admitted and such person shall be deemed responsible for having committed the offense(s) described in the citation. If

the responsible party appears and admits the allegations, the civil hearing officer shall enter judgement against the responsible party in the amount of the civil sanction, plus any applicable fees designated in subsection 3 below. If the responsible party appears and denies the allegations contained in the citation the civil hearing officer shall set the matter for hearing.

c. If a person served with a citation fails to pay the civil sanction and the fees or to appear on or before the time directed to appear of at the time set for hearing by the civil hearing officer, the allegations in the complaint shall be deemed admitted, and the civil hearing officer shall enter a finding of responsible and a judgement for the City and imposed a civil sanction plus the applicable fees and charges in accordance with subsection 3 below.

d. All proceedings before the civil hearing officer shall be informal and without a jury, except that testimony given under oath or affirmation. The technical rules of evidence do not apply, except for statutory provisions relating to privileged communications. If the allegations in the citation are denied, the City is required to prove violations of this chapter by a preponderance of evidence. No prehearing discovery shall be permitted, except under extraordinary circumstances as determined by the civil hearing officer. The civil hearing officer is authorized to make such orders as may be necessary or appropriate to fairly and efficiently determine the truth and decide the cast at hand. An appeal from final judgements of the civil hearing officer may be taken pursuant to the rules of procedure for special actions of the Arizona Supreme Court, Volume 17B of the Arizona Revised Statutes.

e. Any civil judgement issued pursuant to this article shall constitute a lien against the real property of the responsible party that may be perfected by recording a copy of the judgement with the Navajo County recorder. Any judgement issued pursuant to this article may be collected as any other civil judgment.

3. Civil Penalties:

a. Any owner, occupant or responsible party who is found responsible for a civil violation of this chapter, whether by admission, default, or after a hearing, shall pay a civil sanction of not less than one hundred fifty dollars ($150.00) or more than one thousand five hundred dollars ($1,500.00). A second finding of responsibility within twenty-four (24) months of the commission of a prior violation of this chapter shall result in a civil sanction of not less than two hundred and fifty dollars ($250.00) or mort than two thousand five hundred dollars ($2,500.00). A third finding of responsibility within twenty-four months of the commission of a prior violation of this chapter shall result in a civil sanction of not less than five hundred dollars ($500.00) or more than two thousand five hundred ($2,500). In addition to the civil sanction, the responsible party may be ordered to pay any other applicable fees and charges.

b. The twenty-four month provision of paragraph (A) of this section shall be calculated by the dates the violations were committed. The owner, occupant, or responsible party shall receive enhanced sanction upon a finding of responsibility for any violation of this chapter that was committed within twenty-four (24) months of the commission of another violation for which the owner was convicted or was otherwise found responsible, regardless of the order in which the violations occurred or whether the prior violation was civil or criminal.

4. Habitual Offender: Any person who commits a violation of any one of the above listed chapters after previously having been found responsible for committing two (2) or more civil infractions of the same chapter withing any twenty-four (24) month period, whether by admission, by payment of the fine, default, or by judgement after hearing, shall be guilty of a criminal misdemeanor punishable as set forth in subsection (B) below. The Holbrook City Prosecutor is authorized to file a criminal misdemeanor complaint in the Holbrook Municipal Court against such habitual offenders who violate this section. For purposes of calculating the twenty-four (24) month period under this paragraph, the dates of the commission of the offenses are the determining factor.

B. Criminal.
   1. Criminal Violations: Notwithstanding the provisions of subsection (A) above, every person who owns any land, building or structure in the City, and who intentionally, knowingly, willfully or recklessly causes, permits, facilitates, or aids or abets a violation of this Chapter or who fails to perform any act or duty required by the chapter is guilty of a Class One misdemeanor.
   2. Criminal Misdemeanor Complaint: The City prosecutor is authorized to file a criminal misdemeanor complaint in the Holbrook Municipal Court for violation of this chapter.
   3. Criminal Penalties: Upon conviction of a violations of this section, the court may impose a sentence of incarceration not to exceed six (6) months in jail, a fine not to exceed two thousand five hundred dollars ($2,500), probation for a term not exceeding three (3) years, or any combination thereof, the court shall order a person who has been convicted of a violation of this section to pay a fine of not less than five hundred dollars ($500.00) for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition of execution of any sentence required by this subsection except on the condition that the person pay the mandatory minimum fines as provided in this paragraph.
   4. Every action or proceeding under this section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona rules of criminal procedure.
   5. Actions Not Exclusive. The City's election to prosecute a civil or criminal action to enforce the provisions of this chapter does not limit or restrict the City's ability to bring against the defendant any other action authorized by law, including, but not limited to, an administrative abatement proceeding.

C. Violations-Separate violations on daily basis. Each violation of this chapter shall constitute a separate violation for each day that the owner permits the violation to occur, and may be prosecuted and punishable as an individual and separate offense for each day that the owner permits the violation to occur.

(Ordinance 08-10)

3-1-9 Corrections of Violations

A. Authority. In addition to any civil sanction or criminal penalty, the court may in its discretion order the defendant to correct the violation by a specified date, and may order the City to enter the property and correct the violation if the defendant fails to comply with the court's correction order. The court may require the defendant to correct the violation as a condition of suspending a portion of the civil sanction or

criminal penalty.

B. Recovery of Costs Incurred by City
   1. For a civil violation of this Chapter, if the City corrects a violation pursuant to this Chapter, the City may petition the court to recover the costs, expenses and attorney fees which the City incurred in correcting the violation and in bringing the petition for recovery. If the court finds by a preponderance of the evidence that the City is entitled to recover, the court may order the defendant to pay to the City the amount of the costs, expenses and attorney fees reasonably incurred by the City, and may enter judgment in favor of the City and against the defendant in that amount. The court may make payment of the judgment a condition of suspending a portion of the civil sanction.
   2. For a criminal violation of this Chapter, if the City corrects a violation pursuant to this Chapter, the City may petition the court to order the defendant to pay restitution to the City in the amount of the costs, expenses and attorney fees which the City incurred in correcting the violation and in bringing the petition for restitution. The court may, in its discretion, order the defendant to pay such restitution to the City. The court may make the payment of restitution a condition of suspending a portion of the criminal penalty.

3-1-10 Joint and Several Liability

A. If more than one person owns a particular parcel of property, then all such persons are jointly and severally liable for every civil violation of this Chapter existing with respect to that parcel.

B. In a criminal prosecution for violations of this Chapter, it shall not be a defense that another person is also guilty of a criminal or civil violation of this Chapter.

3-1-11 Administrative Abatement

A. Authority. If there is a violation of any provision of this Chapter, the City may proceed with an administrative abatement proceeding as set forth in this Section. Nothing in this Chapter shall require the City to proceed under this Section.

B. Notice. Notice of a violation under this Chapter shall be served either personally or mailed to the owner and to the occupant or lessee, if any, at their last-known addresses by certified mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him by certified mail at his last known address. The notice shall contain a statement that unless the person owning or controlling such property complies therewith within thirty (30) days from the date such written notice is received, that the City will, at the expense of the person owning or controlling said property, perform or cause to be performed the necessary work and that such person may appeal in writing to the City Council within thirty (30) days from the date that the written notice is received by him and prior to the date of compliance. The notice shall include a legal description of the property and the approximate cost to the City if the person fails to comply with the notice.

C. Appeal of Requirement. Prior to the date set for compliance on the notice, the owner or person controlling such property may appeal in writing to the City Council or the three (3) member panel appointed by the City Council from the demand of the City. A

three (3) member body appointed by the council shall hear and determine the same and the decision of said body shall be final. Said body may either affirm or reverse the decision of the City or modify the scope of work as required in the notice. Said panel shall serve for a two (2) year term to hear all appeals under this subsection. If a member of said body is unable or unwilling to serve, then the City Council shall appoint a new member to fill the vacancy on the panel. (Ordinance 08-03)

D. Refusal to Comply; Cost Assessment. If a person to whom notice, as aforesaid has been given, or on or before the date of compliance on the notice, or within such further time as may have been granted on appeal fails, neglects or refuses to remove from such property any or all nuisances, the City Manager is authorized and directed to either cause same to be removed or disposed of at the expense of the owner and person controlling such property. Upon completion of the work, the City shall prepare a verified statement of account of the actual costs of such removal or abatement, the additional inspection costs, labor costs, other incidental connected costs and associated legal costs, the date the work was completed; and the street address and/or the legal description of the property on which said work was done. The City shall mail a duplicate copy of such verified statement to the person owning and controlling such property.

E. Appeal of Assessment. The owner and/or person controlling such property shall have fifteen (15) days from the date of mailing to appeal in writing to the City Council or the three (3) member panel appointed by the City Council from the amount of assessment as contained in the verified statement. If an appeal is not filed with the City Council within such fifteen (15) day period, then the amount of the assessment as determined by the City shall become final and binding. If an appeal is taken, the body appointed by the council, shall hear and determine the appeal and may affirm the amount of the assessment, modify the amount thereof, or determine that no assessment at all shall be made. The decision of said body shall be final and binding on all persons. (Ordinance 08-03)

F. Assessment Recorded. If no appeal is taken from the amount of the assessment, or if an appeal is taken and the City Council or a body appointed by the council, has affirmed or modified the amount of the assessment, the original assessment or the assessment as so modified shall be recorded in the office of the County Recorder and from the date of its recording, shall be a lien on said lot or tract of land until paid. Such assessments shall be superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes. A sale of the property to satisfy an assessment obtained under the provisions of this Section shall be made upon judgment of foreclosure and order of sale. The City shall have the right to bring an action to enforce the assessment in the Superior Court of the county in which the property is located at any time after the recording of the assessment, but failure to enforce the assessment by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings prior to the recording thereof.

G. Installment Plans. Assessments that are imposed under this Chapter run against the property until paid and are due and payable in equal annual installments as follows:
   1. Assessments of less than five hundred dollars ($500.00) shall be paid within six (6) months after the assessment is recorded.

2. Assessment of five hundred dollars ($500.00) or more but less than one thousand dollars ($1,000.00) shall be paid within one (1) year after the assessment is recorded.
3. Assessments of one thousand dollars ($1,000.00) or more but less than five thousand dollars ($5,000.00) shall be paid within eighteen (18) months after the assessment is recorded.
4. Assessments of five thousand dollars ($5,000.00) or more but less than ten thousand dollars ($10,000.00) shall be paid within three (3) years after the assessment is recorded.
5. Assessments of ten thousand dollars ($10,000.00) or more shall be paid within five (5) years after the assessment is recorded.

(Ordinance 08-03)

H. Past Due Interest. An assessment that is past due accrues interest at the rate of 10% per annum, or other legal rate prescribed by law. (Ordinance 08-03)

I. Prior Assessments. A prior assessment for the purposes provided in this chapter shall not be a bar to a subsequent assessment or assessments for these purposes, and any number of assessments on the same lot or tract of land may be enforced in the same action.

3-1-12 Emergency Abatement Provision

A. When an existing violation of this article poses a substantial and immediate threat of serious harm to the health or safety of any person, then the City may immediately enter the property and take the minimum action necessary to relieve the threat of serious harm.

B. If it is reasonably practicable to do so under the circumstances prior to entering the property, the City shall obtain:
   1. The involvement of the Navajo County Health Department or other applicable entity if such department or entity has authority to act in the matter; and
   2. The consent of the person who owns, leases, rents, occupies, controls or has the right to control the property; or
   3. A search warrant from a Justice Court or an order from the City Magistrate Court authorizing the City to enter the property and relieve the threat of harm. The Magistrate Court shall issue such an order only upon a showing that probable cause exists to believe that a violation of this article poses a substantial and immediate threat of serious harm to the health or safety of any person.

C. As soon as is reasonably practicable under the circumstances, the City shall serve a civil or criminal citation or summons and complaint on the person or persons responsible for the violation or the property owner.

ARTICLE 3-2: BURNING RESTRICTIONS

3-2-1 Permit Required
3-2-2 Location Restriction
3-2-3 Attendance of Open Fires
3-2-4 City May Prohibit
3-2-5 Kindling Fire on Land of Others

3-2-1 Permit Required

No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on or in any public street, alley, road, or other public ground without a permit. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit. Council shall establish the procedures for obtaining a burning permit by resolution.

3-2-2 Location Restriction

No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land, except as provided for by State law and upon receipt of a City-issued burning permit, and unless the location is not less than fifty (50') feet from any structure and adequate provision is made to prevent fire from spreading to within fifty (50') feet of any structure, or the fire is contained in an approved waste burner located safely not less than fifteen (15') feet from any structure.

3-2-3 Attendance of Open Fires

Bonfires and rubbish fires shall be constantly attended by a competent adult person who is at least 18 years of age until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use.

3-2-4 City May Prohibit

The City Manager or designee may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

3-2-5 Kindling Fire on Land of Others

No person shall kindle a fire upon the land of another without permission of the owner thereof or his agent upon receipt of a City-issued burn permit.

ARTICLE 3-3: EMERGENCY OPERATIONS

3-3-1 Adoption

The Emergency Operation plan of the City of Holbrook adopted and made a public record by Resolution No. 97-15 on October 14, 1997, is herein incorporated and adopted and shall be referenced to as Article 3-3 of the Holbrook City Code and is made a part hereof as if fully set forth in the Code. Three (3) copies of which are on file in the office of the City Clerk of the City of Holbrook, Arizona.

ARTICLE 3-4: GENERAL OFFENSES

3-4-1 Weapons
3-4-2 Spitting
3-4-3 Hazardous Water Conditions
3-4-4 Obstruction of Streets and Prohibited Use of Public Right-of-way
3-4-5 Unlawful Urination
3-4-6 Curfew
3-4-7 Railroad Equipment
3-4-8 Operation of Vehicles
3-4-9 Obscene Language
3-4-10 Public Intoxication and Intoxicating Beverages
3-4-11 Aggressive Panhandling
3-4-12 Abandonment of Vehicles
3-4-13 Use of Auxiliary (Jake) Brakes Prohibited
3-4-14 Sale of Products Containing Pseudoephedrine

3-4-1 Weapons

A. Unlawful Discharge; Exceptions: It is unlawful for any person within the limits of the City to fire or discharge any firearm, BB gun, air gun, pellet gun, dart gun, slingshot, gas-operated gun or other similar gun, archery projectiles or instrument except:
   1. As allowed pursuant to the provisions of Title 13, Chapter 31, of the Arizona Revised Statutes. (Ordinance 14-06)

3-4-2 Spitting

It is unlawful for any person to spit upon any of the public sidewalks or crosswalks in the City or upon any public path, by-way or highway, or in or on any public ground or park in the City, or upon the floor or interior of any public building in the City.

3-4-3 Hazardous Water Conditions

A. Unlawful to Permit: It is unlawful for any person to willfully or permit or cause the escape or flow of water in such quantity as to cause flooding, or to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic, or to cause damage to the public streets of the City.

B. Irrigation Water: It is unlawful for any person to willfully or permit or cause the escape or flow of irrigation water in such quantity as to cause flooding, to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic, or to cause damage to the public streets of the City through the failure or neglect to properly operate or maintain any irrigation structure, delivery ditch or waste ditch in which said person has a vested right or interest or through the willful or negligent failure of said person to accept irrigation water after it has been ordered by him.

3-4-4 Obstruction of Streets and Prohibited Use of Public Right-of-way

It is unlawful for any person to obstruct any public street, public right-of-way, alley, sidewalk, park, highway, lane, parkway or other public grounds within the City by committing any act of, or doing anything which is injurious to the health, indecent or offensive to the senses, or lie, to sleep or sit on any public streets, public right-of-ways, alleys, sidewalks, highways, lanes, parkways or other public use of property in the City except in the case of a physical emergency or the administration of medical assistance or any authorized public event. (Ordinance 04-13)

3-4-5 Unlawful Urination

It is unlawful to publicly urinate or defecate on any public or private property within the City.

3-4-6 Curfew

A. It is unlawful for any juvenile under the age of sixteen (16) years to be, remain or loiter in, about or upon any place in the City away from the dwelling house or usual place of abode of the said juvenile, between the hours of 10:00 o'clock p.m. and 5:00 o'clock a.m. of the following day.

B. It is unlawful for any juvenile sixteen (16) years of age or older and under the age of eighteen years to be, remain or loitering, about or upon any public place in the City away from the dwelling house or usual place of abode of said juvenile, between the hours of 12:00 o'clock midnight and 5:00 o'clock a.m. of the following day.

C. It is unlawful for a parent, guardian or other person having the care, custody or supervision of a juvenile to permit such juvenile to be, remain or loiter in, about or upon any place in the City away from the dwelling house or usual place of abode of said juvenile in violation of Sections A and B.

D. It is unlawful for any parent, guardian or other person having the care, custody or supervision of a juvenile to fail or refuse to take such juvenile into custody after demand is made pursuant to subsection G below.

E. The curfew set forth above does not apply to any legally emancipated minor, whether the emancipation be through marriage, military service or other legally sufficient grounds; to any minor who is accompanied by his parent, guardian or other person having his legal care and custody; or to any minor, who might otherwise be in violation of the terms of this section, when any of the following applies:
   1. His presence is reasonably required in the pursuit of a lawful occupation, business or profession in which he is then engaged, with the permission of a parent, guardian or other person having his legal care and custody; or
   2. He is on an emergency errand, medical or otherwise; or
   3. He is going to or from or attending a place or function sponsored by or related to school, church, civic, or other non-profit organization. These functions shall include, but are not limited to, classes, services, meetings, dances, dramatic or musical performances, sporting events, or other social events sponsored by school, religious, civic, or other non-profit organizations, with the permission of his parent, guardian or other person having his legal care and custody. This exception shall apply for one (1) hour after the completion of said meeting or event, but in no case later than 1:00 a.m.

F. It shall not constitute a defense to this section that any parent, guardian other adult having the care, custody or supervision of a juvenile did not have actual knowledge of the presence of such juvenile in, or about or upon any place in the City away from the dwelling house or usual abode of the juvenile, if said parent, guardian or other person having the care, custody or supervision of such juvenile, in exercise of reasonable care and diligence, should have known of the aforementioned unlawful act or acts of such juvenile.

G. In addition to any other powers that he may have, any law enforcement officer who arrests a juvenile for violating any of the provisions of subsection A or B is also empowered to demand of said juvenile's parent, guardian or other person having his care, custody or supervision, that such parent, guardian or other person take custody of such juvenile. If the parent, guardian or other person fails to take custody of the juvenile, the law enforcement officer shall then be authorized to take the juvenile to the dwelling house or usual place of abode of the juvenile.

H. Each violation of the provisions of subsections A, B, C and D above shall constitute a separate offense.

I. Any violation of the terms of this section shall be a Class 1 Misdemeanor.

3-4-7 Railroad Equipment

All railroad trains, engines, cars and other equipment or vehicles moving on fixed rails within the City limits of the City of Holbrook shall be run and operated at a speed not to exceed that mandated by the Federal Railroad Safety Act, 49 USC Section 20106, and relevant regulations covering train speed pursuant to Title 49 of the Code of Federal Regulations.

3-4-8 Operation of Vehicles

No person upon roller skates or roller blades or scooters or riding any coaster, toy vehicle, skateboard or similar device shall be upon any roadway except when crossing. Such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians when crossing any roadway.

3-4-9 Obscene Language

It is unlawful for a person, in the presence or hearing of any other person, or in a public place, to use vulgar, abusive or obscene language.

3-4-10 Public Intoxication and Intoxicating Beverages

It is unlawful for a person to be in a public place in a state of intoxication caused by the person's use of alcohol or a controlled substance such that he or she is unable to exercise care for his or her own safety or the safety of others, or interferes with or obstructs or prevents the free use of a public place. (Ordinance 8-09)

No person shall have in their possession spirituous liquor of any kind on City owned facilities, alleyways, culverts or drainage ditches. (Ordinance 11-01)

A. Arrest for public intoxication; options available.
   1. If an individual is unmanageable or is causing damage to the individual or others, a police officer or peace officer making an arrest for public intoxication may take the individual into custody for criminal processing in the City lock-up or county jail.
   2. If an individual is manageable and not causing damage to the individual or others, a police officer or peace officer making an arrest for public intoxication may, at the officers' discretion, do either of the following:
      a. If within reasonable proximity, take the individual to any of the following: the individual's home, the home of a relative of the individual, or a responsible

person who is competent and willing to provide care, assistance, and treatment; or

b. Take the individual to an approved public or private treatment facility, or to the City lock-up or county jail if no facility is available.

3. Individuals taken to City lock-up or county jail shall be evaluated by law enforcement for nonalcoholic factors contributing to their intoxicated appearance.

B. Penalty: a violation of this section is a class 3 misdemeanor. In addition to any other penalties authorized by law, the court may order a person sentenced under this section to perform community service work.

(Ordinance 08-09)

3-4-11 Aggressive Panhandling

A. Prohibited acts: it shall be unlawful for any person to solicit any money or other thing of value, or to solicit the sale of goods or services:

1. In an aggressive manner in a public place;
2. Within thirty (30) feet of any entrance or exit of any bank or within thirty (30) feet of any automated teller machine; or
3. In any public transportation vehicle or from persons waiting within thirty (30) feet of a sign designating a public transportation stop; not including the operator of the public transportation vehicle.

B. For the purpose of this section, "aggressive manner" means:

1. Intentionally, knowingly or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;
2. Approaching or following a person before, during or after soliciting if that conduct is intended to or is likely to cause a reasonable person to fear bodily harm to oneself or another, or damage to or loss of property or otherwise to be intimidated into giving money or other thing of value;
3. Continuing to solicit from a person after the person has given a negative response to such soliciting;
4. Intentionally, knowingly or recklessly obstructing the safe or free passage of the person being solicited or requiring the person to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's constitutional right to picket or protest shall not constitute obstructing passage; or
5. Intentionally, knowingly or recklessly using obscene, abusive or threatening language or gestures which are intended or likely to cause a reasonable person to fear imminent bodily harm or which are reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

C. Penalty: a violation of this section is a class 3 misdemeanor. In addition to any other penalties authorized by law, the court may order a person sentenced under this section to perform community service work.

(Ordinance 08-09)

3-4-12 Abandonment of Vehicles

A. It is a civil violation for any person to abandon any vehicle on public or private property.

B. Evidence that a vehicle was left unattended for a period of forty-eight (48) hours within the right-of-way of any highway, road, street or other public thoroughfare or for a period of seventy-two (72) hours on public or private property or elsewhere is prima facie evidence of abandonment.

C. Members of the police department so authorized by the Chief of Police may remove or cause to be removed any abandoned vehicle.

D. Upon removal, the abandoned vehicle shall be appraised by a police officer designated by the Chief of Police and certified by the Arizona Department of Transportation.

E. After the vehicle is appraised, it shall be disposed of pursuant to A.R.S. Title 28, Chapter 11, Article 2.

F. Violations of this section may be charged as a criminal violation pursuant to section 1-1-11(A) or may be charged as a civil violation at the discretion of the police department. Upon finding a person responsible for a civil violation, the court shall impose upon such person a civil sanction of not less than five hundred dollars ($500.00). The court shall not suspend the imposition of the minimum sanction unless the court finds by a preponderance of the evidence that the person corrected every violation or which he was found responsible, and that the person is in compliance with this Chapter. In that event, the court may, in its discretion, suspend all but seventy-five dollars ($75.00) of the sanction upon such conditions as the Court deems just.

(Ordinance 05-19)

3-4-13 Use of Auxiliary (Jake) Brakes Prohibited

It shall be unlawful to operate a motor vehicle on any street or highway within the City limits with the assistance of an auxiliary engine brake (commonly referred to as a "jake brake"). (Ordinance 03-02)

3-4-14 Sale of Products Containing Pseudoephedrine

A. Definitions

1. "Pseudoephedrine Product" means any product containing ephedrine or pseudoephedrine and includes any compound, mixture or preparation that contains any detectable quantity of ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine or their salts, optical isomers or salts of optical isomers, product packaging that lists ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine as an active ingredient shall constitute prima facie evidence that the products a pseudoephedrine product.
2. "Retail Establishment" means any place of business that offers any pseudoephedrine product for sale at retail.

B. The operator of a retail establishment shall keep all products containing pseudoephedrine behind a store counter or otherwise in a manner that is inaccessible to customers without the assistance of the operator or an employee of the establishment.

C. A person making a retail sale of a product containing pseudoephedrine shall require a government-issued, photo identification from the purchaser and shall

record the purchaser's name, date of birth, quantity of pseudoephedrine product purchased, transaction date and the initials of the seller.

D. The information required to be obtained by subsection C will be retained by the retail establishment for a period of ninety (90) days, and will be considered a confidential document that will only be available to the operator of the retail establishment, and shall be available to the City of Holbrook Police Department officers, Arizona Department of Public Safety officers, Navajo County Sheriff's Department officers, and other law enforcement officers.

E. A violation of this section is a Class 1 misdemeanor.

(Ordinance 05-20)

ARTICLE 3-5: ANIMAL CONTROL

3-5-1 Definitions
3-5-2 Animal Control Officer
3-5-3 Public Nuisance
3-5-4 At Large
3-5-5 Dangerous or Vicious
3-5-6 Disturbing the Peace
3-5-7 Swine
3-5-8 Diseased Animals
3-5-9 Impoundment
3-5-10 Quarantine of Biting Animals
3-5-11 Penalty

3-5-1 Definitions

As used in this Article, the following definitions apply:

ANIMAL CONTROL OFFICER: The Animal Control Officer of the City, his designee or any peace officer responsible for the enforcement of this Chapter.

ANIMAL OR ANIMALS: Horses, mules, burros, cattle, goats, sheep, cats, dogs, swine, llamas, ostriches, emus or other livestock, poultry or any other animal that is susceptible to rabies, except man. (Ordinance 03-06)

AT LARGE: Off the premises of the owner, not confined by an enclosure nor physically restrained be a leash not to exceed six (6) feet in length.

COLLAR: A band, chain, harness or suitable device worn around the neck of the dog to which a license must be affixed.

CONTROL OF OWNER: An owner or person responsible for the animal has immediate physical control of said animal by means of a lease, rope, chain or other suitable restraint not to exceed six (6) feet in length.

DANGEROUS OR VICIOUS: An animal or dog which has a propensity to attack, to cause injury or otherwise endanger the safety of human beings without provocation or which has been found to be a vicious animal by a court of competent authority, which bites, inflicts physical injury on or attacks a human being, or constitutes a physical threat to other animals.

DOG: A member of the "canis familiaris" family.

LEASH: A chain, rope or strap not more than six (6) feet in length, suitable for the control or restraint of an animal.

OWNER: Any person owning, keeping, possessing, harboring or maintaining a dog or an animal.

POUND: Any establishment authorized by the City for the confinement, maintenance, safekeeping and control of dogs that come into custody of the Animal Control Officer.

REPEATEDLY: More than three (3) times in any one (1) year period.

VACCINATION: An anti-rabies vaccination using a type of vaccine approved by the State Veterinarian, which must be administered by a licensed veterinarian. (Ordinance 03-06)

WILD ANIMAL: A non-domesticated animal.

3-5-2 Animal Control Officer

It is unlawful for any person to, in any manner, intervene, impede, prevent, obstruct or intimidate the Animal Control Officer in the discharge of his duties in citing and impounding, or who shall rescue or attempt to rescue any animal which has been impounded.

3-5-3 Public Nuisance

Any animal which does any of the following is hereby declared to be a public nuisance, and may be subject to impoundment by the Animal Control Officer at cost of the owner. It is unlawful for any person to permit such animal or animals to:

A. Molest passers-by or passing vehicles;

B. Bite any human while at large;

C. Attack other animals;

D. Trespass on school grounds;

E. Repeatedly be at large;

F. Damage public or private property;

G. Bark, whine, howl, crow or burrow in an excessive manner which disturbs the public peace;

H. Repeatedly cause garbage to be thrown about.

I. Urinate or defecate on private property of others without immediate removal of any animal waste.

3-5-4 At Large

A. Unlawful: It is unlawful to permit any animal to run at large in the City. Any such animal may be impounded as provided in this Section.

B. Picket or Tie in Streets: It is unlawful to picket or tie any animal on any of the streets or rights of way of the City for any reason if it interferes with the safe passage of pedestrians or vehicles.

C. Impounding Authority: Any animal at large may be impounded by the Animal Control Officer.

D. Liability for Damages: The owner of an animal is liable for damages caused by such animal while at large.

3-5-5 Dangerous or Vicious

It is unlawful to permit a dangerous or vicious animal of any kind to run at large within the City limits. Any such animals may be immediately impounded.

A. Complaints: Upon complaint of any person, and after notice to the owner and a civil hearing, the City Magistrate may determine that an animal is dangerous or vicious and order one or more of the following:
   1. The destruction of said animal;
   2. That such animal be confined within a building or secure enclosure;
   3. That such animal be securely muzzled or caged at all times.

B. Destruction: The Animal Control Officer is authorized to destroy any dangerous animal of any kind, upon an order from the City Magistrate, or when it is necessary for the protection of any person or property, when in their judgment the animal is:
   1. Dangerous or vicious; and
   2. Cannot be safely impounded.

3-5-6 Disturbing the Peace

No person owning, keeping, possessing, harboring or maintaining an animal shall suffer or permit such animal to disturb the peace and quiet of any person any time of day or night by barking, whining, howling, crowing, braying or by making any other similar objectionable noise, by disturbing cultivated gardens, fields or landscaped yards. Any persons keeping or maintaining any animal within the City limits shall maintain that property so that any animal waste does not emit strong odors or cause a public health hazard.

3-5-7 Swine

It is unlawful to keep any swine in the City, except in areas zoned for that purpose.

3-5-8 Diseased Animals

A. Prohibited: No animal knowingly afflicted with a contagious or infectious disease shall be allowed to run at large or be exposed to any public place whereby the health of man or beast may be affected.

B. Removal: It shall be unlawful for any person knowing or suspecting an animal which has rabies or with a contagious or infectious disease to allow such an animal to be taken off his premises or beyond the limits of the City without the written permission of the Animal Control Officer. Every owner knowing or suspecting that an animal has rabies or any contagious or infectious disease shall immediately seek veterinary care, or notify the Animal Control Officer who shall either remove the animal to the pound or summarily destroy it, except in cases where the State Health Officer or State Veterinarian is empowered to act.

3-5-9 Impoundment

A. Notice to Owners:
   1. If the owner of any impounded animal shall be known to the Animal Control Officer and shall reside or have a known place of business in the City, the Animal Control Officer shall notify the owner of such animal personally or by letter through the post office or by notice placed at the residence of the owner within forty-eight (48) hours

after such animal has been impounded. The notice shall contain a description of the animal and shall state that unless reclaimed; such animal shall be adopted or destroyed at the time and place specified in the notice.

2. Livestock impounded pursuant to this Chapter may be sold at public auction to the highest bidder. Copies of the notice shall be posted at the place of impoundment and at the City Hall.

B. Report: The Animal Control Officer shall, after impounding any animal, make a report stating the kind of animal and describing it by color or otherwise or by any marks or brands that may be on it, and when it was impounded.

C. Conditions and Duration: The Animal Control Officer shall provide for the keeping of all animals impounded by the Department in a safe, convenient and comfortable place within or near the City limits and shall feed such animals at least once during every twenty-four (24) hours and treat them in a humane manner during the time they are impounded, which shall not be less than seventy-two (72) hours, unless sooner claimed by the owner.

D. Redemption: If the owner of any animal shall within seventy-two (72) hours after such animal has been impounded, apply to the Animal Control Officer and pay the fees and charges established by this Chapter, the Animal Control Officer may deliver any such animal to the owner or shall arrange for the owner to pick up the animal from the pound or impound location, unless that animal has been impounded pursuant to Section 3-6-8 of this Chapter.

3-5-10 Quarantine of Biting Animals

Whenever any animal bites a person, such person and the owner of the animal shall immediately notify the Animal Control Officer, who shall arrange for quarantine of the animal to be made and shall order the animal to be held on the owner's premises or shall have it impounded at the pound or at the veterinary hospital at the owner's expense as long as necessary for a complete examination or for the length of the quarantine, which will not be less than ten (10) days. Livestock shall be confined and quarantined for the fourteen (14) day period in a manner regulated by the Arizona Department of Agriculture. Caged or pet rodents or rabbits shall not be quarantined or laboratory tested. If it is determined that the animal is infected with rabies or any other dangerous, infectious or contagious disease, it shall be the duty of the Animal Control Officer to destroy the animal. If, at the end of the quarantine or impoundment, it is determined that the animal is free from such disease, the animal shall be released and the owner will assume all the costs related to the quarantine or impoundment. If the animal dies during the period of quarantine or impoundment, its head shall be sent to the State Department of Health for examination. Any wild animals, with the exception of wild rodents or rabbits, which bite any person may be killed and submitted to the Animal Control Officer for transmission to an appropriate diagnostic laboratory. A wild rodent or rabbit may be submitted for laboratory testing if the animal has bitten a person and either the animal's health or behavior indicates that the animal may have rabies or the bite occurred in an area that contains a rabies epizootic as determined by the Department of Health Services.

3-5-11 Penalty

A. Imposed: Unless otherwise provided herein, any person found violating any provision of this Chapter shall be guilty of a Class One misdemeanor, punishable in accordance with applicable State law. Any person violating Sections 3-5-3, 3-5-4, 3-5-7 of this

Chapter and Sections 3-6-2 and 3-6-6 of this Chapter shall be guilty of a petty offense, punishable in accordance with applicable State law. If any violation be continuing, each day's violation shall be deemed a separate violation. If any person has two (2) prior petty offense convictions for violations of this Chapter or Article 3-5 of this Chapter such person may be charged with a Class One misdemeanor for any subsequent violation.

B. Revocation of License: Any dog license may be revoked where: 1) the owner has received two (2) or more convictions for violations of this Article in a twelve (12) month period; 2) the owner has been found guilty of animal cruelty pursuant to ordinance or State law; or 3) the owner has been found guilty of dangerous or vicious dog at large. Upon complaint and after notice to the owner and a civil hearing, the City Magistrate may issue an order revoking the license of such owner, order the removal of said animal, and order that no animals shall be harbored or reside with said person for a specified period of time.

ARTICLE 3-6: DOGS

3-6-1 Applicability
3-6-2 Vaccinations
3-6-3 Licenses and Tags Generally
3-6-4 Fees
3-6-5 Restraint
3-6-6 Running at Large
3-6-7 Biting Dogs
3-6-8 Impoundment
3-6-9 Adoption
3-6-10 Rabies Epidemic
3-6-11 Penalty

3-6-1 Applicability

The provisions of Article 3-6 of this Chapter shall apply to dogs, unless such provision specifically excludes dogs or unless there is a provision within this Article covering the same subject matter.

3-6-2 Vaccinations

A. Required: No dog shall be allowed to reside in the City, unless said dog or dogs have a current vaccination for rabies administered by a licensed veterinarian.

B. Certificate:

1. Before a license is issued for any dog, the owner must present a current vaccination certificate signed by a veterinarian licensed by this State or a government veterinarian stating the owner's name and address and giving the dog's description, date of vaccination and type, manufacturer and serial number of the vaccine and date revaccination is due. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this Article and the regulation promulgated hereunder. A complete record of all of the above will be kept by the City of Holbrook Animal Control.

2. A dog vaccinated in any other place prior to entry into the City may be licensed in the City; provided, that at the time of licensing, the owner of such dog presents a current vaccination certificate, signed by a veterinarian licensed to practice in that place or a veterinarian employed by a governmental agency in that place, stating the owner's name and address and giving the dog's description, date of vaccination and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this Article and the regulations promulgated hereunder.

C. Low-Cost Clinics: The City of Holbrook Animal Control may make provision for low-cost vaccination clinics as deemed necessary. The vaccination shall be performed by a licensed veterinarian.

D. Impounded Unvaccinated Dogs: If a dog is impounded and found to be unvaccinated, the said dog will not be released until the rabies vaccination is administered and paid for by the owner. The vaccination shall be performed by a veterinarian, who shall issue a certificate of vaccination.

3-6-3 Licenses and Tags Generally

A. License Required: All dogs four (4) months old or older kept, harbored or maintained in the City for at least thirty (30) consecutive days in a calendar year must be licensed and registered. Dog licenses shall be issued by the City of Holbrook Animal Control, upon payment of a license fee, which license shall expire annually on March 31. The owner shall state at the time application is made for such license, the owner's name, address and telephone number, and the name, breed, color and sex of each dog owned or kept by him/her.

B. Guide Dogs; Exemption: A guide dog belonging to a blind person who is a resident of the State or any bona fide nonprofit organization which is in the business of breeding, raising or training dogs that are to be used for guiding the blind shall, upon application by the owner or organization to the City and on presentation of proper proof, be licensed pursuant to this Article without the payment of a fee.

C. Tags: Each dog licensed under the terms of this Article shall receive, at the time of licensing, a tag on which shall be inscribed the name of the City, the number of the license and the year in which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times except as otherwise provided in this Article. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee to be established by a resolution of council to the City of Holbrook Animal Control.

D. Counterfeit Tag; Removal: It is unlawful for any person to counterfeit or attempt to counterfeit an official dog tag or remove such tag from any dog or place a dog tag on a dog unless the tag was issued to that dog, for the purpose of willfully complying with the provisions of this Chapter.

E. New Ownership: Whenever the ownership of a dog has been changed, the new owner must secure a transfer of license to such owner. A transfer fee to be established by a resolution of council, payable to the City of Holbrook Animal Control shall be charged to transfer any license.

F. Exemptions to Wearing Tag: Dogs while being used for hunting or dogs while being exhibited at recognized kennel club events, or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events need not wear a collar or harness with a valid license tag attached; provided, that they are properly vaccinated and licensed.

G. Apprehend; Impound: The Animal Control Officer may apprehend and impound any dog found without a current valid license tag.

H. Attachment of Tag: It shall be the duty of every owner or keeper of any dog kept within the limits of the City to cause the license tag herein above mentioned to be securely attached around the dog's neck and kept there at all times during the license period. Absence of the license tag from the neck of any dog shall be "prima facie" evidence that the dog has not been licensed or vaccinated as provided in this Article. Any such dog shall be deemed to be stray or not owned.

3-6-4 Fees

A. Established; Amendment: Fees required to be paid by this Article which are not specified herein shall be as established by the City Council by resolution. Fees which are specified in this Article shall be in effect until such time as the fees are changed by the City Council by resolution.

B. Specified: The license fee for a sterile dog is five dollars ($5.00) per year. The license fee for an unsterile dog is ten dollars ($10.00) per year. The fee for redemption of an impounded dog is twenty dollars ($20.00) (impound charge). In addition, there is a $5.00 per day maintenance fee for every day an animal is kept in the shelter. The impound fees will increase for each subsequent impoundment within one year (of the incident) of the same dog in the following manner:
   1. First impoundment: twenty dollars ($20.00);
   2. Second impoundment: fifty dollars ($50.00);
   3. Third impoundment: eighty dollars ($80.00); and
   4. Fourth impoundment: one hundred sixty dollars ($160.00).
   5. For each impoundment after the fourth impoundment the fees will double.

   (Ordinance 03-06)

3-6-5 Restraint

No person in charge of any dog shall permit such dog to be off the care taker or owner's property unless the dog is physically restrained by a leash, no more than six (6) feet, enclosed in a well-ventilated vehicle, cage or similar enclosure, or being exhibited or trained at a recognized kennel club event, public school or park sponsored event.

3-6-6 Running at Large

A. Prohibited: No person owning, keeping, possessing, harboring or maintaining a dog shall allow such dog to be at large.

B. Exception: A dog is not deemed to be at large:
   1. While said dog is actively engaged in dog obedience training and is accompanied by and under the control of his owner or trainer.
   2. While such dog is being used for hunting purposes.
   3. While such dog is being exhibited or trained at a recognized kennel club event.
   4. While such dog is engaged in races approved by the Arizona Racing Commission.
   5. While such dog is being exercised at a recognized dog park.

3-6-7 Biting Dogs

A. Reporting: Whenever a dog bites any person, the incident shall be reported to the Animal Control Officer immediately by any person having direct knowledge.

B. Quarantine; Impoundment: Any dog that bites any person shall be quarantined and impounded, as prescribed in Section 3-6-8, for a period of not less than ten (10) days. The quarantine period shall start on the day of the bite incident. If the day of the bite is not known, the quarantine period shall start on the first day of impoundment. If the dog is impounded as a result of a dog bite incident, the owner shall pay a twenty-dollar ($20.00) impound fee and five dollars ($5.00) per day for not less than ten (10) days.

C. Destruction; Release: If the dog shows clear clinical signs of rabies or other dangerous, contagious and infectious disease, or if the owner consents to its destruction, it shall be the duty of the Animal Control Officer to destroy such dog in as humane a manner

as is reasonably possible. If at the end of the quarantine or impoundment, the Animal Control Officer, after consultation with a veterinarian is convinced that the dog is free from such diseases, the dog shall be released. If the dog dies during the period of quarantine or impoundment the bite victim shall be notified immediately, and the animal's head shall be sent to the State Department of Health for an examination.

3-6-8 Impoundment

A. Authority: The Animal Control Officer may apprehend and impound any dog found without a current valid license tag; any dog with or without a current valid license tag which is found running at large; any dog disturbing the peace; any dog which bites any person; or any dog which is a public nuisance as defined in Section 3-5-3. Said Officer shall have the right to enter upon private property when it is necessary to do so in reasonable pursuit of and in order to apprehend any dog subject to impoundment.

B. Notification to Owner: The Animal Control Officer shall notify the owner in person or by mail or by notice placed at the residence of the owner of any licensed dog impounded under the provisions of this Article.

C. Time of Impoundment: Each unlicensed dog impounded shall be kept and maintained at the pound for a minimum of three (3) days. During the impoundment period, anyone with proper identification may claim the dog; provided that such person pays all established impound fees and completes the licensing provisions of this Article. If no person claims the dog after a reasonable period of time, the Animal Control Officer may place the animal for adoption or dispose of the dog in a humane manner.

3-6-9 Adoption

In accordance with Arizona Revised Statutes, Section 11-1022 (sterilization of impounded dogs), and amendments thereto:

A. Spay or Neuter Required:
   1. A dog shall not be released for adoption from a county, City or town pound or from an animal shelter unless the dog has been surgically spayed or neutered.
   2. The adopting party must sign an agreement to have the dog spayed or neutered within thirty (30) days or before sexual maturity and deposit with the pound or shelter an amount sufficient to ensure that the dog will be sterilized. The pound or shelter shall refund to the adopting party any monies deposited pursuant to the agreement if within the time provided in the agreement there is presented a written statement signed by a licensed veterinarian that the adopted dog has been spayed or neutered. The deposit required for spaying is sixty dollars ($60.00) and for neutering is fifty-five dollars ($55.00). If the adopting party does not spay or neuter the dog and provide a receipt to the City within thirty (30) days, the fee is forfeited to the City.

B. Fee: The City adopting fee is fifteen dollars ($15.00), which includes the license fee.

C. Use of Funds: Deposit monies that are not refunded must be used in public education to prevent overpopulation of dogs and cats. The Animal Control Division may fund or help fund and coordinate public education classes or handouts.

3-6-10 Rabies Epidemic

A. Whenever the prevalence of hydrophobia renders such action necessary to protect the public health and safety, the mayor or his/her designee shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless it is muzzled so that it cannot bite. No person shall violate such proclamation and any unmuzzled dog running at large during the time fixed on the proclamation may be destroyed by the Animal Control Officer without notice to the owner.

3-6-11 Penalty

Any violations of this Article shall be punishable in accordance with Article 3-5-11(A).

ARTICLE 3-7: CITY PARKS

3-7-1 Supervision
3-7-2 Presence in Parks
3-7-3 Intoxicating Beverages; Permit Required
3-7-4 Riding Vehicles on Grounds
3-7-5 Improper Use of Facilities
3-7-6 Animals in City Parks
3-7-7 Camping
3-7-8 Garbage and Trash
3-7-9 Glass Bottles or Containers
3-7-10 Use Contrary to Regulations; Permit Required
3-7-11 Additional Rules and Regulations; Authority

3-7-1 Supervision

The City shall supervise all parks, park scheduling and park maintenance. Any construction, alterations, additions or repairs to the parks affected by anyone other than the City shall require written advance permission and comply with all specifications imposed by the City or its designated agent for such purposes.

3-7-2 Presence in Parks

A. Hours Authorized: It is unlawful for any person to be upon or remain upon any City park, ball field, golf course or public right of way between twelve o'clock (12:00) p.m. and dawn of each day.

B. Exception: Any authorized City employee or such other person as authorized in writing by the City Manager shall be exempt from subsection A of this Section.

3-7-3 Intoxicating Beverages; Permit Required

No person shall have in their possession spirituous liquor of any kind on the City playgrounds, ball fields or parks. Any person who violates this section may also be subject to the arrest and penalty provisions contained in Section 3-4-10 of this chapter. (Ordinance 8-09, 11-01)

3-7-4 Riding Vehicles on Grounds

No person shall, at any time, drive or ride any automobile, truck, motorcycle, motor scooter or other motor vehicle upon the grounds of any City park, playground, ball field or golf course, except in public streets running through such premises or within designated parking areas located upon such premises, without the written permission of the City Manager or such other person as the City Council may designate.

3-7-5 Improper Use of Facilities

No person shall damage or improperly use the toilets or water and sewer facilities in any City park, playground, ball park or golf course or cause the lighting facilities to be turned on during other than normal hours, without the written consent of the City Manager or such other person as the City Council may designate.

3-7-6 Animals in City Park

No animals shall be allowed in City parks, golf courses, playgrounds or ball fields, unless such animals are leashed and under the direct physical control of the owner.

3-7-7 Camping

No person shall sleep overnight or camp overnight in any City park or its adjacent streets, except by written permit issued by the City Manager or other person designated by the City Council.

3-7-8 Garbage and Trash

No person shall dump, spill, deposit, place, throw or leave refuse, rubbish, filthy or odor causing objects, substances or other trash in the parks, playgrounds, ball fields, golf course or any other City-owned or operated recreation area. No trash, except that associated with picnic activity at the part or recreation area shall be deposited in the trash receptacles provided by the City at these locations.

3-7-9 Glass Bottles or Containers

No person shall bring glass bottles or containers into or on the premises of the parks, playgrounds, ball fields, golf course or any other City-operated recreation area.

3-7-10 Use Contrary to Regulations; Permit Required

Any individual or group who wishes to use parks in a manner contrary to this Chapter must obtain a park use permit from the City Manager or other person designated by the City Council.

3-7-11 Additional Rules and Regulations; Authority

The City Council may adopt additional rules and regulations from time to time as they deem reasonably necessary for the safety and efficient use by the public of the parks.

ARTICLE 3-8: NOISE

3-8-1 Unreasonable Noise Generally Prohibited
3-8-2 Loud Radios, Sound Sets, and the Like
3-8-3 Vehicular Noise
3-8-4 Construction of Buildings or other Projects
3-8-5 Exemptions
3-8-6 Penalty for Violations

3-8-1 Unreasonable Noise Generally Prohibited

A. It shall be unlawful for any person to make, continue or cause to be made or continued, within the limits of the City, any disturbing, excessive or offensive noise that causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The characteristics that should be considered in determining whether a violation of the provisions of this section should include, but not be limited to, the following:
   1. The level of the noise;
   2. Whether the noise is usual or unusual;
   3. Whether the noise is natural or unnatural;
   4. The level of the ambient noise in the area;
   5. The proximity of the noise to sleeping facilities;
   6. The nature and zoning of the area from which the noise emanates, and the area where it is received;
   7. The time of day or night the noise occurs;
   8. The duration of the noise; and
   9. Whether the noise is recurrent, intermittent or constant.

3-8-2 Loud Radios, Sound Sets, and the Like

A. The use or operation of any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loud speakers and sound amplifier, or other similar machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet or comfort of any reasonable person of normal sensitivity in any area of is prohibited; provided, however, this provision shall not apply to any participant in a parade, gathering or similar activity who has been authorized by the City to engage in such conduct.

B. Any of the Following Shall Constitute Prima Facie Violations of this Section:
   1. The operation of any device set forth in subsection a. Hereof between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at a distance of one hundred feet or more from the building, structure, vehicle or area where the source is located.
   2. The operation of any sound amplifier, which is part of, or connected to, any radio, stereo receiver, compact disc player or other similar device, when operated in such a manner as to be plainly audible at a distance of one hundred feet or more from the source, or when operated in such a manner as to cause a person to be aware of vibration accompanying the sound at a distance of one hundred feet or more from the source.

3-8-3 Vehicular Noise

A. It shall be unlawful for any person within any residential area of the City to repair, rebuild or test any motor vehicle between the hours of 9:00 p.m. and 6:00 a.m. in such

a manner as to create any excessive, unnecessary or offensive noise, such that a reasonable person or normal sensitivity residing in the area is caused discomfort or annoyance.

B. No person shall operate, or cause to be operated, any motor vehicle within the City unless the exhaust system of such vehicle:
   1. Is free from defects which may cause sound level magnification;
   2. Is equipped with a functioning muffler;
   3. Has not been modified in such a manner which will amplify or increase the sound level emitted by the motor vehicle above that emitted by a muffler originally installed on the vehicle as manufactured for initial sale.

C. The use of any and all exhaust brakes, engine brakes, engine retarders, or similar devices shall be prohibited within the City; provided, however, that it shall be an affirmative defense to a violation of this paragraph that such device was used by the operator as a result of a bona fide emergency, and was reasonably necessary for the protection of persons and/or property.

3-8-4 Construction of Buildings or Other Projects

A. General prohibition. It shall be unlawful for any person to operate equipment or perform any outside construction or repair work on buildings, structures or projects, or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist or any other construction-type device, except within the time periods specified in this section, unless an appropriate permit authorizing different times has been obtained beforehand from the City.

B. Construction start/stop times.
   1. Construction in residential zones. From April 15 to October 15, inclusive, all construction or repair work conducted within five hundred feet of a residential property zone shall not begin prior to 5:00 a.m. and must stop by 9:00 p.m. each day. From October 16 to April 14, inclusive, such work may only be conducted between the hours of 6:00 a.m. and 7:00 p.m.
   2. Other construction in commercial or industrial zones. Construction and repair work in commercial or industrial zones (not located within five hundred feet of a residential property zone) shall not begin prior to 5:00 a.m. and must stop by 9:00 p.m.
   3. Weekends and holidays. Notwithstanding any other provision of this section, construction or repair work shall not begin prior to 6:00 a.m. on any Saturday, and 7:00 a.m. on any Sunday or state or federal holiday.

C. Permits. Construction and repair work may be conducted at different times than otherwise permitted, if upon written application, a permit is obtained beforehand from the City manager or his designee. The permit shall be kept on the work site and shown to building or law enforcement officials on request. In granting such permit, the City manager or his designee shall consider if construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of different population levels or different neighboring activities; if obstruction and interference with traffic, particularly on streets of major importance, would be less objectionable at night than during the daytime; if the kind of work to be performed emits noises at such a low level as not to cause significant disturbance in

the vicinity of the work site; if the neighborhood of the proposed work site is of such a character wherein sleep could be disturbed; if great economic hardship would occur if the work was spread over a longer time; if the work will abate or prevent hazards to life or property; if proposed early morning or night work is in the general public interest; and, he shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise emissions as he deems to be required in the public interest. No permit shall be required to perform work performed to prevent or alleviate physical trauma or property damage threatened or caused by an emergency, which has or may result in a disruption of service, and which is necessary to protect the health, safety and welfare of persons or property.

D. Revocation of permits. The City manager or his designee may revoke any permit granted hereunder, upon complaint based upon evidence that the construction activity caused significant disturbance in the vicinity of the work site.

E. Notice to stop work. Whenever any work on a construction project is in violation of any provision of this section, the City may, in addition to other remedies for the violation, order the construction project stopped by notice in writing served on any persons responsible for the project, and all persons thereafter shall stop work on the project until authorized by the City to once again proceed with such work.

3-8-5 Exemptions

A. The following uses and activities shall be exempt from the provisions of this chapter:
   1. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;
   2. Noises created by any City vehicle, equipment or facility while being operated for official use;
   3. Operation of agricultural equipment in connection with farming operations;
   4. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations or air traffic control instructions pursuant to, or within, duly adopted federal air regulations, together with any noise created by aircraft operated under, or pursuant to, declaration of an emergency under federal air regulations;
   5. Noises resulting from "emergency work," which, for purposes of this section, shall mean work performed to prevent or alleviate physical trauma or property damage threatened or caused by an emergency, which has or may result in the disruption of utility or other vital service, and which is reasonably necessary to protect the health, safety and welfare of persons or property.
   6. Noises resulting from a special event being held within the City. (i.e. Parades, Navajo County Fair or High School sporting events.)

3-8-6 Penalty for Violations

A. Treatment as civil violation. A violation of any provision of this chapter shall be prosecuted as a civil offense, and the hearing officer shall impose a civil sanction of not less than two hundred fifty dollars, nor more than two thousand five hundred dollars, for each violation.

B. Habitual offender. A "habitual offender" is a person who commits a violation of any provision of this chapter, after having previously been found responsible for two or more violations within a twenty-four-month period, whether by admission, by payment of the fine, by default or judgment after hearing. For purposes of this

section, the dates of calculating the twenty-four-month period shall be the dates of commission of the offenses. Offenses committed by habitual offenders, as defined herein, shall be treated as a class 1 misdemeanor, punishable by a sentence of incarceration not to exceed six months, a fine not to exceed two thousand five hundred dollars (exclusive of penalty assessments prescribed by law), or both. The court shall not suspend the imposition of the minimum sanction unless the court finds by a preponderance of the evidence that the person has corrected every violation for which he was found responsible, and that the person is in compliance with this chapter. In that event, the court may, in its discretion, suspend all but one hundred fifty dollars ($150.00) of the sanction upon such conditions as the court deems just.

C. Criminal.
   1. Every person who intentionally, knowingly, willfully or recklessly causes, allows, suffers or permits a violation of this chapter to exist with respect to such land, building or structure commits a class one misdemeanor.
   2. Upon conviction, the court, at a minimum, shall sentence the defendant to a fine of not less than two hundred fifty dollars ($250.00) and to probation for not less than one year. The court may suspend the imposition of the minimum fine or probation unless the court finds by a preponderance of the evidence that the defendant has corrected every violation for which the defendant was found guilty, and that the defendant is in compliance with this chapter. In that event the court may, in its discretion, suspend all but one hundred dollars ($100.00) of the fine on the condition that the defendant does not commit another criminal violation of this chapter for three (3) years following the date of sentencing.

D. Actions not exclusive. The City's election to prosecute a civil or criminal action to enforce the provisions of this chapter does not limit or restrict the City's ability to bring against the defendant any other action authorized by law.

E. Violations-separate violations on daily basis. Each violation of this chapter shall constitute a separate violation for each day that the owner permits the violation to occur, and may be prosecuted and punishable as an individual and separate offense for each day that the owner permits the violation to occur.

(Ordinance 10-12)

CHAPTER 4
PUBLIC WORKS AND UTILITIES

4-1 CITY STREETS
4-2 UTILITIES
4-3 UTILITY CHARGES AND ACCOUNTING SYSTEM
4-4 CONNECTION TO UTILITY SYSTEM
4-5 LIABILITY
4-6 CONSUMER RESPONSIBILITIES
4-7 IRRIGATION
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ARTICLE 4-1: CITY STREETS

4-1-1 Purpose
4-1-2 Definitions
4-1-3 Standards
4-1-4 Street Surface
4-1-5 Curbs and Gutters
4-1-6 Sidewalks
4-1-7 Easements
4-1-8 Council Approval

4-1-1 Purpose

This Article is intended to protect the public's safety and general welfare and promote orderly growth. It is the purpose of this Article to establish the specific standards by which the City of Holbrook will accept a street dedicated to the City.

4-1-2 Definitions

A. "Owner" means the person or persons holding title by deed or as vendee under contract, or holding any other title of record, either legal or equitable.

B. "Street" means a way for vehicular or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, freeway, road, boulevard, avenue, land, place or highway otherwise designated and shall include any such way upon any map or plat filed or recorded in the office of the County Recorder and shall include all of the land between the right of way lines on any map or plat. Streets shall be further designated as follows:
   1. "Arterial Street" means any such way or road which conveys traffic between towns, or other urban areas. An arterial street can only be designated as such by resolution of the Council.
   2. "Collector Street" means any street which provides for traffic movement between neighborhoods and arterial streets. A collector street provides access to arterial streets.
   3. "Primary Street" means any street which provides for traffic movement from neighborhoods to collector or arterial streets. Due to location, signage, and topography the primary street does not carry the traffic volume of a collector street.

4. "Secondary Street" means any other street, including those which provide access to residential, commercial, industrial or other lands, or which connects to any collector or arterial street, and includes cul-de-sac streets, which are any local streets having one end permanently terminated.
5. "Alley" means any public service way used to provide secondary vehicular or pedestrian access to properties otherwise abutting upon a street, or used to provide pedestrian access between streets or public areas.

4-1-3 Standards

A. Widths - All streets shall be designed and constructed with the following widths:

Streets	Right-of-Way Width	Minimum Paving Width
Arterial Streets	80 ft.	60 ft.
Collector Streets	60 ft.	40 ft.
Primary Streets	50 ft.	32 ft.
Secondary Streets	50 ft.	32 ft.
Alleys	20 ft.	
Easements	16 ft.	

B. Intersections - Street intersections with more than four legs and Y-type oblique intersections where legs meet at acute angles of less than sixty (60) degrees shall be avoided. All intersections shall have a minimum curve radius of thirty feet.

C. Cul-de-Sac - Cul-de-sacs or dead-end streets shall be terminated by a turn-around area not less than one hundred (100) feet in diameter. The maximum length of cul-de-sac streets shall be three hundred (300) feet.

D. Alleys - Alleys are not required but may be constructed in residential, commercial or industrial zones. Surface treatment of all alleys shall be provided to minimize chuck holes, dust and drainage problems. Public utilities, including gas, electriCity, telephone, water, and sewer may be located in alleys.

4-1-4 Street Surface

A. Arterial streets shall have a twenty-four (24) inch gravel base, the bottom twenty (20) inches of which shall be select materials and the top four (4) inches of which shall be ABC rock.

B. Collector streets shall have an eighteen (18) inch base, the bottom fourteen (14) inches of which shall be select materials, and the top four (4) inches of which shall be ABC rock.

C. Local streets shall have a twelve (12) inch gravel base, the bottom of which shall be select materials, and the top four (4) inches of which shall be ABC rock.

D. All streets shall be surfaced with four (4) inches of asphaltic or bituminous cake.

E. Alleys and pedestrian ways need to be surfaced only with six (6) inches of compacted gravel base, unless otherwise directed by the Street Superintendent.

F. The above standards may be modified with geotechnical investigation or engineering designs approved by the City Council or by the City Engineer. (Ordinance 13-12)

4-1-5 Curbs and Gutters

Curbs and gutters shall match existing installations or, if none exist, shall conform to the engineering standard details outlined in Maricopa Association of Governments (MAG) specifications and be installed in accordance with specifications and type set forth by the City Engineer. The City Engineer may waive the required curb and gutter requirements.

4-1-6 Sidewalks

Concrete sidewalks shall normally be required on both sides of streets and shall be constructed to a width, line and grade in accordance with specifications and standards set forth by the City Engineer.

4-1-7 Easements

The owner is responsible to obtain all the necessary easements for public utilities, storm drains and flood control channels.

4-1-8 Council Approval

A. Prior to the acceptance of any street dedicated to the City, the owner shall make all of the necessary improvements to meet the specific standards of this Chapter, or any other section this Code.

B. It is the City Council's decision to accept or reject any street dedicated to the City.

ARTICLE 4-2: UTILITIES

4-2-1 Council to Set Rates
4-2-2 Control of City Utilities
4-2-3 Creation and Composition

4-2-1 Council to Set Rates

All rates charged to users of the City utilities which include water, wastewater and sanitation systems shall be set by resolution from time to time by the City Council in accordance with applicable state law.

4-2-2 Control of City Utilities

The City Council may from time to time by ordinance or resolution, as may be appropriate, amend and change the regulations to govern its City utilities. The City manager and department heads of the utilities may make such other rules as are necessary to properly administer and enforce this chapter.

4-2-3 Creation and Composition

A. There is hereby created the following utilities: The City of Holbrook Water Department, the City of Holbrook Sanitation Department and the City of Holbrook Wastewater Department.

B. The City Manager may appoint a superintendent over the departments who shall be responsible for the operation of said department and the enforcement of this chapter.

ARTICLE 4-3: UTILITY CHARGES AND ACCOUNTING SYSTEM

4-3-1 Annual Estimates; User Charges Imposed
4-3-2 Monthly Charges
4-3-3 Charges as Personal Debt
4-3-4 Charges as Lien
4-3-5 Cost Distribution
4-3-6 Cost Assessments
4-3-7 Operation, Maintenance and Replacement Costs
4-3-8 Annual Cost Review and Revisions
4-3-9 Revenue Generated by User Charge System
4-3-10 Incorporation of User Charge System
4-3-11 Discounts
4-3-12 User Charges Fixed by Percentages
4-3-13 Administrative and Handling Charge
4-3-14 Unit Charges
4-3-15 System Buy-In Charge
4-3-16 Additional Charges
4-3-17 Payment Responsibility
4-3-18 Monies to be Placed in Utility Fund
4-3-19 Minimum Rates
4-3-20 Utility Bills
4-3-21 Incorrect Bills
4-3-22 Turn Offs and Turn Ons
4-3-23 Unoccupied Units Liable
4-3-24 Commencement of Charges
4-3-25 Records
4-3-26 Contract Responsibility
4-3-27 Discontinuance Under Certain Conditions
4-3-28 Vacation (water only) Rates

4-3-1 Annual Estimates; User Charges Imposed

A. The City manager may annually prepare an estimate of anticipated costs for each category of user-charge or user-fee for the City utilities for the forthcoming fiscal year. These estimates shall be made in the form of a rate resolution and may be proposed to the City Council for enactment by July 1st of each year.

B. A bill shall be produced and submitted to each user every month on a billing cycle established by the City. Utility service charges and fees are imposed upon all users of the utility system of the City whenever service is turned on whether or not the property is occupied in accordance with Council policies covering rates.

4-3-2 Monthly Charges

A. The monthly charges and fees for all utility services shall be part of the utility bill each month. Such charges shall become delinquent upon the same date as the utility bill upon which same is charged.

B. If the fee for any utility service is not paid when due, utility services to the premises may be shut off, as in case of delinquency in payment of utility bill, and such service shall not be restored without payment in full to date plus the reconnection charge.

4-3-3 Charges as Personal Debt

Every charge or fee levied by the Council shall become, from the time they are due and payable, a personal debt of the user, to or from whom such service is supplied and may be collected by action in court instituted in the name of the City by its attorney upon the request of the City manager. Such remedy shall be in addition to any other existing remedies provided by this code.

4-3-4 Charges as Lien

Each charge or fee levied by or pursuant to this code is a lien upon the real property of the users to or for whom such services are supplied. Such lien shall attach immediately upon the providing of the service pursuant to this code. If such charge or fee is not paid within thirty days after it shall become due and payable, the City may issue a notice and claim a lien setting forth the name of the user owing such charge or fee, the amount owed, the penalty accrued, if any, the period for which fees are due and stating that the City claims a lien therefor and description of the property liened. When the lien is filed, the cost of preparing, processing and releasing such lien shall be added to all charges then due.

4-3-5 Cost Distribution

The charges and fee system used by the City should result in a proportionate distribution of the cost of operation, maintenance and replacement of treatment works to each user (or user class). User charges, user fees and additional charges shall be based on an equitable system as may be determined from time to time by a resolution of the City Council.

4-3-6 Cost Assessments

A. Strength, volume and flow rate characteristics are the basis for assessing the costs to each user (or user class) in addition to charges for operation, maintenance, replacement, administration and handling. The unit charges shall be applied to each user's total metered flow and shall be known as the user charge.

B. A monthly user fee shall be assessed to all consumers at a fixed rate for all consumers to recover those other water and wastewater and sanitation system costs, extras, capital outlay and debt service not included in operation, maintenance, replacement, administration and handling charges.

4-3-7 Operation, Maintenance and Replacement Costs

A. For the first year of operation, maintenance and replacement costs may be based upon past experience for existing treatment works. Afterwards, operation and maintenance charges for the utilities shall be based upon those costs incurred during the previous fiscal year and modified in accordance with the expected changes in the water system or wastewater system, including the addition of new equipment wells, or treatment facilities.

B. Replacement charges shall be sufficient to replace any equipment in the utility system owned by the City, as required, in order to assure the continued peak performance of the equipment and to maintain the capaCity for which the utility systems were designed and constructed. The replacement costs shall be based upon the evaluation of the City manager and updated as necessary in order to account for changes in estimated service life of equipment due to preventive maintenance and repair.

4-3-8 Annual Cost Review and Revisions

The City shall review user charges annually and revise them periodically to reflect utility system operation, maintenance and replacement costs.

4-3-9 Revenue Generated by User Charge System

The user charge system must generate sufficient revenue to offset the cost of all the utility system's operation, maintenance and replacement cost.

4-3-10 Incorporation of User Charge System

The user charge system must be incorporated in one or more municipal legislative enactments or other appropriate authority (i.e., water use ordinance or resolution).

4-3-11 Discounts

A user charge system may not contain quantity discounts to large volume users.

4-3-12 User Charges Fixed by Percentages

User charges may be established on a percentage of the charge for water usage if the water charge is based on a constant cost per unit of consumption.

4-3-13 Administrative and Handling Charge

The administrative and handling charge shall include the administrative overhead associated with the operation and maintenance of the utility system and all of the costs for billing, meter reading and collection associated with the utility system. The administrative and handling charge shall be based upon the cost incurred during the billing year.

4-3-14 Unit Charges

The user charge shall be based upon metered water use. The unit charge per gallon of water metered shall be calculated by dividing the total of the adjusted operation, maintenance, replacement, administrative and handling charges for the previous fiscal year by the total gallons of metered water projected to be sold during the billing year.

4-3-15 System Buy-In Charge

In addition to the utility services fees provided in this chapter, there shall be a mandatory charge per consumer, per new water connection being served by the water system. This charge shall be equivalent to the consumer's share of the City's capital cost of the water system and shall be set from time to time by resolution of the City Council.

4-3-16 Additional Charges

Additional charges shall be billed, as required, for the following:

A. Actual costs incurred for user requested samplings and analyses.

B. Actual costs incurred for water meter inspection requested by the user or as required because of improper maintenance.

C. Actual costs incurred for special handling not provided for elsewhere in this chapter.

D. Actual costs incurred for handling a user's check because of non-sufficient funds.

E. Estimated cost incurred for making a water or wastewater connection.

F. Actual cost incurred for engineering and design review.

G. Actual cost incurred for inspections required during construction.

4-3-17 Payment Responsibility

The individual in whose name the service fee is made shall be responsible for payment of all bills incurred in connection with services furnished.

4-3-18 Monies to be Placed in Utility Fund

A. All user charge monies shall be placed in the utility fund. Such monies shall be used only to cover the costs of operation and maintenance, replacement, administrative handling and other costs as outlined in this chapter.

B. Expenditures shall be made from the user charge monies by the City manager in accordance with the detailed annual budget, ordinances and resolutions authorized by the City Council.

C. Expenditure from the accrued replacement reserve on facilities shall be for making renewals to accommodate wear of physical elements or movable property that would result in the extended useful life or meet the anticipated useful life of the utility facilities.

4-3-19 Minimum Rates

Service for a time period less than a month shall be charged at the minimum monthly user fee plus the appropriate user charge.

4-3-20 Utility Bills

A. All utilities shall be billed monthly. Water meters shall be read each month, and a separate bill shall be rendered for each account and mailed no later than the first (1st) day of each succeeding month, or as soon thereafter as possible. All utility bills shall be due on or before the fifteenth (15th) of the month following the reading of the meter. Bills shall become delinquent after the twenty-fifth (25th) day of the month. Service may be discontinued after notice has been provided as specified in this section, service shall not be reconnected until all amounts are paid in full, or arrangements with the City Manager are made to pay the bill. Additional charges for disconnecting and reconnecting service must also be paid before reconnection. The City reserves the right to vary the dates or length of the billing period, either temporarily or permanently, if necessary or desirable. (Ordinance 05-02)

B. If a bill is delinquent as provided in subsection A of this section, the City shall give written notice to the user that the water may be turned off from the property serviced. Such notice shall provide the customer an opportunity for a hearing before a designated City employee.

4-3-21 Incorrect Bills

Any consumer may present a claim to the City if he believes that he may have an incorrect utility bill. Such claim shall be presented in person at the City hall before such

bill becomes delinquent, provided that the consumer may make a claim following payment of his bill and his payment shall not prejudice his claim. Such claim shall not exempt the consumer from delinquency penalties if he fails to pay his bill on time.

4-3-22 Turn Offs and Turn Ons

The charge for each turn-off and each turn on of water or wastewater service for reasons other than change of occupancy may be made in an amount to be included in the utility rate schedule. These charges shall be set from time to time by the City Council. New or broken meters are required to have a turn off valve installed.

4-3-23 Unoccupied Units Liable

The user fee for additional residential units shall apply regardless of whether the residential unit is occupied or unoccupied.

4-3-24 Commencement of Charges

The City shall commence service charges for a consumer when the water meter is installed and the water or wastewater connection is made, regardless of whether water is used or not used.

4-3-25 Records

The City shall keep a record of all utility connections, the purpose for which they are used, with the name and address of the property owner, his agent or representative.

4-3-26 Contract Responsibility

All regulations contained in this chapter shall be considered a part of the contract of every resident of the City taking utility service from the City, and such resident taking utility service shall be considered as having expressly consented to be bound thereby. Consumers outside the City limits shall, upon application for utility service, be required to sign a statement agreeing to the regulations set forth in this chapter.

4-3-27 Discontinuance Under Certain Conditions

The City may discontinue utility service under any of the following conditions:

A. To prevent fraud or abuse.

B. Failure to obey City rules pertaining to utility service.

C. Emergency repairs.

D. Insufficient supply caused by factors outside the control of the City.

E. Legal process.

F. Direction of public authorities.

G. Local emergency requiring emergency measures.

H. Tampering with meter by the consumer.

I. Failure to pay water, sewer and/or sanitation bills in a timely manner.

J. For any other reason that is necessary for the efficient, economical management or for the health, public safety and welfare of the community or to protect the utility system.

4-3-28 Vacation (water-only) Rates

Any private resident of the City of Holbrook with City utility service may request a vacation or "water only" account by signing a contract with the City that meets the following criteria:

A. Billing for the account will be for minimum water-use for the period specified.

B. Sewer and refuse/trash services will not be billed.

C. The effective date for the services will be the date the contract is signed by the private resident.

D. The minimum amount of time for the contract is sixty (60) days. The maximum period of the contract is 180 days. If a resident is gone for more than 180 days, then the private resident must terminate services and re-establish services upon returning to the City.

E. All refuse containers shall be picked up by the City and returned to the residence upon reestablishment of residency.

F. Occupancy of the residence for any reason or for any length of time during the term of the "water only" account shall be justification for termination of the contract and reestablishment of full billing at the City's discretion. The City also will have discretion to retroactively bill for past services.

G. Regular billing for the "water-only" account will be done in the same manner as other utility billing for City pursuant to this code and all conditions for payment of utilities shall be met.

H. An administrative penalty shall be issued on any broken contract with the City, the amount to be determined from time to time.

I. Provisions of the Contract may be modified from time to time to meet the needs of the City and/or the residents.

(Ordinance 05-14)

ARTICLE 4-4: CONNECTION TO UTILITY SYSTEM

4-4-1 Application for Utilities
4-4-2 Grounds for Rejection of Application
4-4-3 Violation of Application Provisions
4-4-4 Permit Required
4-4-5 Regulations for Size, Location and Construction of Building Connections
4-4-6 Special Provisions for Installing Building Connections in New Subdivision Developments
4-4-1 Interference Unlawful

4-4-1 Application for Utilities

Application for the use of utilities shall be made at the City hall, to the City manager, by the owner or agent of the property to be benefitted, designating the location of the property and stating the purpose for which the utilities may be required.

4-4-2 Grounds for Rejection of Application

The City may reject any application for utility service for any good and sufficient reason, including the following: service not available under a standard rate, service which involves excessive service expense; service which may affect the service to other consumers; service when the applicant is delinquent in payment of bills incurred for service previously supplied at any location, or for any other reason that is necessary for the prudent, efficient and economical management and protection of public health, safety and welfare of the utility system as from time to time may occur.

4-4-3 Violation of Application Provisions

For violation of any of the provisions relating to application for service, the City may, at the expiration of seven days after mailing written notice to the last known address of the consumer, remove the meter and discontinue service. Where the meter is thereafter reinstalled, the consumer shall first pay to the City a reinstallation charge.

4-4-4 Permit Required

No unauthorized consumer shall uncover, make any connections with or opening into, use, alter or disturb any City utility.

4-4-5 Regulations for Size, Location and Construction of Building Connections

The City shall impose such regulations for size, location and construction of building connections as it deems adequate, necessary and consistent with the utility policy.

4-4-6 Special Provisions for Installing Building Connections in New Subdivision Developments

In new subdivisions or developments where water system extensions are authorized by the City and constructed at the developers expense, the City may authorize the developer or his agent (if the developer so desires) to install building connections and to connect the water within a new subdivision or development provided detailed plans of the entire water system and plumbing systems (if applicable) are approved and individually inspected in advance, and all specifications of the City are fully complied with by the developer or subdivider.

4-4-7 Interference Unlawful

It is unlawful for any person to interfere in any manner with the distribution of water, or to turn on any water supply furnished by the City, without the authority of the superintendent of the water department; and it is unlawful to use water furnished by the

City after the same has been turned off and the service discontinued by the superintendent of the water department without first having the same turned on by the superintendent of the water department.

ARTICLE 4-5: LIABILITY

4-5-1 Interruption of Service
4-5-2 Liability Limited

4-5-1 Interruption of Service

The City shall not be responsible for any interruption of water and sewer service caused by forces beyond its control.

4-5-2 Liability Limited

No liability shall attach to the City for any injury or damages that may result from turning on or shutting off the water in any main, service connection or pipe; or the restriction of use or discontinuance of any water service, or any failure of the water supply, regardless of any notice or lack of notice thereof. The City shall not be held liable, in any respect, for the condition, defects, failure or use of any pipe, connection, fixture or appurtenance not belonging to the City on any premises or for loss of damage resulting therefrom.

ARTICLE 4-6: CONSUMER RESPONSIBILITIES

4-6-1 Consumer Water Facilities
4-6-2 Consumer Negligence
4-6-3 Right-of-Way
4-6-4 Installation of Lines
4-6-5 Protection of City Property
4-6-6 Supplying of Water to Others Prohibited
4-6-7 Commercial Use
4-6-8 Sprinkling Restrictions
4-6-9 Waste of Water Prohibited
4-6-10 Inspections

4-6-1 Consumer Water Facilities

The consumer shall have complete responsibility for the installation and maintenance of adequate water facilities on the premises, and the City shall not in any way be responsible for the installation, maintenance, inspection or damage of such facilities or damage caused by any defect in such facilities on the consumers premises. Such facilities shall be maintained by the consumer in full compliance with any and all rules and regulations of the City in addition to applicable state statutes. On new meters, the consumer is responsible to install a shut-off valve for water to their premises.

4-6-2 Consumer Negligence

The cost of any damage to the City water system or injury to City employees caused by the negligence of any consumer and which requires any repairs, replacement or damages shall be added to that consumer's bill, and if such charges are not paid, water service may be discontinued.

4-6-3 Right-of-Way

Each consumer shall provide to the City such easement and right of way as is necessary to provide water and sewer service to that consumer.

4-6-4 Installation of Lines

The City may refuse to provide service unless the lines or piping are installed on the premises so as to prevent cross-connections or back-flow.

4-6-5 Protection of City Property

The consumer shall guarantee proper protection for City property placed on his premises and shall permit access to it only by authorized representatives of the City.

4-6-6 Supplying of Water to Others Prohibited

No consumer will be allowed to supply water service to non consumers in violation of procedures established by the Holbrook Water Department and this chapter. The City reserves the right to shut off the supply for abuses of water privileges.

4-6-7 Commercial Use

Any new water service for commercial use shall not be included as a residential service account and shall have a separate meter and connection.

4-6-8 Sprinkling Restrictions

In case of water shortage or scarcity, the Council may by resolution place any restrictions

which it deems necessary upon the use of water for irrigation or sprinkling purposes.

4-6-9 Waste of Water Prohibited

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. All water outlets, including those used in conjunction with hydrants, urinals, water closets, bathtubs and other fixtures, shall not be left running for any purpose other than the use for which they were intended. In addition to the penalty provided herein for code violations, the water supply may be turned off where any such waste occurs.

4-6-10 Inspections

Whenever in the judgement of the City manager it is deemed necessary, he or his designee may inspect the premises or buildings of any water consumer for the purpose of examining the condition of all pipe, motors, meters and fixtures, or the manner in which the water is used. He shall be vigilant to protect and remedy all abuses whether from waste or other improper use of water.

ARTICLE 4-7: IRRIGATION

4-7-1 Proper Borders to Retain Water
4-7-2 Waste of Irrigation Water Prohibited

4-7-1 Proper Borders to Retain Water

A. Any lot which receives water from the City and uses said water for irrigation purposes shall be prepared with proper borders. If the lot does not have proper borders then the City may prevent further irrigation until such time as proper borders are prepared.

B. If service is discontinued for the reasons set forth in this section, no refund of user fees shall be given.

4-7-2 Waste of Irrigation Water Prohibited

It is unlawful for any person to willfully waste water used for irrigation or willfully allow the same to run upon the public streets or alleys of the City or upon the property of another.

ARTICLE 4-8: WATER

4-8-1 Availability
4-8-2 Definitions
4-8-3 Service Areas
4-8-4 Connections
4-8-5 Water Meters
4-8-6 Design Criteria
4-8-7 Financing Lines or Mains
4-8-8 Water Service
4-8-9 Temporary Facilities
4-8-10 Other Conditions

4-8-1 Availability

Domestic, commercial and industrial water service is available in the City of Holbrook service area under various conditions and limitations as specified in this chapter.

4-8-2 Definitions

In this chapter unless the context otherwise requires:

A. "Consumer" means a person, firm or corporation contracting with the City for the furnishing of water or sewer services to property subject to the following classifications:

B. "Apartment Consumer" means any apartment house or complex which has multi-service connection through one master meter. This classification shall be considered a residential consumer.

C. "Commercial Consumer" means any premises located within the service area on which a commercial business is operated, other than a home occupation business.

D. "Industrial Consumer" means any commercial or industrial consumer whose water usage exceeds two hundred thousand gallons per month.

E. "Residential Consumer" means all consumers other than defined in apartment, commercial, industrial and trailer park and mobile home consumers, provided that it is a residential unit served by one meter.

F. "Trailer and Mobile Home Park Consumer" means any property, park or complex containing trailers or mobile homes which has multi-service connection through one master meter. This classification shall be considered a residential consumer.

G. "Non-Potable Water Consumer" means all consumers who receive non-potable water from the City for personal use.

H. "Distribution Mains" means the street or alley mains required to service consumers with water supply and fire service.

I. "Feeder Mains" means intermediate sized mains.

J. "Trunk Mains" means that portion of the water system which consists of large pipes serving as a supply main or feeder main and further defined as:

1. "Supply mains" means the pipes carrying the water supply from City wells to the City of Holbrook.
2. "Arterial mains" means large mains forming a loop in the City and mains on approximate section lines forming the major grid system.

K. "Water Services" means the service pipes from a water main to the consumer's meter.

4-8-3 Service Areas

Service areas are divided into two geographic areas as follows:

A. City of Holbrook: Area consists of all connections within the City limits of Holbrook.

B. Rural Service Area: Area consists of all connections outside of the City limits of Holbrook.

4-8-4 Connections

A. Approval Required. All water connections shall be approved by the City, and the actual connection into the main water lines shall be accomplished by the City personnel. A developer who wishes to extend water facilities must employ a civil engineer registered in Arizona to perform the field engineering and prepare detailed plans and specifications for the water main extension. The final detailed plans and specifications for the water main extension must be approved by the Arizona Department of Environmental Quality and the City prior to construction. No construction of such facilities shall be commenced until such approvals are obtained in writing.

B. Permit Required. All connections to the City water lines shall require the issuance of a permit by the City. The permit will be issued upon approval as provided in this chapter, the payment of the water system fees, and all other charges required by this chapter.

C. Separate Connections. A separate water connection to the City main water line shall be constructed for every separate building. Any exceptions require the written permission of the City. No person having a water service connection shall permit a connection to that water service connection by another person or user whether gratuitously or for charges.

D. Construction. The construction shall meet the City requirements and approval and will be subject to inspection by the City during construction. Connections from inflow sources to the water system shall be prohibited. Inflow is a prohibited substance.

4-8-5 Water Meters

A. Meters to be Used. All water sold by the City shall be metered by meters which shall be owned and kept in repair by the City.

B. Suitable Placement. The City may install a water meter on the property line or on the consumers property in such location as deemed necessary and which is conveniently accessible by a meter reader.

C. Single Meter. Water pipes and equipment belonging to the consumer shall be so arranged to permit the placing of a single water meter for that property convenient to the City. If the water pipes and equipment belonging to the consumer are not arranged to permit such placement of a meter, and additional meters are required, each such additional meter shall be considered as an additional account and shall be so billed.

D. Grouping of Meters. When two or more meters are installed on the same premises for different consumers, they shall be closely grouped and each meter shall be clearly marked as to the consumer to whom it belongs.

E. Water Meter Failure. If a reading cannot be taken, a bill shall be estimated by the City based on previous usage.

F. Meter Tests. Any consumer may, upon written application accompanied by a deposit in an amount to be included in the rate schedule, have his meter tested for accuracy by the City. If the meter registers a divergence from accuracy greater than three percent, the deposit shall be refunded to the applicant and the indicated adjustment made in the water service charges for a total period not longer than the current period and the monthly period immediately preceding. If a meter so tested registers within three percent of accuracy, the deposit shall be retained by the City as a fee to pay the cost of such test. All inaccurate and defective meters shall be replaced at no charge to the consumer by the City immediately when detected.

4-8-6 Design Criteria

The following basic design criteria shall be used for design of all new construction. All water mains shall be designed in accordance with criteria in the latest edition of the Rules and Regulations as promulgated by the Arizona Department of Environmental Quality.

4-8-7 Financing Lines or Mains

Main extensions are the responsibility of the subdivider or the users involved and may be paid for by one or more of the following:

A. Subdividers and/or owners contracting or installing the improvements and furnishing same to the City.

B. Cash escrow payments to the City guaranteeing costs of construction, engineering and overhead.

C. Special improvement districts formed pursuant to Title 9 or 11 of the Arizona Revised Statutes for City or county special improvement districts.

D. Written contractual agreement with the City setting forth conditions of payment and construction.

4-8-8 Water Service

Consumer water service shall be constructed to meet the Uniform Plumbing Code Standards, latest adopted edition. That portion of the service line on consumers premises on consumer side of the meter is the consumer's responsibility. The consumer must pay for the water service and appurtenances, including the meter, under one of the following conditions:

A. New Mains and Mains in New Areas: The subdivider or owner at time of construction of water mains shall construct all service in accordance with design and location approved by the City.

B. Existing Mains: The City, upon payment of costs in advance, will tap the main and run the water service to the meter. Consumer must provide space on his property within three feet of property line nearest to main for installation of meter and meter box. The City may allow an approved licensed contractor to tap main and run service line. Permit and drawings must be approved in advance by the City.

C. However, when necessary, as determined by the Water Department Supervisor, customers may be required to install backflow prevention devices. The requirements of Arizona Administrative Code R 18-4-115 will be followed. Section R 18-4-115 of the Arizona Administrative Code is hereby incorporated by reference into the City Code.

4-8-9 Temporary Facilities

Temporary consumers or others using temporary facilities shall pay for all temporary facilities installed and be credited for all materials salvaged by the City.

4-8-10 Other Conditions

At any time when the utility is requested to relocate, construct, rearrange, convert or otherwise alter its facilities or provide special facilities for a consumer or developer, the City reserves the right to enter into a special contract with said consumer or owner as mutually agreed, approved and signed by the City and owner.

Article 4-9: WASTEWATER

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4-9-3 Service Area
4-9-4 Design Criteria
4-9-5 Extension Limitations
4-9-6 Special Condition Extensions
4-9-7 Approval by City
4-9-8 Main Sewer Extension Policy for Areas Beyond Present City Trunk Lines
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4-9-19 Interference with the Wastewater Department; Digging up Streets Without a Permit; Tempering with Equipment Prohibited
4-9-20 Property Owner Responsible for Cleaning, Repair and Replacement of Building Sewers and Connections
4-9-21 Grounds for Rejection of Application
4-9-22 Violation of Application Provisions
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4-9-24 Special Provisions for Installing and Building Connections in New Subdivision Developments

4-9-1 Availability

Domestic, commercial and industrial sanitary sewer service is available in the City under various conditions and limitations as specified in this Chapter.

4-9-2 Definitions

In this Chapter unless the context otherwise requires:

"B.O.D. (biochemical oxygen demand)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty degrees centigrade, expressed in parts per million by weight.
"Branch Sewer" means an arbitrary term for a sewer which receives sewage from lateral sewers from a relatively small area.

"Building Connection or Sewer Tap" means the connection to the public sewer and the extension therefrom of the sewer to the property line in an alley or street, or to the easement line in an easement, whichever is applicable, depending on the location of the public sewer.

"Building Official" means the building inspector or zoning inspector or his authorized representative.

"Building Sewer" means the extension from the building drain to the building connection or other place of disposal.

"Combined Sewer" means a common collection line for sanitary sewage and storm runoff; a prohibited structure.

"Consumer" means a person, firm or corporation contracting with the City for the furnishing of water or sewer services to property subject to the following classifications:

1. "Apartment Consumer" means any apartment house or complex which has multi-service connection through one master meter. This classification shall be considered a residential consumer.
2. "Commercial Consumer" means any premises located within the service area on which a commercial business is operated, other than a home occupation business.
3. "Industrial Consumer" means any commercial or industrial consumer whose water usage exceeds two hundred thousand gallons per month.
4. "Residential Consumer" means all consumers other than defined in apartment, commercial, industrial and trail park and mobile home consumers, provided that it is a residential unit served by one meter.
5. "Trailer and Mobile Home Park Consumer" means any property, park or complex containing trailers or mobile homes which has multi-service connection through one master meter. This classification shall be considered residential consumer.

"Developer" means any person engaged in the organizing and financing of a sewage collecting system within an area contributing to a branch, main or a trunk sewer of the City sewer system. Such may be either a subdivider or a legally constituted improvement district.

"Director" means the superintendent of the sewer department or his authorized deputy, agent or representative.

"Garbage" means solid wastes from the preparation, cooking and dispensing of food and from handling, storage and sale of produce.

"Industrial Wastes" means the liquid, gaseous or solid wastes produced as a result of any commercial or industrial operation.

"Lateral Sewer" means a sewer which discharges into a branch or other sewer and has no other common sewer tributary to it.

"Main Sewer" means a sewer which receives sewage from one or more branch sewers as tributaries.

"Natural Outlet" means any outlet into a watercourse, ditch or other body of surface or ground water.

"Normal Sewage" means sewage or wastewater that has a five day biochemical oxygen demand less than 300 parts per million by weight; contains less than 350 parts per million by weight of suspended solids and does not contain a non-permissible quantity of the type waters and wastes described in Section 4-12-3.

"PH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Properly Shredded Garbage" means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-fourth of an inch in any dimension.

"Public Sewer" means lateral, branch, main or trunk sewer controlled and maintained by the City.

"Sanitary Sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

"Sanitary Sewer Service" means service of that pipe from consumers from consumer's premises to the lateral sewer.

"Sewage" means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

"Storm Sewer or Storm Drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

"Suspended Solids" means solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

"Trunk Sewer" means a sewer which receives sewage from many tributary main sewers and serves as an outlet for a large territory.

"Wastewater Collection System" means all facilities for collection, pumping, and transferring to wastewater treatment plant.

"Wastewater Treatment Plant" means any arrangement of devices and structures used for treating sewage.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

4-9-3 Service Area

The service areas are divided into two basic geographic areas as follows:

A. First Stage: that area presently being served by gravity fall and potential area within the City which can be serviced by a gravity fall sewer.

B. Second Stage: That area now being served by a lift station and potential area which can be served by a lift station, raising sanitary wastes into the first stage system.

4-9-4 Design Criteria

The following basic design criteria shall be used for all new construction. All sanitary

sewer mains shall be designed in accordance with criteria specified in the latest edition of the Rules and Regulations as promulgated by the Arizona Department of Environmental Quality "Minimum Requirements for Design and Construction of Sanitary Sewers". In addition, the design shall be approved by the City wastewater superintendent. In addition, the following basic criteria shall be met:

A. In commercial and industrial areas, the design engineer shall submit flow calculations to the City wastewater superintendent for approval prior to completing design of sewer.

B. In all areas, the design engineer must submit to the City wastewater superintendent for approval, calculations of potential flow from area to be served, as well as flow from future areas to be served.

4-9-5 Extension Limitations

Approval of all sewer extensions to serve new areas is limited to the availability of capacity in the connecting system. The following guidelines will be followed:

A. No new area service will be authorized if the usage in the area will exceed the reserve capacity of the sanitary waste disposal system.

B. The reserve capacity of the sanitary wastewater system will first be allocated to the vacant areas now having access to a lateral sewer who have paid for their share of said lateral sanitary sewer.

C. The reserve capacity of a trunk sewer will first be allocated to the district which participated by an assessment levy or payment of costs.

D. A new area to be developed will only be allowed to connect lateral mains and hook up services to the extent that the reserve capacity of the connecting sewer is sufficient to handle the flow.

4-9-6 Special Conditions Extensions

Due to the fact that certain areas require lift stations, conditions and limitations in addition to the above are necessary as follows:

A. Subdividers, developers or owners desiring to install sanitary sewer service into a second stage service area as outlined in Section 4-9-4B shall install as part of the development cost the necessary lift pump, lift station and devices to service said areas.

B. Subdividers, developers or owners desiring to install sanitary sewer service in an area where the discharge into an abutting subdivision sewer whose reserve capacity is not sufficient shall install as part of the development cost the necessary trunk connection to a location where the reserve capacity does exist.

4-9-7 Approval by City

No public wastewater line extensions shall be made until the plans and specifications are approved in advance by the City, as provided in this Chapter.

4-9-8 Main Sewer Extension Policy for Areas Beyond Present City Trunk Lines

The main wastewater line extension policy of the City for areas beyond present City trunk sewers and the policy to be followed in connection therewith is provided in this chapter.

4-9-9 Regulations for Size, Location and Construction of Building Connections

The City shall impose such regulations for size, location and construction of building connections as it deems adequate, necessary and consistent with the sewer extension policy.

4-9-10 Records to be Kept by Wastewater Department

The City shall keep a record of all building connections made, the purpose for which they are to be used, together with the name of the owner of the property, his agent or representative.

4-9-11 Financing Mains and Appurtenances

Trunk and lateral mains and appurtenances are the responsibility of the subdivider and/or owners and users involved and may be paid for by one or more of the following:

A. Subdividers and/or owners contracting or installing the improvements and furnishing same to the City.

B. Cash escrow payments to the City guaranteeing costs of construction, engineering and overhead.

C. Special improvement district formed pursuant to Title 9 of the Arizona Revised Statutes for City special improvement districts.

D. Contractual agreement with the City setting forth conditions of payment and construction.

4-9-12 Consumer Responsibilities

The consumer's sewer from his premises to the lateral sanitary sewer is the responsibility of the consumer and/or owners both for construction and maintenance. All construction shall meet the City building codes. The consumer must apply for a permit and be granted same prior to construction.

4-9-13 Special Conditions

At any time when the City is requested to relocated, construct, rearrange or otherwise alter its facilities or provide special facilities or provide special facilities for a consumer or developer, the City reserves the right to enter into a special contract with said consumer or owner as mutually agreed, approved and signed by the City and owner.

4-9-14 Unsanitary Disposal of Excrement Prohibited

It is unlawful for any person to deposit, or permit to be deposited, in an unsanitary manner, upon public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement or other objectionable waste.

4-9-15 Treatment of Polluted Waters Required

It is unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided, in accordance with provisions of this chapter.

4-9-16 Private Sewer Wastewater Prohibited

Except as provided in this chapter, it is unlawful to construct or maintain within the City any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

4-9-17 Private Wastewater Systems - When Permitted

Where a public sanitary sewer is not available within the City or in any area under the jurisdiction of the City, the building sewer shall be connected to a private sewage disposal system. Such private sewage disposal shall be constructed, maintained and operated at all times in a sanitary manner. However, such private system shall require a City permit in advance.

4-9-18 Construction and Ownership of Public Sewer Lines and Other Equipment

A. In new subdivisions and developments where public sewers are authorized by the City, such public sewers shall be constructed at the developer's expense. Detailed plans and specifications for public sewer extensions must be approved by the City prior to construction. The engineering costs for the preparation of plans and specifications, the staking of the location of the new pubic sewers, the cost of inspecting the construction and preparation of such plans may be assumed by the developer. The City will perform the inspection during construction.

B. The ownership of all public sewer lines, pumping stations, treatment facilities and equipment and other appurtenances to the sewer system maintained or accepted for maintenance by the City shall be vested in the City and in no case shall the owner of any premises have the right to claim any part except where otherwise provided in this Code.

4-9-19 Interference with the Wastewater Department; Digging Up Streets Without a Permit; Tempering with Equipment Prohibited

Any person who shall in any way interfere with the City or the employees of the City in any discharge of their duties, either in the tapping of any sewer pipe, main or lateral belonging to the City, or the cleaning, laying or connecting of any such pipe, main or lateral, or who shall dig up or cause to be dug up, any street or alley in the City without first obtaining a permit from the City, or who, having a permit, shall dig up any portion of any street or alley of the City for the purpose of connecting with the sewer system of the City and shall fail or neglect to place the street or alley in its original condition, or who shall maliciously or willfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works shall be guilty of a misdemeanor.

4-9-20 Property Owner Responsible for Cleaning, Repair and Replacement of Building Sewers and Connections

A. The property owner shall be responsible for the cleaning, unstopping, maintenance and repair of the building connection piping serving his property from his home or building to the public sewer line.

B. Where the correction of a stoppage requires the repair or replacement of a damaged or broken section of the building connection, and the damaged or broken section is located off-property in a street or alley, the owner or his contractor shall obtain a permit from the City to do work in a public right of way prior to doing the work.

4-9-21 Grounds for Rejection of Application

The City may reject any request for sewer service for any good and sufficient reason including the following: service not available, under a standard rate; service which involves excessive service expense; service which may affect the service to other consumers; service when the applicant is delinquent in payment of bills incurred for service previously supplied at any location, or for any other reason that is necessary for the prudent, efficient and economical management and protection of the water system as from time to time may occur.

4-9-22 Violation of Application Provisions

For violation of any of the provisions relating to application for service, the City may, at the expiration of seven days after mailing written notice to the last known address of the consumer, remove the water meter and discontinue water service. Where the water meter is thereafter reinstalled, the consumer shall first pay to the City a reinstallation charge which shall be the actual cost incurred by the City.

4-9-23 Permit Required

No unauthorized consumer shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance.

4-9-24 Special Provisions for Installing and Building Connections in New Subdivision Developments

In new subdivisions or developments where public sewer extensions are authorized by the City and constructed at the developer's expense, the City may authorize the developer or his agent (if the developer so desires) to install building connections and to connect the sewer within a new subdivision or development provided detailed plans of the entire sewer system and plumbing systems (if applicable) are approved and individually inspected in advance, and all specifications of the City are fully complied with by the developer or subdivider.

Article 4-10: WASTEWATER COLLECTION SYSTEM

4-10-1 Application for Industrial Waste Connection
4-10-2 Prohibited Substances
4-10-3 Authority of City to Establish Permissible Limits, Approve Waste Discharge and Impose Charges
4-10-4 Preliminary Treatment - Required Approval and Maintenance
4-10-5 Interceptors Required
4-10-6 Control Manholes
4-10-7 Right of Entry for Inspection
4-10-8 Discharges to be Reported
4-10-9 Special Agreements
4-10-10 Industrial Cost Recovery System

4-10-1 Application for Industrial Waste Connection

Each industry, business or other operation that discharges or desires to discharge wastes into the public sewer system shall make application for an industrial waste connection, and said connection shall be approved only after the applicant has complied with all applicable provisions of this Chapter. The applicant shall furnish all information relating to the desired connection, proposed use of the sewer and the character of the wastes to be discharged which may be required by the City. Any change in use or type of wastes discharged shall require a new application and approval.

4-10-2 Prohibited Substances

A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, sub-surface drainage, cooling water or unpolluted industrial process waters into any sanitary sewer.

B. Except as provided in this article, no person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewer:
   1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit.
   2. Any water or waste which may contain more than one hundred parts per million by weight or fat, oil or grease.
   3. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
   4. Any garbage that has not been properly shredded.
   5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, grits, such as brick, cement, onyx, carbide or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
   6. Any waters or wastes having a pH lower than five and one-half or higher than nine and one-half or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
   7. Any waters or wastes containing a toxic, radioactive or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard in the receiving waters of the sewage treatment plant.
   8. Any waters or wastes containing dissolved or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
   9. Any noxious or malodorous gas or substance capable of creating a public

nuisance.

4-10-3 Authority of City to Establish Permissible Limits, Approve Waste Discharge and Impose Charges

A. The superintendent of the wastewater department shall have the authority to establish permissible limits of concentration for various specific substances, materials, waters or wastes that can be accepted into the sewer system. Each permissible limit so established shall be placed on file with the City clerk.

B. The admission into the public sewers of any waters or wastes having a five day biochemical oxygen demand greater than 300 parts per million by weight; or containing more than 350 parts per million by weight or suspended solids; or containing any quantity of substances having the characteristics described in Section 4-10-2, or having an average daily flow greater than 50,000 gallons shall be subject to the review and approval of the City.

C. The superintendent of the wastewater department shall impose charges on any user of the City's sewage works who discharges wastes having a strength greater than normal sewage or containing non-permissible quantities of prohibited substances into the public sewer system. The charges imposed shall be based on the extra costs incurred by the City for surveillance, sampling and testing of the discharges, for additional operating and maintenance expenses, or for any other action required to identify, handle, process or supplement normal activities due to the unauthorized discharge of excessive strength or unusual character wastes, plus overhead charges. Failure by an industry so charged to pay the charges and to provide such corrective measures as may be required to prevent further unauthorized discharges, after due notice by the City and being given a reasonable time to comply, shall be sufficient cause to discontinue sewer service to the premises.

4-10-4 Preliminary Treatment - Required Approval and Maintenance

A. Where necessary in the opinion of the superintendent of the wastewater department, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the BOD to 300 ppm and the suspended solids to 350 ppm by weight; or reduce objectionable characteristics or constituents to within the maximum limits provided for by the City; or control the quantities and rates of discharge of such wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City. No construction of such facilities shall be commenced until the City's approval is obtained in writing. The completed facilities shall not be placed in service until they have been inspected for conformance to the approved plans and the final construction approved by the City.

B. Where preliminary treatment facilities are provided for any wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

4-10-5 Interceptors Required

A. Grease, oil and sand interceptors shall be provided when, in the opinion of the City they are necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts or any flammable wastes, sand and other harmful ingredients,

except that such interceptors shall not be required for private living quarters or dwelling units.

B. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.

C. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removed covers. When bolted covers are required, they shall be gas tight and watertight.

D. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

4-10-6 Control Manholes

When required by the City, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, measurement and sampling of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

4-10-7 Right of Entry for Inspection

A. Any authorized employee of the wastewater department shall, upon presentation of his credentials, have free access at all reasonable hours to any commercial or industrial premises connected to the City sewer system for the purpose of making an inspection of the premises to determine the nature and quantity of wastes discharged to the City sewer system.

B. In case any authorized employee is refused admittance to any commercial or industrial premises or, being admitted, is hindered or prevented from making such inspections, the City may cause the sewer service to be discontinued, after giving twenty-four hours' notice to the owner or occupant of such premises of the City's intention to do so.

4-10-8 Discharges to be Reported

Every consumer of the wastewater collection system shall report to the City immediately any accident, negligent act or other occurrence that occasions a discharge into the public sewer of any wastes or process waters that exceed the permissible limits for such wastes established by the City.

4-10-9 Special Agreements

No statement contained in this article shall be constituted as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern.

4-10-10 Industrial Cost Recovery System

At such time as industrial wastes as defined under Section 25.905-8 of the Construction Grant Regulations 40 CFR Art. 3 are discharged to the facilities constructed under EPA

Grant No. CO40179, the City of Holbrook shall develop and adopt an ICR system acceptable to U.S.E.P.A. The cost recovery system shall comply with requirements of P.L. 92-500 and all regulations and guidelines pertaining thereto.

ARTICLE 4-11: SANITATION

4-11-1 Definitions
4-11-2 Collection Agency
4-11-3 Collection Hours
4-11-4 Rates; Rules and Regulations
4-11-5 Preparation of Refuse
4-11-6 Location for Pick Up
4-11-7 Lids and Covers
4-11-8 Use of Containers
4-11-9 Salvaging Prohibited
4-11-10 Hauling Refuse
4-11-11 Vehicles and Receptacles to be Spill Proof
4-11-12 Spilled Refuse
4-11-13 Dumping Refuse

4-11-1 Definitions

In this chapter, unless the context requires otherwise:

A. "Garbage" means all putrescible wastes, except sewage and body wastes, including all organic wastes that have been prepared for, or intended to be used as food or have resulted from the preparation of food, including all such substances from all public and private establishments and residences.

B. "Refuse" means all garbage and trash.

C. "Trash" means all non-putrescible wastes.

4-11-2 Collection Agency

The City or other collectors authorized by the City shall collect all refuse within the City. Commercial refuse and recycling may be collected by either the City or private enterprise within the municipality. The municipality shall prescribe rules for the delivery of recycling services and commercial or industrial solid waste management services that promote availability of these services and promote competition in the delivery of these services. (Ordinance 10-17)

4-11-3 Collection Hours

The hours of collection of refuse shall be designated by the superintendent of the sanitation department.

4-11-4 Rates; Rules and Regulations

The Council shall from time to time by resolution establish regulations, fix rates and classifications for garbage and trash collection within the City. Sanitation service charges and fees as established by resolution are imposed upon all residential accounts within corporate City limits whenever water service is turned on unless a vacation rate account is established. If sanitation services are not established by a residential or commercial user within or outside corporate City limit, the user shall not be entitled to receive any City sanitation services either at the transfer site, by requesting a curbside pickup or through the delivery of a roll off container. (Ordinance 10-17; 11-05)

4-11-5 Preparation of Refuse

All refuse shall be prepared for collection or disposed of as follows:

A. Garbage. The customer shall use containers as specified by the City for the accumulation, storage and collection of all garbage. All household garbage must be bagged and placed in City authorized containers. Such containers shall be tightly covered. Containers are considered overfull if the lid will not close. Overfull containers will not be emptied. If overfull containers are continually placed on the street for pick up the City will deliver a second container and the customer will be billed accordingly. (Ordinance 08-01,

B. Brush. Brush, trees, and tree limbs shall be cut into such a size not to exceed four feet in length or fifty pounds in weight that one person can readily load the individual pieces into a truck or chipper and shall be piled in neat order with all long branches parallel to one another, with all metal or foreign materials removed to facilitate chipping.

C. Appliances and Vehicles. The City or the collection agent of the City will collect discarded appliances from dwelling premises that two persons can readily lift into a truck. The customer shall within twenty-four hours remove or cause to be removed all other appliances, vehicles or equipment classified as refuse from their premises or the public right of way.

D. Building Materials. All owners, contractors and builders of structures shall, upon completion of any structure, gather up and haul away, at their own expense, all refuse of every nature, description or kind which has resulted from the building of such structure including all lumber scraps, shingles, plaster, brick, stone, concrete and other building materials, and shall place the lot and all nearby premises utilized in such construction in a sightly condition. Residential customers may dispose of small amounts of building materials from time to time providing the building materials are placed in a container as described above and contain no concrete, masonry or soil.

E. By-Products. Any commercial or manufacturing establishing which by the nature of its operation creates an unusual amount of by-product refuse may be required by the City to dispose of its own wastes as opposed to having the City provide the service.

F. Dangerous Waste. Dangerous wastes shall be placed in a proper container, plainly marked "DANGER". The City reserves the right to deny service for certain dangerous wastes and to require the customer to properly dispose of it by other means.

G. Soil and Concrete. Waste soil, concrete, masonry blocks, sod and rocks shall be disposed of by the owner, tenant or occupant of the premises.

H. Preparation of Cinders. It is unlawful to set out for removal smoldering ashes or cinders.

4-11-6 Location for Pick Up

A. All refuse prepared for collection shall be placed at the curb or street and in an easily accessible manner, providing such roadway exists and is used as a refuse collection route. Refuse shall be set at the back of the street curb on the sidewalk, parkway or

such other location as designated by the superintendent of sanitation. All containers and piles of refuse shall be so located as not to block the alley, sidewalk or gutter or otherwise be a hazard to pedestrian or vehicular traffic.

B. Containers are to be set at the back of the curb or street before seven o'clock a.m. on a regular collection day or after six o'clock p.m. on the day preceding the regular collection day. Containers are to be removed from curbside as soon as possible on the day of collection but no later than six o'clock a.m. of the day after collection.

4-11-7 Lids and Covers

The lids and covers of all containers shall at all times be kept secure so that flies and other insects may not have access to the contents and shall only be removed while the containers and receptacles are being filled, emptied or cleaned.

4-11-8 Use of Containers

It is unlawful for any person to deposit or cause to be deposited any refuse in any container that he does not own or is not entitled to use as a tenant.

4-11-9 Salvaging Prohibited

It is unlawful for any person to remove for personal use or gain any item placed out for collection or deposited in the landfill. Enforcement of this provision shall be the direct responsibility of the superintendent of the sanitation department.

4-11-10 Hauling Refuse

It is unlawful for any person to haul or cause to be hauled any refuse on or along any public street, avenue or alley in the City in violation of any of the provisions of this chapter.

4-11-11 Vehicles and Receptacles to be Spill Proof

It is unlawful for any person to haul or cause to be hauled on or along any public street in the City any garbage, unless such garbage is contained in strong vehicles constructed to prevent any such garbage from falling, leaking or spilling.

4-11-12 Spilled Refuse

Any person hauling any refuse along the streets of the City shall immediately replace in the conveyance used for such hauling any refuse which may fall upon any street.

4-11-13 Dumping Refuse

It is unlawful for any person to place or cause to be placed any refuse upon any public or private property within the City, except as specifically permitted in this chapter.

CHAPTER 5
BUILDING AND CONSTRUCTION

5-1 PERMITS AND FEES
5-2 UNIFORM CODES
5-3 DRAINAGE AND RETENTION CRITERIA

ARTICLE 5-1: PERMITS AND FEES

5-1-1 Permit Required
5-1-2 Regulations for Streets, Alleys and Rights-of-Way
5-1-3 Application
5-1-4 Establishing Permit Fees

5-1-1 Permit Required

It is unlawful to construct any building or addition thereto, or to remodel or improve any real property or the improvements located thereon when the cost of such construction, remodeling or improvement exceeds one thousand dollars, except replacement of floor or wall coverings, windows, roofing and painting, or to move any building or a part of building from or to any location or site, without having first obtained a permit from the City. (Ordinance 10-11)

5-1-2 Regulations for Streets, Alleys and Rights-of-Way

A. It is unlawful for any person or entity to grade, pave, fill or level any street, alley or right-of-way within the City or to construct, alter or repair therein any pavement, sidewalk, utility, structure, crosswalk, curb, driveway, gutter, sewer, water main or other structures or to make therein any excavation or in any manner disturb or obstruct the same or alter the same or place improvements on the same without first obtaining a permit in writing to do so from the City building inspector.

B. The permit shall require that the person or entity to whom the same is issued shall give the City building inspector no less than twenty-four hour notice of the commencement of such work, shall carry on such work to the satisfaction and subject to the approval of the City building inspector, shall diligently prosecute the same to completion, shall leave the street, alley or right-of-way in good and safe condition, shall at all times keep signal lights or other proper warning as may be necessary to prevent injury to persons or property, and such person shall comply with such additional reasonable provisions and conditions as may be prescribed by the City building inspector either on the permit or as the City building inspector shall require from time to time.

C. No permit shall be issued until the applicant has paid the required engineering and inspection fees, which will be set from time to time by a council resolution.

D. The property owner shall assume the cost of the removal of an abandoned driveway and installation of curb necessitated by such removal. The driveway shall be deemed abandoned when it is so ordered by the Council.

E. Sidewalks, driveways, curbs and street paving and related items shall follow such reasonable specifications, rules and regulations as the City building inspector shall impose and establish from time to time.

F. The minimum requirements for curbs, driveways, paving, gutters and any improvements for utilities on the public streets, alleys or rights-of-way may be waived by the council upon the recommendation of the City building inspector in any case where certain physical conditions would cause impossibility of performance, extreme hardship or unreasonable expense.

G. It is unlawful for any person or entity to cause or permit any street, alley or right-of-way within the City to become obstructed or encumbered by placing or leaving thereon any personal property or structure of any kind or character or any trash or rubbish.

H. The City building inspector shall prescribe and provide a regular form for applications for purposes of this Chapter. The applications shall require such information and details as the City building inspector shall deem necessary to establish the exact locations, nature, dimensions, duration and purpose of the applicant in the project upon the street, alley or right-of-way. The application shall be accompanied by a map, site plan, sketch, diagram and exhibit which provide said information. The applicant shall keep himself adequately informed of all state and federal laws, local ordinances and regulations which in any manner affect the permit. The applicant shall at all times comply with the laws, ordinances, regulation, decisions of the court and similar authoritative orders, as well as such rules and regulations as the City may require.

I. If any construction work, alteration or entry as provided herein upon a street, right-of-way or alley of the City is undertaken prior to or in breach of a permit as provided herein, the work shall be terminated until a permit is granted or the default or breach is cured, and the fee in this instance to secure the permit or proceed after default shall be two and one-half times the normal fee for such permit.

J. The requirements of this section shall not apply to ordinary and common maintenance for franchised utilities. However, major operations or improvements of utilities shall require permits herein.

5-1-3 Application

A. Applications for a building permit under this chapter shall be made to the City manager or his designee and shall contain such information and shall be upon such forms as the council shall approve by resolution. The application shall be signed by the owner, contractor or architect.

B. An application for a permit to move a building or a portion of a building on to a new location shall be accompanied by a plat or map showing the exterior boundaries and locations of the lot or parcel upon which the building is proposed to be located, and showing the proposed location of the building upon said lot or parcel and giving the distance from adjacent streets and other exterior boundaries of said lot or parcel of the proposed location of the building. The application shall also be accompanied by a detailed description or engineering drawing of the foundation which will be placed under the building upon the new location and a drawing of the lateral exterior views of the building upon the new location with a detailed description of the changes, if any, proposed to be made to the exterior of the building. No permit shall be granted

unless the building, upon its new site, shall have the appearance of a completely finished and well-constructed building, and with an appearance that will harmonize with the neighborhood and not detract therefrom.

C. All applications for permits under this Article shall be accompanied by one or more drawings of the proposed improvement with detailed information giving the area of the proposed improvement in square feet, a plot map showing the boundaries of the lot or parcel upon which the improvement is to be constructed, and showing the location of the improvement thereon, with distances from boundaries of the lot or parcel and any adjacent streets.

5-1-4 Established Permit Fees

Building and construction permit fees as established from time to time by resolution of the council shall be charged for all types of construction.

ARTICLE 5-2: UNIFORM CODES

5-2-1 Uniform Plumbing Code
5-2-2 Uniform Building Code
5-2-3 National Electrical Code
5-2-4 Uniform Mechanical Code
5-2-5 Uniform Code for the Abatement of Dangerous Buildings
5-2-6 Uniform Code for Building Conservation
5-2-7 Restoration of Structures and Utilities
5-2-8 National Fire Code
5-2-9 Violations
5-2-10 Corrections of Violations
5-2-11 Joint and Several Liability

5-2-1 Uniform Plumbing Code

There is hereby adopted by reference, as if fully set forth herein, the 2006 edition of the Uniform Plumbing Code. (Ordinance 10-11)

5-2-2 Uniform Building Code

A. There is hereby adopted by reference, as if fully set forth herein, the 2006 edition of the International Building Code and the 2006 edition of the International Residential Code with the following exceptions:
   1. The snow load for roofing shall be a minimum of 25# psf.
   2. Attached garages: all ceilings and walls common with a dwelling, shall be 5/8" type x sheetrock minimum. Solid core doors with self-closing hinges are required at the dwelling access.
   3. A building permit is required for any structure that is 120 square feet or larger.
   4. Basic wind speed of 80 mph for wind design.

(Ordinance 10-11)

B. The previous edition of building code will remain valid for all work in progress on the effective date of the new edition for an open permit to be considered as "in progress", work shall not be interrupted for a period in excess of six (6) months. The former uniform code series are retained as supplementary references. (Ordinance 10-11)

C. Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act), and its implementing rules, including "Americans with Disabilities Act accessibility Guidelines for Buildings and Facilities" declared a public record by Resolution No. 96-10, as applying to public entities, are hereby adopted and incorporated as an amendment to the Uniform Building Code adopted in this Article and made part thereof as though fully set forth therein. Such standards and specifications shall apply to new construction and alterations and are not required in buildings or portions of existing buildings that do not meet the standards and specifications.

D. Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act), and its implementing rules, including "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities" declared a public record by Resolution No. 96-10, as applying to public accommodations and commercial facilities, are hereby adopted and incorporated as

an amendment to the Uniform Building Code adopted in this Article and made part thereof as though fully set forth therein. Such standards and specifications shall apply to new construction and alterations commenced after September 3, 1996.

5-2-3 National Electrical Code

There is hereby adopted by reference as if fully set forth herein, the 2008 Edition of the National Electrical Code, current edition, or as may be revised from time to time by the National Fire Protection Association. (Ordinance 10-11)

5-2-4 Uniform Mechanical Code

There is hereby adopted by reference, as if fully set forth herein, the 2006 Edition of the Uniform Mechanical Code. (Ordinance 10-11)

5-2-5 Uniform Code for the Abatement of Dangerous Buildings

There is hereby adopted by reference as if fully set forth herein the 1997 Uniform Code for the Abatement of Dangerous Buildings, current edition, or as may be revised from time to time by the International Conference of Building Officials.

5-2-6 Uniform Code for Building Conservation

There is hereby adopted by reference as if fully set forth herein, the 1997 Uniform Code for building Conservation, current edition or as may be revised from time to time by the International Conference of Building Officials.

5-2-7 Restoration of Structures and Utilities

If at any time for any reason any utility service to any structure within the City of Holbrook is disconnected or interrupted, or if said structure is found by the City Building Inspector to be unsafe for any reason, the owner or person or entity renting, occupying or otherwise using said structure shall restore the structure, and all utility connections thereto, to a condition that is safe and that meets all standards set forth in this Chapter and in all the national and uniform codes referenced herein. No utility service supplied to the structure shall be reestablished until the structure has been made to conform with this Chapter and with any and all other codes, ordinances, or regulations of the City and with all requirements of all entities furnishing any utilities to the structure.

5-2-8 Fire Codes

There is hereby adopted by reference as if fully set forth herein, the National Fire Protection Association Code, current edition, or as may be revised from time to time by the National Fire Protection Association. (Ordinance 10-11, 11-11)

5-2-9 Violations

A. Civil

1. Every person who owns any land, building or structure in the City is civilly responsible for any violation of this chapter which exists with respect to such land, building or structure.
2. Upon finding a person responsible for a civil violation, the court shall impose upon such person a civil sanction of not less than two hundred fifty dollars ($250.00) and not more than two thousand five hundred dollars ($2500.00). The court shall not suspend the imposition of the minimum sanction unless the court finds by a preponderance of the evidence that the person has corrected every

violation for which he was found responsible, and that the person is in compliance with this chapter. In that event, the court may, in its discretion, suspend all but one hundred fifty dollars ($150.00) of the sanction upon such conditions as the court deems just.

B. Criminal

1. Every person who owns any land, building or structure in the City, and who intentionally, knowingly, willfully or recklessly causes, allows, suffers or permits a violation of this chapter to exist with respect to such land, building or structure commits a class one misdemeanor.
2. Upon conviction, the court, at a minimum, shall sentence the defendant to a fine of not less than two hundred fifty dollars ($250.00) and to probation for not less than one year. The court shall not suspend the imposition of the minimum fine or probation unless the court finds by a preponderance of the evidence that the defendant has corrected every violation for which the defendant was found guilty, and that the defendant is in compliance with this chapter. In that event the court may, in its discretion, suspend all but one hundred fifty dollars ($150.00) of the fine on the condition that the defendant does not commit another criminal violation of this chapter for three (3) years following the date of sentencing.

C. Actions not exclusive. The City's election to prosecute a civil or criminal action to enforce the provisions of this chapter does not limit or restrict the City's ability to bring against the defendant any other action authorized by law, including, but not limited to, an administrative abatement proceeding.

D. Violations-separate violations on daily basis

Each violation of this chapter shall constitute a separate violation for each day that the owner permits the violation to occur, and may be prosecuted and punishable as an individual and separate offense for each day that the owner permits the violation to occur.

5-2-10 Corrections of Violations

A. Authority. In addition to any civil sanction or criminal penalty, the court may in its discretion order the defendant to correct the violation by a specified date, and may order the City to enter the property and correct the violation if the defendant fails to comply with the court's correction order. The court may require the defendant to correct the violation as a condition of suspending a portion of the civil sanction or criminal penalty.

B. Recovery of costs incurred by City.

1. For a civil violation of this chapter, if the City corrects a violation pursuant to this chapter, the City may petition the court to recover the costs, expenses and attorney fees which the City incurred in correcting the violation and in bringing the petition for recovery. If the court finds by a preponderance of the evidence that the

City is entitled to recover, the court may order the defendant to pay to the City the amount of the costs, expenses and attorney fees reasonably incurred by the City, and may enter judgment in favor of the City and against the defendant in that amount. The court may make payment of the judgment a condition of suspending a portion of the civil sanction.

2. For a criminal violation of this chapter, if the City corrects a violation pursuant to this chapter, the City may petition the court to order the defendant to pay restitution to the City in the amount of the costs, expenses and attorney fees which the City incurred in correcting the violation and in bringing the petition for restitution. The court may, in its discretion, order the defendant to pay such restitution to the City. The court may make the payment of restitution a condition of suspending a portion of the criminal penalty.

5-2-11 Joint and Several Liability

A. If more than one person owns a particular parcel of property, then all such persons are jointly and severally liable for every civil violation of this chapter existing with respect to that parcel.

B. In a criminal prosecution for violations of this chapter, it shall not be a defense that another person is also guilty of a criminal or civil violation of this chapter.

(Ordinance 10-11)

ARTICLE 5-3: DRAINAGE AND RETENTION CRITERIA (Ordinance 05-01)

5-3-1 General Requirements
5-3-2 Improvement Guidelines
5-3-3 Hydrology Methods
5-3-4 Storm Water Detention

5-3-1 General Requirements

A. Drainage reports and/or engineered grading and drainage plans are required to: (**1)** analyze the impact that the proposed development will have on stormwater discharges, (2) provide adequate data to ensure that the development is designed to be protected from flooding and conforms to applicable floodplain and stormwater management regulations; and (3) provide data for the design of public and private drainage facilities.

B. Drainage reports shall be of sufficient detail to demonstrate that the development or project will not create drainage or flooding problems and that any on-site drainage facilities are properly sized to detain and/or convey the design storm flows.

C. The purpose of the guideline is to present criteria for submittals of drainage reports, floodplain studies, grading and drainage plans, and public drainage improvement plans to the City of Holbrook for review and approval.

D. Additional criteria are found, by order of precedence, in Navajo County Stormwater Design criteria, the Arizona Department of Transportation (ADOT) Highway Drainage Design Manual and appropriate FEMA guidelines. Improvement designs should utilize Maricopa Association of Government's (MAG) and/or ADOT standard specifications and details.

E. Drainage reports will be required for the following land development activities:
   1. Residential, commercial and industrial subdivisions.
   2. Any multi-family residential or commercial development or parking lots.
   3. Public improvements involving new streets, culverts, storm drains, open channels, and private/public detention facilities or other drainage infrastructure.
   4. Application for Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) to the Federal Emergency Management Agency (FEMA).
   5. Any other improvements, which, in the opinion of the City, require a report.

F. A drainage report may also be required for application for a building permit, floodplain permit or grading permit if site conditions warrant or if drainage dictates the development of the site. ·Any project disturbing one acre or more will be required to have an approved Stormwater Pollution Prevention Plan (SWPPP) prior to commencing construction.

G. Drainage reports submitted to the City for review and approval shall be prepared and sealed by an Arizona Registered Professional Engineer. The City of Holbrook recommends discussing all proposed development submittals with City staff prior to preparation or submittal of a report.

5-3-2 Improvement Guidelines

A. Design frequencies for drainage improvements are as follows:

Type of facility	Structure Type	Design Frequency
Arterial Streets	Bridges	50 years
	All other Structures	50 years
	Pavement Drainage	10 years
Collector Streets	Bridges	25 years or 50 years (When conditions warrant drainage)
	All other Structures	25 years
	Pavement Drainage	10 years
Minor Streets	All Structures Pavement	25 years
	Pavement Drainage	10 years
All weather access shall be provided on streets. This is defined as no greater than 1/2 foot of flow over the road for the structure design frequency.		

5-3-3 Hydrology Methods

A. The City of Holbrook will normally accept the following technical procedures for the estimation of design discharges. The Navajo County Stormwater Design Criteria, the Arizona Department of Transportation (ADOT) Highway Drainage Design Manual and appropriate FEMA guidelines should be used for guidance when utilizing the following methods:

1. Rational Method-This method is for small urban watersheds, less than 160 acres and with fairly uniform land use. Use of this method will produce peak discharges and runoff volumes and should not be used for more complex watersheds. This method is normally used to size drainage structures for the peak discharge of a selected return period.

2. TR-55-Technical Release No. 55 "Urban Hydrology for Small Watersheds" was developed to provide solutions for a wide variety of small watershed hydrology problems including computation of peak discharge, hydrograph generation, reach routing, and detention storage estimates. For more complex watersheds and modeling, TR-55 is recommended.

3. HEC-1-This method is the U.S. Army Corp of Engineers rainfall runoff model. It should be used for modeling larger, more complex watersheds or drainage networks. It is suggested that the coefficients to be utilized in the HBC-I model be thoroughly reviewed prior to utilizing any HBC-I options. The SCS type II 24-hour storm distributions with antecedent moisture condition II shall normally be used.

B. Other hydrologic methods such as the Soil Conservation Service (SCS) Technical Release 20 (TR-20) will normally be accepted. The use of these methods must conform to the procedures outlined in the SCS manual.

5-3-4 Storm Water Detention

A. Detention is not required for developments of one (1) acre in size or less or with an impervious area of less than 15,000 square feet.

B. When preparing plans utilizing onsite detention, the engineer should consider the impact of the retarded peak release rates on flows from upper portions of larger drainage basins. That is, the analysis should evaluate how the detained runoff will impact the overall basin discharge rate. Cases may be encountered where onsite detention facilities would actually increase the discharge in the receiving stream or would have no beneficial effect. When such cases are encountered, the hydrological analysis should be included together with an explanation and request that the onsite detention requirements should be waived due to its detrimental effect on the receiving stream. It is suggested that a more thorough analysis, such as the HEC-1 or TR-20 method be utilized whenever more complex basins are involved. The Rational Method and TR-55 methods are simplified approximations that are only applicable to the most straightforward applications.

C. Whenever stormwater detention or other methods are employed to hold runoff to historic levels, the analysis shall address the effects of the 2-year, 25-year and 100-year events. Regardless of the calculation method utilized to analyze the detention it will be necessary to illustrate the runoff is held to historic levels during the 2-year, and 25-year 24-hour events. The detention facility must have adequate capacity to convey the 100-year event through the detention structure without overtopping, but flows will not have to be maintained to pre-existing flow rates. No freeboard on the ponds will be required. The adequacy of the system to convey the 100- year event flow rates will be considered adequate freeboard.

D. Runoff from small basins, typically those less than 10 acres in size, may be analyzed using the modified rational method as described in, "Design Methods for the Design of the Detention Facilities", "Urban Stormwater Management", or "Practices in Detention of Urban Stormwater Runoff." Detention basins for drainage areas ranging in size from 10 acres to 40 acres in size may be designed using the methods as outlined in SCS TR- ·55.

E. It is the City's policy that onsite detention only be utilized when it will provide the necessary beneficial affect reducing runoff to historic levels or to hold runoff to the capacity of critical downstream facilities. Whenever onsite detention is proposed, a method of providing long term maintenance of the facility shall be established. The maintenance responsibility resides with the property owner or an established property owners' association. The City of Holbrook will not be responsible for the maintenance or private detention facilities.

CHAPTER 6
PLANNING AND ZONING

6-1 ZONING ORDINANCE
6-2 GENERAL REGULATIONS
6-3 AIRPORT ZONING
6-4 SEXUALLY ORIENTED BUSINESSES
6-5 MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION LOCATIONS
6-6 RECREATIONAL MARIJUANA

ARTICLE 6-1: ZONING ORDINANCE

6-1-1 Zoning Ordinance
6-1-2 Application, Interpretation and Purpose
6-1-3 Definitions
6-1-4 Establishment of Zoning Districts
6-1-5 R-7, R-10 and R-14 Single Family Residential Zone
6-1-6 RMH-1 Single Family and Mobile Home Zone
6-1-7 R-MHP Residential Manufactured Home Park
6-1-8 RMOD-1 Single Family Modular Home Zone
6-1-9 RM-1 Multi-Family Residential Zone
6-1-10 PUD Planned Unit Development Zone
6-1-11 RR Residential Ranch Zone
6-1-12 GA General Agricultural
6-1-13 R-C Residential-Commercial Zone
6-1-14 C-1 Neighborhood Commercial Zone
6-1-15 C-2 General Commercial Zone
6-1-16 RRC-1 Railroad District Commercial Zone
6-1-17 I-1 Light Industrial Zone
6-1-18 I-2 Heavy Industrial Zone
6-1-19 FP Flood Plain

6-1-1 Zoning Ordinance

That certain document known as the Holbrook Zoning Ordinance of the City of Holbrook, Arizona, which was made a public record by Ordinance 97-3 on April 8, 1997, is hereby adopted into the Holbrook City Code and should be referred to as Article 6 of the Holbrook City Code and is made a part hereof as if fully set forth in the Code.

6-1-2 Application, Interpretation and Purpose

A. Provisions Declared Minimum. In the interpretation and application of the provisions of this ordinance, the provisions thereof shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

   If any portion of this code is held invalid for any reason, the remaining herein shall not be affected.

B. Effect on Other Provisions. This Zoning Ordinance does not supersede or replace any other applicable City, State, or Federal regulations and requirements. Whenever the regulations of this article require a greater width or size of yards or other open spaces, or require a lower height of building or a lesser number of stories, or require

a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other statue, local ordinance, regulation, legal covenant, agreement or contract, the provisions of this article shall govern. Whenever the provisions of any other statue, local ordinance, regulation, legal covenant, agreement or contract require a greater width or size of yards or other open spaces, or require a lower height of building or a lesser number of stories, or require a greater percentage of a lot to be left unoccupied or impose other standards than are required by the regulations of this article, the requirements of this article shall not void the provisions of such statue, local ordinance, regulation, legal covenant, agreement or contract.

The City does not enforce any such legal covenants or deed restrictions that exist on a lot unless the City is the property owner or part of the association that is involved in the covenant.

C. Authorization in One Zone Operates as Prohibition in More Restrictive Zones. The express enumeration and authorization herein of a particular class of building, structure, premises or use in a zone shall be deemed a prohibition of such building, structure, premises or use in all other zones of more restrictive classification.

D. Zoning Affects Every Structure and Use. No building, structure or land shall hereafter be used and no building or part thereof or other structure shall be erected, raised, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations herein specified for the zone in which it is located except as hereinafter specified.

E. Continuing Existing Uses. Any building, structure or use lawfully existing on the date of adoption of the Zoning Ordinance may be continued, even though such building, structure or use does not conform with the provisions of this article for the zone in which it is located. Similarly, whenever a zone shall be changed hereafter, the then existing lawful use may be continued.

F. Penalties. Any person found guilty of violation of this code, except as otherwise provided, shall be guilty of a misdemeanor, upon conviction thereof may be punished by a fine up to twenty-five hundred (2,500) dollars or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment.

G. Roles of Community Development Department Staff. The role of the Zoning Administrator shall be held and executed by a member of the City Community Development Department staff for the purposes of this ordinance. The Zoning Administrator shall interpret this ordinance and render discretionary decisions and provide staff support to the Holbrook Planning and Zoning Commission and Board of Adjustment on all cases which come before said boards/commissions. In the absence of the Zoning Administrator, or in the case of a conflict of interest involving the Zoning Administrator, the City Manager or designee shall act on behalf of the City to make zoning interpretations, decisions, and staff recommendations and support to the Planning and Zoning Commission and Board of Adjustment. The Associate Planner shall conduct enforcement activities related to this ordinance and City Code, and shall represent the City in the Holbrook Magistrate Court on any enforcement cases involving code violations.

H. Applicability of Development Standards. Minimum lot area and lot width standards apply only to newly created or modified lots which are created or modified after the date of adoption of this ordinance.

6-1-3 Definitions

For the purpose of this article, the following words and phrases shall have the following meanings:

ABANDONMENT means to cease or discontinue a use or activity without intent to resume, generally for a period of six (6) months or longer, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure. Ceasing of maintenance or upkeep on a use or structure shall constitute abandonment. See also "Vacated".

ABUTTING means having a common boundary. Parcels or lots having only a common corner are not considered abutting.

ACCESSORY USE OR STRUCTURE means a use or a structure subordinate to the principal use or building on a lot, and serving a purpose customarily incidental to the use of the principal building, provided any such structure is built with or after the construction of the principal building. Under no circumstance shall a mobile or manufactured home be considered an accessory use or structure for any purpose. Recreational Vehicles (RVs) may be considered an accessory use in side and rear yards provided that no permanent occupancy or utility connection is executed. A carport shall not be considered an accessory structure for the purpose of these regulations. Please see "Carport" for definition and regulation of carports.

ACRE means forty-three thousand five hundred sixty (43,560) square feet.

ADJACENT means two (2) or more parcels or lots sharing a common boundary, or separated by an alley or other right-of-way twenty (20) feet or less in width. Parcels or lots having only a common corner are not considered adjacent or abutting.

ADMINISTRATIVE AND PROFESSIONAL OFFICE is a use which provides administrative, consulting, management, or professional services to businesses and individuals. Typical uses include legal services, securities and commodities brokers, real estate firms, travel agencies and employment services.

ADULT DAY CARE is a day care use, which provides care, supervision, planned activities, and assistance for periods of less than twenty-four (24) hours a day for senior citizens or physically/mentally challenged adults.

AGRICULTURE means the use of land for agricultural purposes, including farming, dairying, produce, pasturage, horticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

ALLEY means a public way primarily for placement of utilities, ingress and egress to

properties and public services.

APARTMENT HOUSE means a building containing three (3) or more separate rented dwelling units.

BAR OR TAVERN means an establishment which is licensed to serve alcoholic beverages, where the primary business is the sale and serving of alcoholic beverages for consumption on the premises or carry out alcoholic beverages.

BED AND BREAKFAST means an establishment that provides sleeping accommodations and meals for its overnight guests as a commercial activity. The maximum duration of stay of any one guest shall be ten (10) days. The boarders must enter through the main entrance of the dwelling to access their rooms, with no separate entrances allowed. All parking must be accommodated on site. State and County Health Department approval and permits are required. State Business and Sales Tax Licenses are also required.

BICYCLE means a non-motorized device propelled only by human power having two (2) or three (3) wheels.

BICYCLE PARKING SPACE is an area designated within a facility for the parking of an individual bicycle.

BILLBOARD means a surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted.

BUILDABLE AREA means the lot area where a building can be placed after setbacks from property lines, streets, buildings, delineated floodplains, designated drainage ways or any other point identified are deducted.

BUILDING means a structure having a roof supported by columns, posts or walls, and intended for the shelter, housing or enclosure of any person, entity, animal, process, equipment, goods, or materials of any kind or nature.

BUILDING HEIGHT is the vertical distance above the average highest existing grade measured to the highest point of the building.

BUILDING SETBACK means the right-angle distance from the property line to the closest point of any structure.

CARETAKERS QUARTERS means a dwelling unit located on the same parcel as a commercial or industrial use for the purpose of providing additional security to the principal commercial or industrial use.

CARPORT means a building, attached or detached, having open sides used by occupants of the principal building for the parking of personal vehicles. For the purpose of these regulations, a carport shall conform to the front yard principal structure setback requirements applicable for the Zoning District in which they are located, and the accessory structure side and rear yard setback requirements.

CEMETERY means a place used for human or pet burials or entombment.

CENTER LINE means a survey reference line generally located parallel to the edges of the improved right-of-way.

CHILD CARE means providing care, supervision, planned activities and guidance for periods of less than twenty-four (24) hours a day for children who are not related to the operator. Typical uses include child care centers, pre-schools, nursery schools, kindergartens, and before-and-after school programs.

COMMON USE means the usage and accessibility by all residents of a project, either by common ownership, covenant, easement or other similar legal means.

CONDITIONAL USE means a use that is allowable in a zone subject to approval by the Planning and Zoning Commission as a result of the Conditional Use Permit Process, and is subject to special requirements different from those usual requirements for the zone in which the conditional use may be located. All Conditional Use Permits may be audited on an annual basis by the Planning and Zoning Commission for possible revocation if conditions are not adhered to.

CONDOMINIUM means the legal arrangement in which a dwelling unit in a residential development is individually owned, but in which the common areas are owned, controlled, and maintained through an organization consisting of all the individual owners.

CONSERVATION EASEMENT means an easement delineating an area that will be kept in its natural state in perpetuity.

CONVENIENCE STORE Any retail establishment with not more than four thousand five hundred (4,500) square feet of gross floor area, offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

CORRECTIONAL USE means the monitoring and control of the offender population, including persons on pre-trial status, on pre-release status or incarcerated to serve a sentence.

CULTURAL USE is the collection and display of objects having literary, artistic, historic, natural history, and/or scientific value for public appreciation. Typical uses include museums, libraries and botanical gardens.

DAY CARE means providing care, supervision, planned activities and guidance on a regular basis for periods of less than twenty-four (24) hours a day for persons not related to the operator. State of Arizona licensing shall be required per State Law for all day care operations within the City of Holbrook.

DEDICATED means the act of giving a gift or donation to another person or entity and that such a gift or donation has been accepted.

DOMESTIC HOOFED LIVESTOCK means meat animals (not including swine), horses,

sheep, goats, mules and asses.

DETOX CENTER means a facility whose purpose is to shelter, detain, and provide medical care and/or psychological counseling to clients with substance abuse problems for a short or long term (but not permanent) period of time.

DEVELOPMENT means any human alteration to the natural state of land, including its vegetation, soil, geology or hydrology, for any residential, commercial, industrial, utility or other uses, including all areas used for vehicular access, circulation and parking.

DUPLEX means a building containing only two (2) dwelling units.

DWELLING UNIT means a building or portion of a building designed and used for permanent human habitation, with cooking, sleeping and sanitary facilities, which is designed, occupied or intended for occupancy as living quarters exclusively for a single household.

EDUCATIONAL USE is a use providing a student with knowledge and instruction through a course or group of courses. Educational uses are divided into the following subclasses:

A. Elementary and Secondary Schools. Elementary and secondary schools are uses providing primary and secondary education for grades kindergarten through twelve (12), as required by the Arizona State Board of Education. Typical uses include elementary, middle, junior high and high school.

B. Post-secondary Institution. A Post-secondary institution is a use providing academic, professional, business, technical or industrial education beyond the twelfth (12) grade, leading to a degree or entry into a paid occupation. Typical uses include universities, community colleges, and business, career, beauty or trade schools.

C. Instructional School. An Instructional school is a use providing domestic, recreational and other types of instruction for all age groups. Typical uses include schools for dance, cooking, music, martial arts or handicraft instruction.

ENCLOSURE means a structure that confines an area.

ENTERTAINMENT is a use providing amusement or diversion for the spectator. Uses include concerts, movies and live performances.

EASEMENT means the right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

FACTORY-BUILT BUILDING means a residential or nonresidential building, including a dwelling unit or habitable room thereof, which is either wholly or in substantial part manufactured at an off-site location to be assembled on-site, except that it does not include a manufactured home, recreational vehicle or mobile home as defined in this section.

FAMILY means any number of individuals customarily living together as a single household unit.

FENCE means any artificially constructed barrier, including walls or any material or combination of materials, erected to enclose or screen areas of land.

FRONTAGE means the length of a lot line which abuts a street right-of-way.

GARAGE means an enclosed accessory building, attached or detached, used for storage of material or motor vehicles used by occupants of the principal building, and providing no public shop or services in connection therewith.

GARBAGE means foodstuffs, organic and inorganic matter paper, or plastic containers; any discarded matter that could attract insects or vermin.

GRANDFATHERING (See "NON-CONFORMING USE").

GROUP HOME means a dwelling shared by four or more persons, including resident staff, who live together as a single housekeeping unit in a long-term situation in which staff persons provide care, education and recreational activities with the primary goal of enabling the residents to live as independently as possible.

GUEST HOUSE means a secondary dwelling that is no larger than seventy percent (70%) the size in floor area of the principal dwelling unit. Both dwelling units shall be under the same ownership and within the same parcel of land.

HALFWAY HOUSE means a therapeutic residence that provides a sheltered and transitional environment for persons emerging from mental or penal institutions, or drug/alcohol treatment facilities.

HANDICAPPED ACCESSIBILITY, also known as barrier free accessibility, means functional access for semi-ambulatory and non-ambulatory persons, from a street or parking space to, into and through a building. Physically disabled means a person having a physical impairment that substantially limits that person's ability to move from place to place.

HEDGES mean a linear row or border of vegetation for decoration or screening. Hedges shall be kept in compliance with the same restrictions on height and location that walls and fences are regulated by. See Article 6-2-1 Subsection JJ, "Walls and Fences".

HOME OCCUPATION is the partial use of a dwelling unit for commercial or nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes. See Article 6-2-1, Subsection S, "Home Occupation".

HOMELESS SHELTER means a facility, which regularly houses homeless people on a temporary basis, excluding shelters for people needing protection from domestic violence.

HOSPITAL means a building or a group of buildings in which sick or injured persons are given medical or surgical treatment, examination or care, including overnight residence, together with related facilities, including laboratories and outpatient departments that are an integral part of the principal use.

INDUSTRIAL PARK means a planned, coordinated development of a tract of land with two or more separate industrial businesses. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

INTERIOR LANDSCAPE BORDER means an area along the interior property line(s) of a site containing landscape materials, screening and open space that serves as a buffer between land uses of different intensities.

JUNK/LITTER means old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, beds, rags, rubber, boats, motor vehicles or recreational vehicles that are unable to move on their own, or do not have current tags or license, and parts thereof.

KENNEL-COMMERCIAL means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs for commercial purposes. See ARS. § 11-1009.

LANDSCAPING means an exterior improvement of a site in accordance with an approved landscape plan and approved landscape methods, materials and maintenance.

LOT means a tract of land bounded on all sides by property lines, of sufficient size to meet minimum zoning requirements with legal access to a public street.

LOT COVERAGE means the area of a site occupied by buildings and structures.

LOT DEPTH means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT LINES mean the property lines bounding the lot.

LOT LINE, FRONT in the case of a lot abutting on only one (1) street, means the line separating such a lot from the street. In the case of a corner lot, the front lot line shall be the lot line corresponding to the address used to identify the parcel in the Emergency-911 addressing dispatching system.

LOT LINE, REAR means the lot line which is opposite and most distant from the front lot line. The rear lot line of any irregular triangle shall be a line entirely within the lot ten (10) feet long, and parallel to and most distant from the front lot line.

LOT LINE, SIDE means any lot line not a front lot line or rear lot line.

LOT WIDTH means the horizontal distance between side lot lines, measured along the median between the front and rear lot lines.

MANUFACTURED HOME PARK means any parcel of land used or offered for use in whole or part for the parking or storage of three (3) or more manufactured homes on a single parcel.

MANUFACTURED HOUSING means a single or multi-sectional transportable dwelling larger than four hundred (400) square feet manufactured within the last ten (10) years to standards established by the U.S. Department of Housing and Urban Development suitable for year-round residential occupancy, and requiring the same method of water supply, waste disposal and electrical service as a site-built dwelling. (Ordinance 10-07)

MEDICAL SERVICE is a category of land use, which provides for "Low Impact" professional medical services including, but not limited to, Doctor, Dentist, Optometrist, Chiropractic offices, and "High Impact" professional medical services including, but not limited to, Hospitals, Pharmacies, Out Patient Clinics and Nursing Homes.

MINI STORAGE (See RENTAL STORAGE UNIT)

MIXED USE means a development on a site with two (2) or more separate principal land uses, designed, developed, and owned or managed as a single coordinated entity utilizing legally established common elements or shared facilities.

MOBILE HOME means a structure built within the last ten (10) years on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a dwelling when connected to on-site utilities, except recreational vehicles and factory-built buildings and manufactured homes. Under no circumstances shall a mobile home be allowed to be used as an accessory building for storage or other purposes after the date of adoption of this ordinance. (Ordinance 10-07)

MODULAR HOME shall mean a dwelling unit which is pre-assembled in whole or in part in a factory prior to delivery to the job site for final assembly, and which conforms to the following:

A. Built to Uniform Building Code standards;

B. Built with exterior materials customarily used on conventional site-built dwellings, e.g., wood siding, asphalt roof shingles;

C. Minimum width of 20 feet;

D. Constructed on a permanent foundation similar to site-built dwellings, e.g., footings and stem walls or piers, in compliance with the current building code adopted by the City of Holbrook. (Ordinance 10-07)

MOTOR VEHICLE PARKING SPACE means an area permanently reserved and maintained for the parking of one motor vehicle.

MULTI-FAMILY STRUCTURE means a building located on one lot, containing three or more dwelling units, also known as multi-dwelling structure.

MUNICIPAL USES mean municipal, County, State or Federal buildings or properties.

NONCONFORMING USE means a building, structure or land, which does not conform to the provisions of this article for the zone in which it is located, and which lawfully existed before this ordinance is put into force. A nonconforming use would be categorized as

"grand fathered" under the newer adopted ordinance.

OFF-STREET means to be within property boundaries and not within a public right-of-way, such as a street or alley.

PARCEL means one or more lots, defined by a single legal description or parcel ID number, and recorded as a single entity by the County Assessor.

PARKING LOT means an area not within a building where motor vehicles may be stored for the purpose of temporary, daily or off-street parking.

PARKING STRUCTURE means a structure used for the parking of vehicles where parking is accommodated on one or more levels.

PERSON(S) means any individual, as well as any firm, corporation, partnership, company, or any other form of multiple organization for the carrying on of business.

PRINCIPAL USE means the main use of land or structures, as distinguished from secondary or accessory uses on the same parcel.

PRIVATE ROAD means a street not dedicated for public use.

PRODUCE shall include dairy products, fruit and vegetable products, not including processing of live animals, rendering of hides or any other meat-packing activities.

RENTAL STORAGE UNIT means a commercial business, which engages in the short and long-term rental of storage space to the public for compensation. Rental Storage Units must be contained by a six-foot (6) fence or wall.

RECREATIONAL VEHICLE means a vehicular type unit which is:

A. A portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls, which fold for towing by another vehicle and unfold for camping.

B. A motor home designed to provide temporary living quarters for recreational, camping or travel use, and built on or permanently attached to a self-propelled motor vehicle chassis, or on a chassis cab or van that is an integral part of the completed vehicle.

C. A park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty (300) square feet and not more than four hundred (400) square feet when it is set up, except that it does not include fifth wheel trailers.

D. A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle, and has a trailer area of less than three hundred twenty (320) square feet. This subdivision includes fifth wheel trailers. If a unit requires a size or weight permit, it shall be manufactured to the standards for park trailers in A 119.5 of the American

National Standards Institute code.

E. A portable truck camper constructed to provide temporary living quarters for recreational, travel or camping use, and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

RESIDENTIAL CARE SERVICES are in home care services for disabled and senior citizens as more fully defined by Article 6-2-1, subsection Y, of this Article.

RECYCLING FACILITY is any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, dissembled or handled, including, but not limited to, scrap metals, paper, rags, tires, bottles and other such materials.

RIGHT-OF-WAY means an area reserved for public use, such as a street, alley or utility easement.

ROADWAY means the paved portion of a street, excluding curbs. On an unpaved street, the roadway is the area set aside for motor vehicle traffic.

SAFE HOUSE means a place providing shelter for victims of violent crimes.

SCREEN means opaque barrier designed to conceal areas used for storage, refuse, mechanical equipment, visually unattractive operations, parking, or delivery service loading bays from street and public view, or to buffer adjacent land use. Live vegetation may be used to screen any of the above uses, provided that vegetation is maintained and provides satisfactory concealment of visually unattractive operations.

SERVICE BAY means a specific location on a site reserved for servicing a motor vehicle. Such location can be within an enclosed building or in a screened area.

SETBACK means the distance from a set point to a set point.

SHOPPING CENTER means a mixed-use development planned constructed and managed as a total entity, utilizing common or shared facilities, such as structures, parking, and vehicular and pedestrian access.

SIGNS mean signs of any type or character whatsoever, and of any material whatsoever, placed for outdoor advertising on the ground, or on any structure or object whatsoever. The term "placed" as used herein shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner. See Article 6-2-4.

SINGLE-FAMILY DWELLING means a building containing one (1) dwelling unit.

SITE means the land area consisting of a lot or contiguous lots, or parcel (not including dedicated public property), designated for development as a single entity and exclusive of any abutting public right-of-way.

SOLAR ACCESS means access to sunlight to protect active or passive solar energy

systems from shadows blocking exposure to the sun during hours of high insolation, from 9:20 a.m. to 3:20 p.m. local time.

SOUP KITCHEN means a facility that provides free meals on-site as its principal activity.

STABLE means a building in which domestic hoofed livestock are fed and sheltered.

STREET means a dedicated public way that affords the principal means of vehicular access to abutting properties.

A. ARTERIAL STREET means a major street or highway having considerable continuity beyond the City's limits.

B. COLLECTOR STREET means a street with limited continuity serving the primary function of carrying traffic from local streets to arterial streets and the secondary function of providing access to abutting properties.

C. LOCAL STREET means a street serving the primary function of providing principal access to abutting property.

STRUCTURE means any physical element constructed or erected with a fixed location on the ground, or attached to another physical element having a fixed location at, below or above grade.

SUBDIVISION-MINOR means the division of any tract or parcel of land into three (3) or four (4) lots, plots or other divisions of the land.

SUBDIVISION-MAJOR means the division of any tract or parcel of land into five (5) or more lots, plots or other divisions of the land.

SWAP MEET means a commercial activity characterized by the sale or barter of merchandise or farm products to the general public by individuals from a booth or stall. The term shall include a farmer's market, flea market and similar commercial activities. Swap meets shall be a conditional use. The Planning and Zoning Commission will review all swap meet applications for potential design featuring access and egress, parking, paved areas for public use, restrooms, lighting, trash containment/litter control, and hours of operation.

TEMPORARY USE means a prospective use intended for up to thirty (30) days or longer, with staff recommendation, to be located in a zoning district not permitting such use, and the temporary use shall not be a continuing nonconforming use or building.

TOWNHOUSE means an attached, privately owned single-family dwelling unit which is a part of, and adjacent to, other similarly owned single-family dwelling units that are connected to, but separated from, one another by a common party wall, which extends from the foundation to roof, having no doors, windows, or other provisions for human passage or visibility, and with open space on at least two (2) sides.

USE means the purpose for which land or a building is arranged, designed or intended.

A. PRINCIPAL USE means the main use to which the premises are devoted and the main purpose for which the premises exist.

B. ACCESSORY USE means a use subordinate to the principal use on a lot and the use is clearly incidental to those of the principal use.

VACATED means the act of giving up of public rights-of-way or easements to adjoining property owners.

VARIANCE allows a use that other property owners enjoy in the same zone, but, because of the particular physical surroundings, size, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner.

WRECKING YARD is any place where damaged, inoperable or obsolete machinery, such as cars, trucks, and trailers, or parts thereof, are stored, bought, sold, accumulated, exchanged, disassembled or handled.

YARD means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

A. FRONT YARD means a yard extending the full width of the lot between a building and the front lot line.

B. REAR YARD means the yard extending the full width of the lot between a building and the rear lot line.

C. SIDE YARD means a yard extending from the front yard to the rear yard between a building or a series of buildings and the side lot line.

D. SIDE YARD LEAST WIDTH means the shortest distance, measured horizontally, between any part of a building and the nearest side lot line.

YARD WASTE means dead vegetation, including, but not limited to, grass clippings, tree branches and similar vegetation.

6-1-4 Establishment of Zoning Districts

In order to carry out the purposes of the Zoning Code, the City of Holbrook is hereby divided into the following zoning districts: R-7, R-10 and R-14, Single Family Residential Zone; RMH-1 Single Family and Mobile Home Zone; R-MHP Residential Manufactured Home Park; RMOD-1 Single Family Modular Home Zone; RM-1 Multi-Family Residential Zone; PUD Planned Unit Development Zone; RR Residential Ranch Zone; GA General Agricultural; R-C Residential-Commercial Zone; C-1 Neighborhood Commercial Zone; C-2 General Commercial Zone; RRC-1 Railroad District Historic Commercial Zone; I-1 Light Industrial Zone; I-2 Heavy Industrial Zone; FP Flood Plain; and AEZ Airport Enterprise Zone.

6-1-5 R-7, R-10 and R-14 Single Family Residential Zone

A. Uses. Within any "R-7, R-10, or R-14" residential zone, as indicated on the zoning map, no building, structure or land shall be used, and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any other than one (1) or more of the following specified uses.

B. Principal Permitted Uses.

1. Single-family dwellings. A single-family detached dwelling for one (1) unit only, provided that a manufactured housing unit shall not be considered a dwelling for the purpose of this section unless located in a subdivision recorded before this ordinance is adopted.
2. Public parks, other public and semi-public uses, including municipal uses, libraries, museums, playgrounds, or athletic fields, private athletic or recreation clubs or lodges, and educational uses, excluding instructional schools and post-secondary institutions for business, career, beauty or trade education. Subject to:
    a. Size of site, minimum: Twenty thousand (20,000) square feet.
    b. Distance of outdoor recreational areas to any adjacent property line in a residential zone, minimum: Twenty-five (25) feet. Screening may be required.
    c. Screening around outdoor swimming pools and adjoining recreational areas, except parks and playgrounds, by a six (6) foot-high screened.
    d. Outdoor lighting directed away from the closest property line.

C. Conditional Uses.
1. Public Utility Uses. Branch telephone exchanges and static transformer stations without service or storage yards. Any such building located in any residential zone shall conform architecturally with the character of the zone in which it is located.
2. Gardening and Agriculture. Nurseries, greenhouses, customary general farming uses and buildings, not including dairies, animal farms and commercial kennels.
3. Single Family Dwelling with Guest House, provided the following conditions a-f are met:
    a. The guest house is no larger than seventy (70) percent the size in floor area of the primary principal dwelling unit.
    b. The minimum lot size is ten thousand (10,000) square feet.
    c. Both dwelling units shall be under the same ownership.
    d. Both dwelling units shall be within the buildable area of the lot.
    e. The minimum distance between the two (2) dwellings, if not attached, shall be ten (10) feet.
    f. A manufactured housing unit shall not be considered a dwelling for the purpose of this section.
4. Apartment Houses.
5. Medical Service (low impact).
6. Safe House.
7. Child Care subject to the restrictions and requirements set forth in Article 6-2-1, subsection H.
8. Adult Day Care. Subject to the following restrictions:
    a. For ten (10) or fewer persons; or
    b. If located in an Adult residential care service, the number of day care clients together with the number of residents may not exceed the total allowed on the site for the Adult Care Services in accordance with Article 6-2-1, subsection Y.
9. Bed and breakfast.
10. Day Care-home occupation, subject to Article 6-2-1, subsection J.
11. Home Occupations, provided all the following conditions are met:
    a. The activity is clearly secondary to the use of the structure as a dwelling.
    b. Only members of the family residing on the premises are employed in the home occupations.
    c. No more than twenty-five (25) percent of the gross floor area of each dwelling

is devoted to the home occupation.

d. That except for signs as regulated by the Sign Code, Article 6-2-4, there shall be no external evidence of the activity such as outside storage, noise, dust, odors, noxious fumes, vibration or nuisances emanating from the premises.

12. Group Home.
13. Residential Care Services meeting the criteria in Article 6-2-1, subsection Y.
14. One Modular Home.
15. Churches and other places of worship.
16. Condominiums.
17. Duplexes.
18. Townhouses.
19. And similar uses.

D. Accessory Uses and Structures. The following accessory uses, including private garages, which are incidental and subordinate to the permitted principal use are permitted subject to the provisions set forth and are subject to the development standards set forth in 6-2-1, subsection B, General Regulations.

1. Roomers and boarders. The keeping of not more than two (2) roomers or boarders by a resident family.
2. Private garage or carport for single family residences.
3. Storage parking of boat, RV (recreational vehicle), horse trailer and similar equipment owned by the occupant, provided that it is parked only in a garage, carport or yard other than front yard.
4. Inoperable or unlicensed vehicles, and stored second hand materials shall be stored behind a non-transparent fence or wall 6' in height, and shall not be placed in a front yard.
5. Under no circumstances shall the storage/placement of extra mobile homes or manufactured homes on a property be considered an accessory use for the purposes of this ordinance.

E. Development Standards.

	R-7, R-10 and R-14 Single Family Residential Zone								
Zones	**Minimum Lot Size**	**Minimum Lot Width**	**Minimum Yard Setback**				**Minimum Abutting Property Dwelling Unit Setbacks**	**Maximum Building Height**	**Maximum Lot Covered by all Buildings**
			Front	**Least Side**	**Total Side**	**Rear**			
R-7	6,500 sq. ft.	60 ft.	15 ft.	7 ft.	20 ft.	15 ft.	14 ft.	30 ft.	60%
R-10	10,000 sq. ft.	75 ft.	20 ft.	10 ft.	20 ft.	20 ft.	20 ft.	30 ft.	60%
R-14	14,000 sq. ft.	100 ft.	25 ft.	10 ft.	20 ft.	20 ft.	20 ft.	30 ft.	60%
For height restriction exceptions, see Article 6-2-1, subsection Q.									

6-1-6 RMH-1 Single Family and Manufactured Home Zone

A. Purpose. This zone is established to accommodate the diverse residential areas of Holbrook that provide permanent occupancy to manufactured homes and single-family housing.

B. Principal Permitted Uses. One (1) single family dwelling, or one (1) manufactured or modular home per lot.

C. Conditional Uses. The same as allowed in the R-7, R-10 and R-14 zones.

D. Accessory Uses. The same as allowed in the R-7, R-10 and R-14 zones.

E. Development Standards.
   1. The proper development standards for manufactured homes and single-family homes shall be the same as those homes located in a R-7 residential zone.
   2. Accessory buildings shall not be erected in any required front yard.
   3. No accessory building shall be used for sleeping or living purposes.
   4. Every manufactured home shall be permanently connected to the necessary electric power, water supply, sewage disposal and gas, in compliance with applicable City Codes and regulations.
   5. All manufactured homes shall be required to be equipped with tie downs approved by the City Building Inspector.
   6. All manufactured homes shall be skirted with fire resistant material, which is not susceptible to rapid weathering.
   7. No material may be stored on top or against a manufactured home.
   8. Please also refer to A.R.S. Title 41, Chapter 2142.
   9. For height restriction exceptions, see Article 6-2-1, subsection Q.

6-1-7 R-MHP Residential Manufactured Home Park

A. Purpose. This zone is to primarily provide for proper development of manufactured home parks where spaces are rented to occupants. The regulations are designed to protect and stabilize the characteristics of the neighborhood, encourage a proper and compatible environment for family living, and to permit limited commercial and social activities which can be operated in the park areas, and to allow suitable related uses.

B. Definitions. In this district, unless the context otherwise requires:
   1. Manufactured home accessory structure means any portable, demountable or permanent shed of any size, covered porch or patio, or any storage over sixty (60) square feet, either of which are for the use of the occupant of a manufactured home, whether attached or detached to the manufactured home.
   2. Manufactured home space means that part of a manufactured home park rented for the exclusive use of the occupants of a single manufactured home. The manufactured home space shall include the exclusive adjoining parking space and the required open space around the manufactured home.
   3. Common usable open space means a designated area or areas within the manufactured home park which are under park management and are jointly available to all occupants of the manufactured home park, including a building devoted to recreational and social center purposes, but shall not include areas used for vehicular circulation or common trash collection, service areas, or storage for unoccupied manufactured homes, recreational vehicles or boats.
   4. Manufactured home park means a parcel of land under a single ownership used or offered for use in whole or in part for the placement of three (3) or more manufactured homes for dwelling or sleeping purposes, whether or not a fee is charged for the use of the parcel of land.

C. Principal Permitted Uses. The following principal uses are permitted in this zone:
   1. Manufactured Home Parks.
   2. Public parks, and public or parochial schools, provided the minimum size of site shall be twenty thousand (20,000) square feet.
   3. Public utility uses. Branch telephone exchanges and static transformer stations without service or storage yards, when authorized by the Planning and Zoning Commission. All structures shall be architecturally compatible with the character of the zone.
   4. Municipal uses. Municipal, county, state or federal buildings or structures, except for such uses as a warehouse or garage, or other uses that are customarily conducted as a gainful business. Also, municipal water wells and necessary accessory equipment, provided they are screened properly, and provided that the well and equipment are not nearer than eighty (80) feet to the front lot line or fifteen (15) feet to any side or rear lot line.

D. Conditional Uses.
   1. Home Occupations, provided all the following conditions are met:
      a. The activity is clearly secondary to the use of the structure as a residence or manufactured home;
      b. Only members of the family residing in the manufactured home are employed in the home occupations;
      c. No more than twenty-five (25) percent of the gross floor area of each residence or manufactured home is devoted to the home occupation;
      d. That except for signs as regulated by the Sign Code, Article 6-2-4, there shall be no external evidence of the activity such as outside storage, noise, dust, odors, noxious fumes, vibrations or other nuisances emanating from the premises.
   2. Recreational Vehicle parks.
   3. Churches and other places of worship.
   4. And similar uses.

E. Permitted Accessory Uses. The following accessory uses, which are incidental and subordinate to a manufactured home park, are permitted in this zone.
   1. Single-family residence. One (1) single-family residence for the owner or manager of a manufactured home park. The yard requirements for this single-family residence in this zone shall be the same as provided in the R-7 Residential Zone. The residence may include office space for use in connection with the park operation.
   2. Social and recreational center with component uses. Component uses will be permitted in a recreation or social center building provided:
      a. That there will be no wholesale activity;
      b. That no merchandise or supplies shall be stored or displayed outside the completely enclosed building;
      c. That there shall be no exterior advertising or sign except as permitted for accessory uses only.
   3. Private recreation uses for the use of the occupants of the manufactured home park and their guests, such as a swimming pool, golf courses, putting greens, shuffleboard courts and similar recreational activities.
   4. Model manufactured home sales. Manufactured home models for sale, provided they do not occupy more than fifteen (15) percent of the total spaces in a

manufactured home park. Each manufactured home shall have the same setback and spacing required for other manufactured homes. There shall be no exterior displays or advertising other than one (1) unilluminated sign not to exceed six (6) square feet at each model and not over six (6) feet in height.

5. Laundry. Coin-operated laundry and dry-cleaning pickup, provided there shall be no dry-cleaning operation done on premises.
6. Accessory above ground storage tanks, limited to a maximum of one thousand (1,000) gallons per tank.

F. Structures Permitted in Manufactured Home Parks.
   1. Principal structures permitted in manufactured home parks:
      a. Manufactured homes, recreational vehicles (with approved conditional use permit) and owner's residence.
   2. Accessory structures.
      a. Carports or awnings attached or detached.
      b. Storage buildings or utility buildings, except manufactured homes themselves, or screened enclosures open on at least two (2) sides, attached or detached.
      c. Manufactured home accessory structures. See Article 6-2-1, subsection B, Accessory Buildings in Residential Zones.
      d. Recreation and social center buildings and structures, including swimming pools.

G. Regulations for Manufactured Home Parks.
   1. Maximum heights. Two (2) stories or twenty-five (25) feet, whichever is less.
   2. Maximum density. Eight (8) manufactured homes per acre (43,560 square feet).
   3. All areas that will be used for vehicle access (parking lots, streets and driveways) must be either paved, or graveled and maintained.
   4. No principal or accessory structures shall be placed in the required front yard area of the manufactured home park.
   5. Laundry drying yards. Laundry drying yards shall be screened from view.
   6. Access. There shall be no access to the manufactured home park except at established drive-ways, and there shall be no individual access to a manufactured home space from any public street or alley. Access shall be from a dedicated street over a right-of-way at least fifty (50) feet in width at the narrowest point.
   7. Outdoor storage. No material may be stored on top or against a manufactured home. Manufactured home lots or spaces shall be kept free from open stored materials. No flammable materials shall be stored beneath a manufactured home.
   8. No manufactured home accessory structure shall be placed in the designated front yard area of each individual manufactured home space.
   9. Accessory structures shall maintain a five (5) foot setback from other manufactured home spaces/lots, per Article 6-2-1, subsection B.

H. Site Plan Review. All manufactured home parks shall be subject to plan review by the Community Development Department. Site plans shall be in accordance with Article 6-2-1, subsection CC.

I. Development Standards.

R-MHP Residential Manufactured Home Park						
Minimum Lot Size	**Minimum Lot Width**	**Minimum Yard Setback**				**Maximum Building Height**
		Front	**Least Side**	**Total Side**	**Rear**	
8 units/acre (43,560 sq. ft.)	50 ft.	10 ft.	10 ft.	10 ft.	*20 ft.	20 ft.
* When no access to public right-of-way (street, alley), rear setback is (15) fifteen feet.						

6-1-8 RMOD-1 Single Family Modular Home Zone

A. Purpose. This zone is established to accommodate the diverse residential areas of Holbrook that provide permanent occupancy to modular homes which meet the standards defined in Article 6-1-3, "Definitions" of this ordinance, and single-family site-built housing.

B. Permitted Principal Uses. One (1) single-family site built or modular home per lot.

C. Conditional Uses. The same as allowed in the RMH-1, R-7, R-10 and R-14 zones.

D. Accessory Uses. The same as allowed in the R-7, R-10 and R-14 zones.

E. Development Standards.
1. The proper development standards for modular homes and single-family homes shall be the same as those homes located in a R-7 residential zone.
2. Accessory buildings (not including carports) shall not be erected in any required front yard.
3. No accessory building shall be used for sleeping or living purposes.
4. For height restriction exceptions, see Article 6-2-1, subsection Q.

6-1-9 RM-1 Multi-Family Residential Zone

A. Purpose. Within any RM-1 residence zone, as indicated on the zoning map, no building, structure or land shall be used, and no building or structure shall be erected or altered, which is intended or designed to be used in whole or in part for any other than one (1) or more of the following specified purposes.

B. Principal Permitted Uses.
1. Dwellings: single-family, duplex, multi family, condominiums and townhouses.
2. Apartment Houses.

C. Conditional Uses.
1. Residential Care Services as follows: Adult care services, rehabilitation service, nursing or convalescent home, or similar health care facility.
2. Public libraries, public museums, public art galleries and educational uses.
3. Child Care Facility. Subject to the restrictions set forth in Article 6-2-1, subsection H.
4. Municipal uses. Municipal, county, state or federal buildings or properties, except for such uses as warehouses or garages.
5. Religious uses. Churches and other places of worship.

6. Social uses such as clubs, lodges and recreational center buildings, except those that the primary activity is one customarily carried on as a business (e.g., commercial game rooms).
7. Home Occupations, provided all the following conditions are met:
   a. The activity is clearly secondary to the use of the structure as a dwelling unit.
   b. Only members of the family residing in the dwelling unit are employed in the home occupation.
   c. No more than twenty-five (25) percent of the gross floor area of each dwelling is devoted to the home occupation.
   d. That, except for signs as regulated by the Sign Code, in Article 6-2-4, there shall be no external evidence of the activity such as outside storage, noise, dust, odors, noxious fumes, vibration or other nuisances emanating from the premises.
8. Modular Home.
9. And similar uses.

D. Front Yards. In every RM-1 residence zone, there shall be a front yard on every lot. The least depth of any front yard shall be twenty-five (25) feet, with the exception of single-family detached dwellings, which shall feature a least depth front yard setback of fifteen (15) feet. Unroofed, open terraces or projections over three (3) feet high may extend from the principal building not over five (5) feet into the required front yard.

E. Accessory Uses. The same as allowed in the R-7, R-10 and R-14 zones. Residence in an accessory building is prohibited.

F. Development Standards.

RM-1 Multi-Family Residential Zone								
	Minimum Lot Size	**Minimum Lot Width**	**Minimum Yard Setback**				**Maximum Building Height**	**Maximum Lot Coverage**
	Net Area Per DU		**Front**	**Least Side**	**Total Side**	**Rear**		
Two Family	6,500 sq. ft.	75 ft.	25 ft.	12 ft.	24 ft.	20 ft.	Two stories or thirty (30′) whichever is less	60%
Multi-Family	3,400 sq. ft.	100 ft.	25 ft.	12 ft.	24 ft.	20 ft.	Two stories or thirty (30′) whichever is less	60%
Single Family	7,500 sq. ft.	60 ft.	15 ft.	7 ft.	20 ft.	15 ft.	Two stories or thirty (30′) whichever is less	60%
Accessory Building				5 ft.		5 ft.	Two stories or thirty (30′) whichever is less	

6-1-10 P.U.D. Zone Planned Unit Development Zone

A. Purpose and Uses. Purpose: The PUD District is intended to provide the means and the guidelines through which tracts of land are developed through an overall development plan which integrates the land uses and site considerations for the land as a unit. It is intended to reflect maximum design freedom to make the best use of

topography and land features and to permit the developer an opportunity to more fully utilize the physical characteristics of the site through the reduction of lot sizes, and the absence of setback and bulk restrictions; to provide for diversification and flexibility in housing types, housing prices and overall design; to encourage innovative development of smaller parcels of land that have been passed over; to encourage mixed-use developments, including uses such as residential, office and commercial; and to encourage higher quality development than possible under traditional standard zoning regulations. Through the Planned Unit Development process, it is the intent that property will be developed with a unified design providing continuity between the various elements. However, the PUD process is not intended as a device to circumvent general development regulations, standards and good planning practice.

No uses are permitted by right in the PUD zone. All uses must be detailed and proposed to Planning and Zoning Commission for approval at a regular meeting. All uses are required to be approved by Planning and Zoning Commission, which will review the applicant's Preliminary Development Plan during at least one public hearing. The resulting agreed upon mix of land uses in the PUD zone shall be deemed the Official Development Plan, and any deviation from said Official Development Plan in the future shall constitute a violation of this ordinance and of the Official Development Plan.

B. Performance Standards. The performance standards of this Article shall be in accordance with Article 6-2-1, subsection W.

C. Accessory Uses or Structures. The following accessory uses, including private garages and private stables, which are incidental and subordinate to the permitted principal use are permitted subject to the provisions set forth, and are subject to the development standards set forth in Article 6-2-1, subsection B, General Regulations.
   1. Roomers and boarders. The keeping of not more than two (2) roomers or boarders by a resident family.
   2. Private garage or carport for residences.
   3. Storage parking of boat, RV (recreational vehicle), horse trailer and similar equipment owned by the occupant, provided that it is parked only in a garage or carport.
   4. Inoperable or unlicensed vehicles, and stored second hand materials shall be stored behind a non-transparent fence or wall six (6) foot in height, and shall not be placed in a front yard.

6-1-11 RR Residential Ranch Zone

A. Purpose. The purpose of this zone is to promote small ranch, farm, open areas and low-density residential areas. The regulations of this zone are designed to protect, stabilize and enhance the development of agricultural resources and individual homes in open spaces.

B. Principal Permitted Uses.
   1. Single-family dwelling or one (1) manufactured or modular house.
   2. Farming and agriculture.
   3. The keeping of animals such as cattle, horses, llamas, ostriches, small fowl, sheep, goats and like animals, provided that number and type of animals comply with

Article 6-1-9, subsection E, of this Article, and keeping of said animals does not create a nuisance per Article 6-2-1, subsection V, General Regulations and A.R.S. Title Chapter.

4. Parks and recreation areas.

C. Conditional Uses.
   1. Churches, libraries, museums, athletic fields, educational uses, and public or semi-public uses, including governmental uses.
   2. Guest house.
   3. Private stables. A detached building for the keeping of horses, mules, ponies or other domestic hoofed livestock owned by the occupant of the premises, and not for hire or sale. The stables shall be located in the required rear yard, set back from all lot lines a distance of not less than forty (40) feet.
   4. Bed and breakfast.
   5. Golf course.
   6. Home Occupations subject to the provisions in Article 6-2-1, subsection S.
   7. Group home.
   8. Residential Care Services meeting the criteria in Article 6-2-1, subsection Y.
   9. Keeping of permitted animals at a density greater than that allowed by Article 6-1-11.
   10. And similar uses.

D. Accessory Uses. The following accessory uses, including private garages and private stables, which are incidental and subordinate to the permitted principal use are permitted subject to the provisions set forth, and are subject to the development standards set forth in Article 6-2-1, subsection B, General Regulations.
   1. Roomers and boarders. The keeping of not more than two (2) roomers or boarders by a resident family.
   2. Private garage or carport for single family residences.
   3. Storage parking of boat, RV (recreational vehicle), horse trailer and similar equipment owned by the occupant, provided that it is parked only in a garage, carport or yard other than front.
   4. Inoperable or unlicensed vehicles, and stored second hand materials shall be stored behind a non-transparent fence or wall 6' in height, and shall not be placed in a front yard.
   5. Under no circumstances shall the storage/placement of extra mobile homes or manufactured homes on a property be considered an accessory use for the purposes of this ordinance.

E. Development Standards.
   1. Minimum distance for stables from all property lot lines: Forty (40) feet.
   2. Maximum lot coverage by buildings: Forty (40) percent.
   3. Minimum containment area per domestic hoofed livestock or like animals: 600 square feet per animal.

RR Residential Ranch Zone							
	Minimum Lot Size	Minimum Lot Width	Minimum Yard Setback				Minimum Distance between Principal and Accessory buildings
			Front	Least Side	Total Side	Rear	
Principle Structure	25,000 sq. ft.	100 ft.	25 ft.	20 ft.	10 ft.	25 ft.	20 ft.
Accessory Building	----------	----------	-------	5 ft.	5 ft.	5 ft.	20 ft.

F. Fences. A stock-tight fence and necessary cattle guards shall be erected and maintained along the boundaries of any area wherein livestock are kept or grazed.

6-1-12 GA General Agricultural

A. Purpose. The purpose of this zone is to provide land area devoted to agriculture, farming, open areas and livestock raising, together with residence and customary accessory uses and buildings. The regulations of this zone are designed to protect, stabilize and enhance the development of agricultural resources, and to prohibit activities which would adversely affect the open space agricultural and natural characteristics of this zone.

B. Principal Permitted Uses.
1. One (1) Single-family dwelling or one (1) manufactured house.
2. Farming, general agricultural, soil crops and open pasture.
3. Cattle, horses, sheep, goats, poultry, domestic hoofed livestock and other like animals, provided that such animals are not kept closer than one hundred (100) feet from any residential, commercial or industrial zone.
4. Public schools, parks, golf courses or recreation areas.

C. Conditional Uses.
1. Churches, libraries, museums, athletic fields, educational uses, and public or semipublic uses, including governmental use.
2. Single-family dwellings, up to two (2) additional dwellings.
3. Commercial stables.
4. Rodeo or fair grounds.
5. Public or private utility facilities.
6. Recreational Vehicle Park/Campground.
7. Outdoor recreational use.
8. Guest houses or employee housing.
9. And similar uses.

D. Accessory Uses.
1. Customary accessory uses and buildings, provided such use is incidental and subordinate to the permitted principal use.
2. Home occupation subject to the provisions in Article 6-2-1, subsection S.

E. Property Development Standards.
1. Maximum lot coverage by buildings: Forty (40) percent.

GA General Agriculture Standards							
	Minimum Lot Size	**Minimum Lot Width**	**Minimum Yard Setback**				**Maximum Building Height**
			Front	**Side**	**Total Side**	**Rear**	
Principal Structure	5 acres (217,800 sf.)	200 ft.	30 ft.	15 ft.	30 ft.	40 ft.	36 ft. or 3 stories (whichever is less)
Accessory Buildings	----------	----------	------	15 ft.	-----	15 ft.	36 ft. or 3 stories (whichever is less)

F. Fences. A stock-tight fence and necessary cattle guards shall be erected and maintained along the boundaries of any area wherein livestock is kept or grazed.

6-1-13 R-C Residential-Commercial Zone

A. Purpose. This zone provides for the location of single-family and multi-family residential development together with compatible nonresidential uses. This zone allows the integration of commercial activities and is oriented to internal pedestrian circulation.

B. Principal Permitted Uses. The following uses and similar uses are permitted.
1. Residential, including single-family and multifamily dwellings, apartments, duplexes, condominiums and townhouses.
2. Colleges and schools, public and private
3. Libraries and museums
4. Professional offices, Professional medical services, and clinics

C. Conditional Uses. All merchandise and all supplies must be stored within a completely enclosed area. No outside storage, or display of supplies or merchandise is permitted.
1. Art gallery and studio.
2. Bank, safe depository and trust company.
3. Barber shop and beauty shop.
4. Bed and Breakfast.
5. Bookstore, new and used.
6. Caretaker dwelling, excluding manufactured house or RV.
7. Church and other places of worship.
8. Clothing store.
9. Club or lodge.
10. Day Care.
11. Delicatessen and convenience store.
12. Florist shop.
13. Gift and jewelry shop.
14. Home Occupation.
15. Governmental uses.
16. Modular Home, meeting standards defined in Article 6-1-3.
17. Modular office, meeting standards defined in Article 6-1-3 for modular home.
18. Newsstand.
19. Medical Services (Low Impact).
20. Parking garage and parking lot.
21. Recreational building and community center building.
22. and similar uses.

D. Development Standards.
   1. Street side yard setback minimum: Ten (10) feet.
   2. Maximum density for apartments is 3400 square feet of lot per dwelling unit.

R-C Residential-Commercial Zone							
	Minimum Lot Size	**Lot Width**	**Minimum Yard Setback**				**Maximum Building Height**
			Front	**Least Side**	**Total Side**	**Rear**	
Principal Structure	7500 ft.	60 ft.	15 ft.	7 ft.	20 ft.	10 ft.	36 ft. or 3 stories (whichever is less)
Accessory Buildings	----------	--------	------	5 ft.	5 ft.	5 ft.	12 ft.

6-1-14 C-1 Neighborhood Commercial Zone

A. Purpose. Within any C-1 commercial zone, as indicated on the zoning map, no building, structure or land shall be used, and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any other than one (1) or more of the following specified purposes.

B. Principal Permitted Uses.
   1. Educational uses: Public and private schools, colleges and universities.
   2. Office or professional services.
   3. Plant nurseries.
   4. Municipal uses.
   5. Radio broadcasting studios.
   6. Public recreational and community center buildings and grounds.
   7. Antique stores.
   8. Apparel stores.
   9. Art gallery or store.
   10. Bakery.
   11. Bank.
   12. Barber or beauty shop.
   13. Bicycle shop.
   14. Billiard or pool hall.
   15. Book or newspaper or magazine store.
   16. Bowling alley.
   17. Catering service.
   18. Clubs.
   19. Convenience stores.
   20. Delicatessen.
   21. Drugstore.
   22. Electronic appliance and equipment store.
   23. Florist shop.
   24. Food or grocery store.
   25. Hardware store.
   26. Hotel or motel.
   27. Ice cream store.
   28. Jewelry store.
   29. Laundry.

30. Library.
31. Liquor store.
32. Locksmith or handyman shop.
33. Music store.
34. Pet shop.
35. Plant nursery store.
36. Radio station or Television studio.
37. Refreshment stand.
38. Restaurant or café.
39. Retail sales.
40. Shoe store.
41. Sign shop.
42. Sporting goods.
43. Tailor shop.
44. Theater/Auditorium.

C. Conditional Uses
   1. Automobile parking facility.
   2. Caretaker dwelling (1), excluding manufactured house or RV.
   3. Churches and other places of worship.
   4. Clinics.
   5. Day care.
   6. Dry cleaning establishment.
   7. Gas service station.
   8. Gun shop.
   9. Medical service (Low and High Impact).
   10. Mortuary.
   11. Multi-graphing or print shop.
   12. Outdoor recreation activity.
   13. Pawn shop.
   14. Photographic studio.
   15. Print shop.
   16. Public utilities.
   17. Residential units above commercial buildings. (Ordinance 23-01)
   18. Residential Care Services meeting the criteria in Article 6-2-1, subsection Y. (Ordinance 23-02)
   19. And similar uses.

D. Accessory Uses. The following uses are permitted as accessory uses only in conjunction with and for the purpose of a permitted principal commercial use.
   1. Manufacturing, treatment, converting, altering, finishing, body or fender-work, or assembling may be carried on in any part of any building, but only when necessary, to the permitted principal commercial use.

E. Development Standards for Principal Uses.
   1. (A) Minimum lot area and maximum lot coverage is determined by the aggregate of buildings, required yards, off street parking and loading space, and other specified lot area requirements.

F. Development Standards for Accessory Buildings.

1. Location: No accessory building shall be erected in any front yard.
2. Distance to the principal building. None.

C-1 Neighborhood Commercial Zone							
	Minimum Lot Size	**Minimum Lot Width**	**Minimum Yard Setback**				**Maximum Building Height**
			Front	**Side**	**Total Side**	**Rear**	
Principal Structure	(A)	60 ft.	0 ft.	0 ft.	0 ft.	0 ft.	48 ft. or 5 stories (whichever is less)
Accessory Buildings	----------	----------	------	0 ft.	0 ft.	0 ft.	25 ft. or 2 stories (whichever is less)

G. General Regulations.
1. All outdoor storage shall be kept in a neat, clean and orderly manner. Any outdoor storage or display that is not kept in safe, clean and orderly manner must be cleaned up, removed or screened from view by a six (6) foot non-transparent fence.
2. Every commercial business within the C-1 zone shall have a place designated for trash collection in accordance with Article 6-2-1, subsection GG.
3. Additional fencing may be required on a case-by-case basis by the Zoning Administrator based on refuse/litter generation, safety, or other criteria.

H. Performance Standards.
1. The performance standards of this Section shall be in accordance with Article 6-2-1, subsection W.

6-1-15 C-2 General Commercial Zone

A. Purpose. Within any C-2 commercial zone, as indicated on the zoning map, no building, structure or land shall be erected or altered which is intended or designed to be used in whole or in part for any other than one (1) or more of the following specified purposes.

B. Principal Permitted Uses.
1. Automobile accessories, parts and supplies. No commercial auto salvaging or recycling is allowed.
2. Auto body repair and restoration.
3. Bank or safe depository.
4. Bar and grill.
5. Drive through eating establishments.
6. Car wash.
7. Clinic.
8. Cocktail lounge.
9. Convention Center/Auditorium.
10. Dry cleaners.
11. Electronic appliance and office equipment store.
12. Furniture repair.
13. Gas station.
14. Hotel, inn or motel.
15. Lumberyard retail sales and storage of building materials.
16. Mortuary.

17. Municipal use.
18. Plant nursery store.
19. Office, business.
20. Outdoor recreation activity, public or private.
21. Postal station.
22. Taxidermist.
23. Tire retreading and repair.
24. Upholstery.
25. Veterinary office.
26. Warehouse or storage only in conjunction with a principal permitted use.
27. Other uses similar to the above uses.
28. Any principal use permitted in C-1 commercial zone.
29. Automobile sales, provided any such unenclosed area is surfaced with a hard, durable and dust-free material, that the required yards are observed and properly maintained, and that any lights used to illuminate such area shall be so arranged as to reflect the light away from adjoining premises in any residential zone.

C. Conditional Uses.
   1. Automobile parking facility.
   2. Caretaker dwelling (1), excluding manufactured house or RV.
   3. Churches and other places of worship.
   4. Modular home, for commercial (non-residential) occupancy only if standards for modular homes are met, see Article 6-1-3.
   5. Medical services (Low and High Impact).
   6. Steel prefabricated buildings.
   7. Strip shopping center or mall.
   8. Swap meets.
   9. Recreational vehicle park.
   10. Medical Dispensary or Commercial Cultivation.
   11. Residential units above commercial buildings. (Ordinance 23-01)
   12. Residential Care Services meeting the criteria in Article 6-2-1. (Ordinance 23-02)
   13. And similar uses.

D. Accessory Uses. Accessory buildings, structures and uses customarily incidental to a permitted use, except as otherwise provided in this Chapter.

E. Development Standards for Principal Uses.
   1. Distance between main and accessory buildings: None.
   2. Minimum lot area and maximum lot coverage is determined by the aggregate of buildings, required yards, off street parking and loading space, and other specified lot area requirements.

F. Development Standards for Accessory Buildings.

G. Distance to principal building: none.

C-2 General Commercial Zone							
	Minimum Lot Size	Minimum Lot Width	Minimum Yard Setback				Maximum Building Height
			Front	Street Side	Side	Rear	
Principal Structure	(A)	60 ft.	10 ft.	10 ft.	5 ft.	5 ft.	48 ft. or 5 stories (whichever is less)
Accessory Buildings	----------	----------	------	5 ft.	5 ft.	5 ft.	25 ft. or 2 stories (whichever is less)

H. General Requirements.

1. All outdoor storage shall be kept in a neat, clean and orderly manner. Any outdoor storage or display that is not kept in safe, clean and orderly manner must be cleaned up, removed or screened from view by a six (6) foot non-transparent fence.
2. Every commercial business within the C-2 zone shall have a place designated for trash collection in accordance with Article 6-2-1, subsection GG.
3. All new commercial business developments must landscape a minimum of fifteen (15) percent of the lot area including a ten (10) foot width of the street frontage exclusive of entrances. Conflicts between parking and landscape requirements may be resolved on a case-by-case basis by the Zoning Administrator. Landscaping requirement must include a significant percentage of appropriate live vegetation, or reasonable substitute, to be approved by the Zoning Administrator. Any plant materials included in an approved landscaping plan that do not survive after installation shall be replaced with plant material(s) of the same or like species of equal size within the next planting season but, in any event, within six (6) months of the plant's demise. Failure to replace said plant materials within the specified time period shall constitute a zoning violation.
4. Fencing around the perimeter of a business may be required at the discretion of the Zoning Administrator based on potential refuse/litter generation, safety or other criteria.

I. Performance Standards. The performance standards of this Article shall be in accordance with Article 6-2-1, subsection W.

6-1-16 RRC-1 Railroad District Commercial Zone

A. Purpose. The purpose of the Railroad District Commercial Zone is to allow for the redevelopment of Holbrook's historic commercial district. The traditional street wall consisted of zero setback commercial uses which provided Holbrook residents and visitors with many shopping and dining opportunities within a short distance of one another. It is the strong desire of the City of Holbrook to recreate the "historic downtown" atmosphere in this newly created RRC-1 Zoning District. Therefore, development is closely monitored for compliance with the traditional zero setback front and sides, and all uses are considered on a case-by-case basis using the mechanism of the Conditional Use Permit. Within the RRC-1 commercial zone, as indicated on the zoning map, no building, structure or land shall be used, and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any other than one (1) or more of the following specified purposes.

B. Permitted Principal Uses.

1. None

C. Conditional Uses.
   1. Office or professional services.
   2. Antique stores.
   3. Apparel stores.
   4. Art gallery or store.
   5. Bakery.
   6. Bicycle rental or repair shop.
   7. Book or newspaper or magazine store.
   8. Clubs.
   9. Florist shop.
   10. Hotel or motel.
   11. Ice cream store.
   12. Jewelry store.
   13. Photographic studio.
   14. Refreshment stand.
   15. Residential Units above Commercial Buildings.
   16. Restaurant or café.
   17. Retail sales.
   18. Theater.
   19. And similar uses.

D. Accessory Uses. The following uses are permitted as accessory uses only in conjunction with and for the purpose of an approved principal commercial use.
   1. Manufacturing, treatment, converting, altering, finishing or assembling may be carried on in the rear (excluding front twenty-four (24) feet) of any building, but only when necessary to the permitted principal commercial use.

E. Development Standards.

RRC-1 Railroad District Commercial Zone							
	Minimum Lot Size	**Minimum Lot Width**	**Minimum Yard Setback**				**Maximum Building Height**
			Front	**Street Side**	**Side**	**Rear**	
Principal Structure	(A)	50 ft.	0 ft.	0 ft.	0 ft.	20 ft.	36 ft. or 3 stories (whichever is less)
Accessory Buildings	----------	----------	------	0 ft.	0 ft.	*10 ft.	12 ft.

   1. Minimum lot area and maximum lot coverage is determined by the aggregate of buildings, required yards and loading space, and other specified lot area requirements. * Rear setback for accessory building subject to P & Z review.
   2. Distance between main and accessory buildings: none.

F. General Regulations.
   1. All outdoor storage shall be kept in a neat, clean and orderly manner. Any outdoor storage or display that is not kept in clean and orderly manner must be cleaned up, removed, or screened from view with a six (6) foot fence if viewable from a public right-of-way of same elevation.

2. Every commercial business within the RRC-1 zone shall have an enclosure designated for trash collection in accordance with Article 6-2-1, subsection GG.

G. Performance Standards. The performance standards of this Section shall be in accordance with Article 6-2-1, subsection W.

6-1-17 I-1 Light Industrial Zone

A. Purpose. Within any "I-1" industrial zone, as indicated on the zoning map, no building, structure or land shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any other than one (1) or more of the following specified purposes.

B. Principal Permitted Uses.
1. Administrative, engineering.
2. Automobile accessories, parts, supplies and equipment sales.
3. Automobile repair and restoration shop.
4. Automobile sales, new and used, or rentals, provided any such unenclosed area is surfaced with a hard, durable, dust-proof material, that the required yards are observed and properly maintained, and that any lights used to illuminate such area shall be so arranged as to reflect the light away from adjoining premises in any residence zone.
5. Blueprinting.
6. Building materials sales yard.
7. Cleaning and dyeing establishment.
8. Contractor's office and equipment yard.
9. Distribution plant of ice and cold storage, beverage bottling plant.
10. Freighting or truck yard terminal.
11. Furniture or office equipment manufacturing.
12. Hardware store.
13. Lumberyard.
14. Public utility service yard.
15. Printing, lithographing, publishing.
16. Research and development facilities.
17. Sign painting.
18. Upholstery shop.
19. Warehouse or storage building.
20. Woodworking and cabinet making shop.
21. Wholesale business.

C. Conditional Uses.
1. Bioengineering activities, research or manufacturing.
2. Adult oriented businesses.
3. Municipal uses and facilities.
4. Scientific Research and Manufacturing facilities.
5. Laundry, cleaning or dyeing works, carpet and rug cleaning.
6. Assembling of electrical appliances, radios, including the manufacturing of small parts only, such as coils, condensers, transformers, electric and electronic parts and equipment for wholesale.
7. Landscaping and building material sales yard, sale of rock, sand and gravel, or contractor's equipment yard or plant.

8. Churches and other places of worship.
9. Caretaker Dwelling (1).
10. Medical Services (High Impact).
11. Medical Marijuana Dispensary or Commercial Cultivation.
12. And similar uses.

D. Accessory Uses. Above ground storage tanks, subject to the restrictions and requirements set forth in Article 6-2-1, subsection A, and limited to ten thousand (10,000) gallons per tank.

E. Development Standards, Principal and Accessory.

I-1 Light Industrial Zone							
	Minimum Lot Size	**Minimum Lot Width**	**Minimum Yard Setback**				**Maximum Building Height**
			Front	**Least Side**	**Total Side**	**Rear**	
Principal and Accessory Structure	(A)	100 ft.	20 ft.	15 ft.	35 ft.	20 ft.	*50 ft.

1. (A) The minimum lot area and maximum percent of lot coverage allowed shall be determined by the aggregate area of buildings, required yards, off-street parking, loading space and any other specified lot area requirements applicable to the proposed use.
2. (*) See also Article 6-2-1, subsection Q, "Height Exceptions". The fifty (50) foot height limit may be waived by the Zoning Administrator. Denial of this waiving of height limitation may be appealed to the Planning and Zoning Commission if project will require structure greater than 50' in height.

F. General Regulations.
1. Building setbacks and heights for accessory buildings: Regulations applicable to the principal building shall apply.
2. Location: No accessory building shall be erected in any front yard.
3. No accessory building shall be closer than fifty (50) feet to the boundary of any residential zone.
4. Screening: When a site abuts a residential zone, a masonry wall six (6) feet in height shall be erected along the property lines adjoining the residential zone. The wall shall be provided and maintained by the owners of the industrial site.
5. Landscaping: All open areas of an improved lot shall be maintained.
6. Storage Facilities: Outdoor storage shall be permitted only in rear or side yards when accessory to a permitted use. All areas used for storage shall be enclosed on all sides by a masonry wall or screened fencing not less than six (6) feet or more than eight (8) feet in height.
7. Permitted Signs: Signs shall be restricted to identifying the permitted uses, directional purposes and advertising the sale or lease of property as follows:
   a. One (1) freestanding identification sign, identifying the name of the industrial park. The area of the sign shall not exceed fifty (50) square feet nor shall the sign be more than fifteen (15) feet in height. The sign may be a wall sign or freestanding. A freestanding sign may be located in the required front or side

yard not closer than five (5) feet of the property line nor within ten (10) feet of the property corner on corner lots.

b. Four (4) wall signs and one (1) freestanding sign identifying the use or name of the industry or business. The wall sign shall not project more than one (1) foot from the face of the building wall to which it is attached.
   i. The wall sign shall not exceed a maximum area of fifty (50) square feet and shall not project above the height of the building to which it is attached. The freestanding sign shall not be more than one hundred fifty (150) square feet nor more than fifteen (15) feet in height, and no closer than five (5) feet to any property line.

c. An unlighted sign advertising the sale or lease of the property or a building on the premises, provided it does not exceed twenty-five (25) square feet.

d. All signs must be in a fixed position; shall not have any moving parts nor be revolving. Illumination of signs shall be indirect and not flashing, intermittent or animated.

8. Illumination: Illumination of buildings and open areas shall be so arranged as to eliminate glare toward streets and adjoining properties.
9. Use of barbed wire: Barbed wire may be used on fences or walls, provided the wire is more than six (6) feet above ground level.

G. Performance Standards.
   1. The performance standards of this Section shall be in accordance with Article 6-2-1, subsection W.

6-1-18 I-2 Heavy Industrial Zone

A. Purpose. This zone is intended for areas suitable for heavy industrial development. It is the purpose of this zone to encourage and protect industrial development, and to prohibit the encroachment of residential and certain commercial uses. Therefore, this zone requires adequate buffers when there are nearby residential or commercial areas.

B. Principal Permitted Uses. The following uses, including sale of products manufactured on the premises, and the sale of related products:
   1. One (1) dwelling unit (manufactured or site built) for a caretaker and his/her family.
   2. Manufacturing, compounding, processing, packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs and pharmaceutical products, soap and food.
   3. Manufacturing, compounding, assembling or treatment of articles or merchandise from the following materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair or bristles, horn, leather, paper, plastics or plastics products, precious or semi-precious metals, or stones, rubber, shell, textiles, tobacco, wax or wood (excluding sawmill or plaining mill) yards.
   4. Manufacturing, compounding, assembling or treatment of glass, pottery or other similar ceramic products, musical instruments, toys, novelties or light metal products.
   5. Laundry, cleaning or dyeing works, carpet and rug cleaning.
   6. Distribution plant of ice and cold storage plant, beverage bottling plant.
   7. Wholesale business, storage building or warehouse.

8. Assembling of electrical appliances and radios, including the manufacturing of small parts only, such as coils, condensers, transformers, electric and electronic parts and equipment for wholesale.
9. Administrative, engineering and design.
10. Water utility, telephone or telegraph distribution installation and electrical and gas receiving or distribution station.
11. Automobile or trailer assembling, painting, upholstering, rebuilding and reconditioning, truck repairing and overhauling, tire rebuilding, motor vehicle wrecking and salvage, scrap metal and junk.
12. Welding or machine shop.
13. Building material sales yard, sale of rock, sand and gravel, or contractor's equipment yard or plant.
14. Concrete or cement products.
15. Public utility service yard and public uses.
16. Above ground storage tanks for the storage of gasoline, diesel fuel, automotive fluids, oil, waste oil, butane or propane, subject to the restrictions and requirements set forth in Article 6-2-1, subsection A, and limited to one hundred thousand (100,000) gallons per tank.

C. Conditional Uses.
1. The following uses and similar uses are permitted as conditional uses upon application, review and approval pursuant to the procedures described in Article 6-2-1, subsection I.
   a. Abattoir or slaughterhouse, but no stockyard or feeding operations.
   b. Adult oriented businesses.
   c. Airport.
   d. Alcohol distillation, including wineries and breweries.
   e. Asphalt manufacturing, refining or preparing.
   f. Battery manufacturing.
   g. Blast furnace.
   h. Celluloid or pyroxylin manufacture, or explosive or flammable cellulose, or pyroxylin products.
   i. Correctional Facility.
   j. Heavy industrial manufacturing.
   k. Mixing, manufacturing or preparing, by mechanical means or otherwise, of lime mortar in any of its forms, such as brick mortar, rock mortar, dash mortar, plaster mortar or putty lime; or the slacking of lime, by air, water or otherwise; or the mixing of cement with other ingredients to make concrete in any form; or the mixing of gypsum plaster or plaster mortar with water, cement or other ingredients to form plaster ready for use.
   l. Motor vehicle wrecking, but not including burning of motor vehicles or parts.
   m. Nitrating processes.
   n. Oiled cloth or oiled clothing manufacturing, or the impregnation of any fabric by oxidizing oils; and window shades or patent leather manufacturing.
   o. Ore reduction, or the smelting or converting of iron, lead, copper, tin, zinc, mercury or aluminum.
   p. Perfume manufacturing.
   q. Petroleum refining.
   r. Recycling facility.
   s. Rock crushing.

t. Rubber manufacturing from crude scrap material.
u. Salvage yard.
v. Scientific research or experimentation facility.
w. Sewage disposal plant.
x. Sulphureous, sulfuric, nitric, picric or hydrochloric, or other corrosive or offensive acid manufacturing, or their storage or use on a commercial scale.
y. Medical Marijuana Dispensary or Commercial Cultivation.
z. And similar uses.

2. Radioactive materials prohibited; exceptions: Any other provisions of this section notwithstanding, manufacturing activities involving the use, storage or disposal of radioactive material are expressly prohibited. The foregoing is not intended to prohibit manufacturing activities involving the use, storage or disposal of radioactive material, which radioactive material does not become an integral part of the manufactured product, or is exempt from the licensing requirements of or permitted under a general license issued by the Arizona Atomic Energy Commission or its legally established successor. Nor is the foregoing intended to prohibit the use of radioactive material in medical diagnosis and therapy, or in medical, educational, or industrial research and development.

D. Development Standards, Principal and Accessory.

I-2 Heavy Industrial Zone							
	Minimum Lot Size	Minimum Lot Width	Minimum Yard Setback				Maximum Building Height
			Front	Least Side	Total Side	Rear	
Principal and Accessory Structure	One acre	100 ft.	30 ft.	20 ft.	50 ft.	30 ft.	80 ft.

1. Maximum lot coverage by buildings: seventy (70) percent.

E. General Regulations.
1. Building setbacks and heights for accessory buildings: Regulations applicable to the principal building shall apply.
2. No accessory building shall be erected in any front yard.
3. No accessory building shall be closer than fifty (50) feet to the boundary of any residential zone.
4. Screening: A masonry wall that restricts the view of the enclosed area six (6) feet or more in height shall be erected along the property lines adjoining a residential zone prior to any industrial use of said property, and provided the use is within one hundred (100) feet of the residential zone. The wall shall be provided and maintained by the owners of the industrial site.
5. Landscaping: The owner or operator shall maintain all open areas of an improved lot. The Planning and Zoning Commission or the Zoning Administrator may require landscaping if property adjoins a major thoroughfare, or an entry way of high visibility or traffic on a case-by-case basis.
6. Storage facilities: Outdoor storage shall be permitted only in rear or side yards when accessory to a permitted use. All areas used for storage shall be enclosed on all sides by a masonry wall or screened fencing not less six (6) feet or more than eight (8) feet in height.

7. Permitted signs: Signs shall be restricted to identifying the permitted uses, directional purposes, and advertising the sale or lease of property as follows:
   a. One (1) freestanding identification sign, identifying the name of the industrial park. The area of the sign shall not exceed fifty (50) square feet nor shall the sign be more than fifteen (15) feet in height. The sign may be a wall sign or freestanding. A freestanding sign may be located in the required front or side yard not closer than five (5) feet of the property line nor within ten (10) feet of the property corner on the corner lots.
   b. Four (4) wall signs and one (1) freestanding sign identifying the use or the name of the industry or business. The sign shall not project more than one (1) foot from the face of the building wall to which it is attached.
      i. The wall sign shall not exceed a maximum area of fifty (50) square feet and shall not project above the height of the building to which it is attached. The freestanding sign shall not be more than one hundred fifty (150) square feet, nor more than twenty (20) feet in height and no closer than five (5) feet to any property line.
   c. An unlighted sign advertising the sale or lease of the property or a building on the premises, provided it does not exceed twenty-five (25) square feet.
   d. All signs must be in a fixed position; shall not have any moving parts nor be revolving. Illumination of signs shall be indirect and not flashing, intermittent or animated.
   e. No advertising shall be painted on or attached to the outside of fences or property line walls which are not part of a building.
8. Illumination: Illumination of buildings and open areas shall be so arranged as to eliminate glare toward streets and adjoining properties.
9. Use of barbed wire: Barbed wire may be used on fences or walls, provided the wire is more than six (6) feet above ground level.
10. Rear setback requirement waived for properties abutting the railroad tracks on the rear lot line of said property for shipping and loading purposes.

F. Performance Standards. The performance standards of this Article shall be in accordance with Article 6-2-1, subsection W.

6-1-19 FP Flood Plain

A. Purpose. Within this zone are areas that are subject to inundation by flood waters. It is the intention of this zone to protect the health, safety, and welfare of persons and property in this zone from the hazards of floodwaters. All uses, whether permitted or conditional shall meet the requirements of the Floodplain Ordinance.

B. Permitted Principal Uses.
   1. Livestock grazing.
   2. Parks, open space or recreation areas.
   3. Non-motorized (bicycle and nature) trails.
   4. Agricultural use.
   5. Golf Courses.

C. Conditional Uses.
   1. Public utility lines.
   2. Sand and gravel removal, stockpiling, processing or distribution.
   3. Filling of land areas; construction of levees, dikes or other flood control features.

4. Parking lots.
5. Athletic fields.
6. Public Events. FP Public Events shall apply for Conditional Use Permit at least eight (8) weeks prior to event.
7. And similar uses.

D. Accessory Uses. Buildings or structures, other than dwellings, provided that such use is incidental and subordinate to the permitted use, and meets the requirements of the Floodplain Ordinance.

E. General Standards.
1. Under no condition shall such foreign matter as rubbish, refuse, trash or junk vehicles, or any man-made debris be deposited within this zone.

6-2 GENERAL REGULATIONS

6-2-1 General Regulations
6-2-2 Parking
6-2-3 Off-Street Loading
6-2-4 Signs

6-2-1 General Regulations

A. Above Ground Storage Tanks.
   1. Above ground storage tanks for the storage of gasoline, diesel fuel, automobile fluids, oil or waste-oil are permitted as accessory uses in conjunction with and for the purpose of a permitted principal use.
   2. Exceptions.
      a. A tank not to exceed one thousand (1,000) gallons can be used for storing propane, water or heating oil for consumptive use on the premises and is not regulated by this section.
   3. No person shall install an accessory above ground storage tank unless the tank meets the following requirements:
      a. The tank shall be used only for the purposes of servicing the vehicles used or serviced in connection with a permitted principal use.
      b. Except as specified in this section, the setback regulations of the zoning district in which the tanks are to be located apply to all accessory storage tanks.
      c. If the Building Inspector approves the location of a tank within an enclosed building, the minimum setbacks shall be determined by the Building Inspector, provided that the setbacks are not less than those required by the zoning district.
      d. A tank that is not located within an enclosed building shall be set back as follows:
         i. A minimum of fifty (50) feet from any property line adjacent to a residential zone, or anywhere, in the opinion of the Building Inspector, the tank could present a hazard or danger to person or property.
         ii. The construction, installation and location of the above ground storage tanks and the type of materials to be stored in the tanks must be approved by the State Fire Marshal.
   4. These regulations do not supersede or replace any other applicable City, State, or Federal regulations and requirements for above ground tanks as amended from time to time.

B. Accessory Buildings in Residential Zones.
   1. Accessory buildings are allowed in any side or rear yard as follows, unless otherwise stated in the applicable Zoning District section of Article 6-1:
      a. Maximum height, twenty-five (25) feet.
      b. Side yard setback, five (5) feet.
      c. Rear yard setback, five (5) feet.
   2. Accessory buildings, except stables, may be erected as part of the principal building, provided all yard requirements of this ordinance are complied with.
   3. This section is not intended to apply to buildings of five (5) feet or less in height, and ten (10) square feet or less in area, such as doghouses, refuse container enclosures or play equipment.

C. Accessory Structure Across Common Lot Lines in Residential Zones. In any residential zone, a principle or accessory structure may not be built across a common lot line unless the lots are combined into a single assessor's parcel.

D. Animals in Residential Zones. Animals allowed in residential zones shall consist of domestic animals such as dogs, cats, small fowl, hamsters, non-poisonous snakes, rabbits and like animals, unless otherwise stated in the applicable Zoning District Section of Article 6-1.

E. Appeals Process.
   1. Appeals from decisions of the Zoning Administrator are heard by the Holbrook Board of Adjustment at a public hearing.
   2. Appeals from decisions of the Planning and Zoning Commission are heard by the Holbrook Board of Adjustment at a public hearing.
   3. Appeals to the Board of Adjustment must be filed within fifteen (15) days of the date of the decision being appealed.

F. Board of Adjustment.
   1. The City Council of Holbrook shall serve as the Board of Adjustment, unless said City Council chooses to appoint a separate Board of Adjustment.
      a. It shall be the duty of the Board to:
         i. Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the Zoning Administrator, in the enforcement of the Zoning Code, and to reverse or affirm, wholly or partly, the decision of the Zoning Administrator.
         ii. Hear and decide appeals for variances from the terms of the Zoning Code only if, because of special circumstances applicable to the property, including its size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance will deprive such property of the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the same zoning district in which such property is located.
         iii. Hear and decide appeals regarding interpretation of "similar uses" and Zoning Administrator decisions regarding the classification of "uses" listed in this ordinance under both permitted and conditional uses.

G. Camping in Residential Zone Districts. Camping is permitted when the following requirements are met:
   1. Compliance with all health requirements of Navajo County and the State of Arizona.
   2. Compliance with all minimum setbacks for the zone.
   3. Camping on property over sixty (60) days, in one calendar year, will be considered permanent residence and will be in violation of these Regulations.
   4. No more than two (2) camping units, per lot, are allowed.
   5. During construction of a private dwelling, camping will be allowed for a six (6) month period, providing the following conditions are met:

a. Water and sewage disposal systems are installed before moving onto the property, or the temporary living quarters are self-contained with water and sewage disposal systems.
b. All building permits must be current and posted on the property, with the building permit noting that there are campers on the property.
c. A six (6) month extension may be granted if the residence's water and sewer systems are installed.

6. These Regulations do not permit the use of campers, trailers, lean-to, tents, motor homes, recreational vehicles or any other such property as a permanent living residence.

H. Childcare in Residential Zones (Ten (10) Person Maximum).
1. These regulations provide for childcare services in residential zones throughout the City, subject to specific performance criteria. The regulations encourage and promote the establishment of childcare centers in safe, convenient and appropriate locations. For the purpose of this section, residential zones are the R-7, R-10, R-14, RMH-1, RMOD-1, RM-1, PUD, R-R and R-C zoning districts.
2. The specific regulations, such as the limitations on the number of children, minimum site size or permitted hours of operation, which apply to Child Care uses within the residential zones shall comply with the following requirements and the requirements set forth in A.R.S. Title 36 Chapter 7.1.
a. Licensing. If licensing is required by the State of Arizona for the use, proof of such license shall be provided to the Community Development Department prior to issuance of a certificate of occupancy.
b. Building setbacks. Except as otherwise provided in this section, the minimum building setbacks from all property lines are the setback requirements outlined in each zoning district.
c. Maximum number of children/persons: ten (10).
d. Any child care operation caring for eleven (11) or more persons/children shall be considered a commercial child care business for the purpose of these regulations.
e. Parking. One (1) per every four (4) children, plus one (1) per employee. See also Article 6-2-2, Parking, of this ordinance for additional parking requirements.

I. Conditional Use Permits.
1. Definition. Conditional uses are those which must be approved and are limited to only those uses listed under each zone as Conditional Uses.
2. Written application must be submitted and the fees must be paid to the City as provided in Article 6-2-1, subsection M. The application shall include a site plan as outlined in Article 6-2-1, subsection CC.
3. The Planning and Zoning Commission shall hear the request and ensure that all requirements of the Zoning Ordinance are met. At the Planning and Zoning Commission meeting the Commission shall by a majority vote make a decision as to approve, deny or postpone their decision on the conditional use.
4. All conditional use permits may be reviewed for compliance with conditions on an annual basis or as specified in the Conditional Use Permit approval.
5. Land owners within three hundred (300) feet of property lines shall be notified in writing by the Community Development Department in accordance with A.R.S. 9-462.04, stating the nature of the Conditional Use Permit request and the time and

date of the public hearing conducted by the Planning and Zoning Commission, and inviting them to submit written or verbal comment to the Community Development Department prior to the date of the hearing.

6. Section 6-2-1 subsection E appeals regarding denials of Conditional Use Permits shall be heard by the Board of Adjustment at a legally noticed public hearing within fifteen (15) days from the date of denial.
7. Conditional Use Permits shall expire after six (6) months of date of approval (unless otherwise specified within the approval) if not executed.
8. Notice shall be posted in accordance with A.R.S. 9-462.04.
9. Where a Conditional Use Permit has been denied, no application for a Conditional Use Permit for the same or substantially the same use or issue, on the same or substantially the same site shall be filed within one (1) year from the date of denial. The Council may waive the one (1) year requirement when special circumstances exist.

J. Day Care-home Occupation (Conditional Use to a Residence).

1. Purpose. The purpose of these regulations is to provide for day care as a conditional use to a residential use, while recognizing that it is different from other home occupations.
2. Applicability. These provisions may be applied in any residential or commercial zone where the principal permitted use of the property is residential. The day care service must be provided in compliance with the following criteria, subject to review and approval by the Community Development Department, as provided for below. Provision of day care for less than five (5) persons is not regulated by these provisions. Day care for more than ten (10) persons is not allowed as a day care home occupation by these provisions.
3. Criteria. The application for day care as an accessory use must indicate compliance with the following criteria:
   a. The day care use is clearly incidental to the residential use of the dwelling.
   b. No more than ten (10) persons are cared for in the home.
   c. No more than one (1) full-time person, not residing on the premises, may be employed in the day care use.
4. The day care use is conducted in a manner that does not create adverse impact on the residential character of the neighborhood.
5. During the hours of the activity of the day care use, there will be no limit on the amount of floor area devoted to this accessory use.
6. Outdoor activities and equipment associated with the use are permitted, and must be screened by a six (6) foot fence or wall.
7. Hours of operation must be noted on the application, and those hours of operation shall not create an adverse impact on adjoining residences.
8. Adequate areas must be provided for client drop-off and employee parking, either on-site or in a parking lane in the right-of-way adjoining the site.
9. The day care use must be approved and licensed by the Arizona Department of Health Services and A.R.S. Title 36 Chapter 7.1 prior to final approval by the Community Development Department.

K. Dumping or Disposal.

1. The use of land for dumping or disposal of scrap iron, junk, litter, garbage, rubbish, yard waste or other refuse, or of ashes, slag or other industrial waste or

by-products, shall be prohibited in every zone except as otherwise provided in this Ordinance.

2. Every lot that stores non-functioning vehicles must screen or remove the vehicles from view from the adjacent properties.

L. Enforcement by the Zoning Administrator and Building Inspector.

1. It shall be the duty of the Zoning Administrator, with the aid of the Building Inspector, to enforce this Zoning Ordinance.
2. All applications for building permits shall be accompanied by plans in triplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of the lot, of the building and accessory buildings existing, and the lines within which the building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter. One (1) copy of such plans shall be returned to the owner when the Building Inspector has approved such plans. Both the Building Inspector and Community Development Department shall maintain records of such plans in compliance with statutory requirements.
3. All dimensions shown in these plans relating to the location and size of the lot to be built upon shall be based on an actual survey or assessor plat map.

M. Fees. The City Manager, with the approval of the City Council, is hereby authorized to establish fees to be imposed by the Community Development Department in connection with applications for conditional uses, temporary uses, variances and zone changes.

N. Front Yard Measurement of Cul-de-sacs in All Residential Zones. On cul-de-sacs and eyebrow front lots, the minimum front yard depth may be measured from a straight line drawn between the front lot corners, rather than measured directly from the curved front property line. In no case, however, shall the minimum required front yard be reduced in excess of fifty (50) percent by this alternative measurement.

O. Garage Sales. Garage or yard sales are limited to three (3) days per occasion and four (4) times per year. Garage sale proprietors shall be responsible for the removal of any advertising of said garage or yard sale. See also Article 6-2-4, subsection E, Signs.

P. Golf Courses.

1. All direct vehicular access shall be from an arterial or collector street.
2. All principal and accessory buildings shall be located not less than fifty (50) feet from any property line adjoining a residential zone. Fencing and/or screening may be required at the discretion of the Zoning Administrator.
3. Golf fairways, greens, swimming pools, tennis courts and similar outdoor recreation facilities shall be located not less than twenty-five (25) feet from any property line.

Q. Height Exceptions.

1. In any district architectural features including, but not limited to, church spires, belfries, cupolas and domes, monuments and water towers, provided that such structure shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed. A stamped structural drawing submitted by an engineer licensed to practice in the state of Arizona may be substituted for the above reclining length requirement at the discretion of the Zoning Administrator.
2. In any district, radio antennas, television antennas and flagpoles are permitted, provided they are designed and installed according to the Uniform Building Code requirements and any other relevant regulations. Noncommercial radio or television antennas and flagpoles shall not exceed fifty (50) feet in height in any residential zones, measured from the lowest grade within property.
3. In industrial zones, chimneys, smokestacks, derricks, conveyors, grain elevators or similar structures wherein the industrial process is involved customarily requires a height greater than otherwise permitted, shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed.

R. Height Limitations on Corner Lots. Within a triangle formed by the street front and side lot lines, and a line connecting these lot lines at points measured along these lot lines a distance of twenty-five (25) feet from their intersections, all fixtures, walls, fences, construction, hedges, shrubbery and other planting shall be limited to a height not over three (3) feet above the elevation of the street line level at the same intersecting streets except a reasonable number of trees pruned high enough to permit unobstructed vision to vehicular traffic Within the triangle, and in cases where front yards are terraced, the ground elevation of such front yards shall not exceed three (3) feet above the established street line elevation at the intersecting streets

On any corner lot no fence, structure, object or planting will be erected or maintained so as to interfere with sight visibility triangle provisions of Article 6-2-1, subsection Q.

1. Structures or a projection in front yards. The front yard requirements of this article do not apply to the following:
   a. Front fence and planting walls not over three (3) feet high above the elevation of the street line level, except on corner lots as specified in Article 6-2-1, subsection Q, and to terraces and steps not over three (3) feet high above the elevation of the street line level and distance at least five (5) feet from every lot line.
   b. Chimneys, flues, sills, pilasters, eaves, gutters and the like.
   c. Certain other architectural features, which are part of a solar energy system, may project up to four (4) feet into required front yards. Such architectural features include, but are not limited to, overhangs, moveable insulating walls and roofs, detached solar collectors, reflectors and piping. However, the projection shall not encroach into a minimum fifteen (15) foot set back from the front property line unless the Zoning Administrator has approved a lesser setback.

S. Home Occupations.
   1. The activity is clearly secondary to the use of the structure as a dwelling.

2. Only members of the family residing on the premises are employed in the home occupation.
3. No more than twenty-five (25) percent of the gross floor area of each dwelling is devoted to the home occupation.
4. Except for signs as regulated by the Sign Code, Article 6-2-4, there shall be no external evidence of the activity such as outside storage, noise, dust, odors, noxious fumes, vibration or nuisances emanating from the premises.
5. Any home occupation that produces food products for human or animal consumption shall conform with County Food Service regulations and shall display current County Food Service Permits.

T. Inoperable or Junk Vehicles. Every lot that stores non-functioning vehicles must screen or remove the vehicles from view of adjacent properties.

U. Nonconforming Uses. Nonconforming use are any lot, structures, use of land and characteristics of uses, which are prohibited under the terms of the current Zoning Ordinance, but were lawful at the date of the adoption of the Zoning Ordinance. The continuation of such non-conformities is allowed unless there is a compelling reason, such as imminent danger to health or safety to the public.
1. Expanding Nonconforming Use. Except when authorized by the Planning and Zoning Commission, no building or premises containing a nonconforming use shall hereafter be extended unless such extension shall conform with the provisions of this article for the zone in which it is located; however, nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this article, if no structural alterations, except those required by law or ordinance, are made therein.
2. Reconstruction of Nonconforming Structures. Any nonconforming building or structure, or one (1) or more of a group of nonconforming buildings or structures related to one (1) industry and under one (1) ownership, which has been damaged by fire, flood, explosion, earthquake, war, riot or act of God, may be reconstructed and used as before, if the reconstruction is completed within twelve (12) months of such calamity or if the area restored does not exceed the square foot area as it existed at the time of such calamity. (Except where prohibited by other City, State or Federal regulations.)
3. Resuming Nonconforming Use after Six Months Discontinuance. No building, structure or premises where a nonconforming use has been discontinued for more than six (6) months shall again be devoted to a nonconforming use. No building, structure or premises where a nonconforming use has been changed to a use permitted in the zone in which it is located for more than six (6) months and then reverted to the nonconforming use.

V. Nuisance. For the purpose of this ordinance, a nuisance is anything, condition or use of property which endangers life or health, gives offense to the senses, and/or obstructs the reasonable and comfortable use of other property. Abandoned vehicles, debris, rubbish, trash and graffiti shall not be allowed on any lot or structure, outside of approved containment. Excessive over growth of weeds shall not be allowed to remain on any lot. All areas that store non-functioning vehicles must keep the vehicles screened from view of the adjacent properties. Please see Holbrook City Code Section 10.

W. Performance Standards.

1. The following performance standards shall apply to all uses in this zone.
   a. Noise: At no point on the boundary of a residential or commercial zone shall the sound pressure level of any individual operation or plant exceed the decibel level in the designated octave bands shown below.

Octave Band Cycles Per Second	Maximum Sound Pressure Level in Decibels (.0002 Dynes Per CM (Squared)
0 to 75	72
76 to 150	67
151 to 300	59
301 to 600	52
601 to 1200	46
1201 to 2400	40
2401 to 4800	34
Above 4801	32

   b. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards, provided that such noises shall be capable of being so measured with such instrument. Noises capable of being so measured, for the purpose of this section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
2. Smoke: No emission smoke from any source shall be permitted to exceed a greater density than that described as No. 1 on the Ring Lemann Chart. However, smoke may be emitted, which is equal to, but not darker than No. 2 on the Ring Lemann Chart, for not more than four (4) minutes in any thirty (30) minute period. For the purpose of grading the density of smoke, the Ring Lemann Chart as published by the U.S. Bureau of Mines shall be the standard.
3. Glare or heat: Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along lot lines. No structure or modification to a structure shall produce intense glare that creates a nuisance or threat to public health, safety and welfare.
4. Odors: No emissions or odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the property lines.
5. Vibration: No vibration shall be permitted which is discernible to the human senses beyond the lot line.
6. Ash, dust, fumes, vapors, gases and other forms of air pollution: No emissions shall be permitted which can cause damage to humans, animals or vegetation, or other forms of property, or which can cause any excessive damage and/or soiling.

7. Liquids and soils waste: No wastes shall be discharged in the streets, drainage ways, public sewage system or on any property, which is dangerous to the public health and safety.

X. Rear Dwelling Restricted. In any residential zone, no lot shall contain any building used as a residence unless such lot abuts for at least twelve (12) feet on at least one (1) street, or unless it has an exclusive unobstructed private easement of access or right-of-way at least twelve (12) feet wide to a street. This is intended to prevent the splitting of lots that creates secondary dwellings/properties whose primary access is an alley.

Y. Residential Care Service Criteria.
1. These regulations provide for Residential Care Services in homes and facilities throughout the City, subject to performance criteria. The regulations recognize the rights of the elderly, physically and mentally ill, and the disabled to live in neighborhoods throughout the community.
a. All Residential Care Service uses shall comply with the requirements and restrictions set forth in this section, as determined in the regulations for each zone. The specific regulations which apply to Residential Care Service uses within a zoning district, such as the limit on number of residents, shall be determined by the size of the property and the size of the building. Unless otherwise specified in this section, the development criteria, such as setbacks and minimum lot size, are determined by the regulations of the zoning district.
2. Accessory treatment, including counseling or other types of meetings, is not allowed for nonresidents of the facility.
3. The use must be authorized by the Planning and Zoning Commission by approval of a Conditional Use Permit. The Commission must find that: Residential Care Services are not concentrated in one area; the design and appearance of the facility is compatible with the residential character of the neighborhood; and the number of clients is appropriate for the location, given the size of the property, the size of the building, the number of staff members and the nature of the service provided.
4. If licensing is required by the State of Arizona for the use, proof of such license shall be provided to the Community Development Department.

Z. Restoring Unsafe Buildings. Nothing in this article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector, or from complying with the lawful requirements.

AA. Satellite Dishes. Satellite dishes shall conform to the accessory structure requirements according to Article 6-2-1, subsection B, and any standards set forth in the zone in which the satellite dish is located.

BB. Access to Incidental Solar Energy. Shadows cast from any proposed multi-story structure shall be taken into consideration as to their effect on adjacent properties. Where such shadows adversely affect solar energy systems between the hours of 9:00 a.m. and 3:00 p.m., a site plan shall show that the multi-story structure has been reoriented on the site to mitigate this effect or that other measures have been taken so as to minimize the adverse effects of the shading. Please refer to A.R.S. Title 9 for additional regulation of solar energy access.

CC. Site Plan.

1. When a site plan is required, it shall be submitted to the City for review and approval.
    a. Plan requirements: A site plan shall include the following:
        i. Technical information. An accurate map drawn to scale of not less than forty (40) feet to the inch showing the boundaries and dimensions of the site; a north arrow; names and dimensions of all streets, alleys and easements bounding or touching the site; location, dimensions, direction and bearing of any major physiographic features, such as railroads and drainage ways; and existing topographic contours at intervals of not more than five (5) feet.
        ii. Development information. On the map shall be shown proposed finished grading of the site; proposed public dedications of the site, if any, within the site; the proposed location, finished grade, vertical dimensions, and use of all buildings and structures to be located on the site; and the location and use of buildings on abutting property within one hundred (100) feet of the site.
        iii. Provisions of service. On the map shall be shown the location, quantity and typical stall dimension of off-street parking; trash enclosures; and loading of ingress and egress from the site, including width of curb cuts; internal circulation; refuse collection areas and fire lanes, if any; and off-site improvements, if any.
        iv. Provisions of amenities. On the map shall be shown proposed location open space and recreational facilities on the site; location of landscaping used for screening; location and height of screen walls; and location and specifications for any other proposed features of development contributing substantially to the use of the site.
    b. Site plan submittal, review and procedure: A development plan shall be submitted to the City for review and processing.
        i. Review by the Zoning Administrator, Building Inspector and other City department personnel as needed.
        ii. The City Manager or designee shall notify the applicant or developer within ten (10) working days following submittal of the plan of the recommendations or required modifications. The same schedule and procedures shall apply to all subsequent re-submittals.
        iii. Appeals to the plan check requirements shall be filed in writing with the Community Development Department within thirty (30) days of notification of such requirements, requesting a meeting with City Staff. After said meeting with City Staff, if the applicant desires appeal of staff recommendation, applicant shall appeal to the Holbrook Planning and Zoning Commission during a regular public meeting.
        iv. Following approval of a site plan, the approved site plan shall be filed with the official building records and shall be the basis for issuance of building permits. Subsequent applications for building permits involving construction which deviates from the site plan as originally approved shall be accompanied by drawings which include copies of an amended development plan bearing the stamp of approval of the Community Development Department.

DD. Solar Units. Solar heating and solar cooling units, solar greenhouses and associated apparatus may, notwithstanding any other provision of this ordinance, be located in a rear or side yard, provided that such apparatus does not cover more than thirty (30) percent of that side or rear yard and shall be no closer than five (5) feet to any lot line.

EE. Structures or Projections into Side Yards.

1. A wall or fence not over six (6) feet high may be erected within the limits of a side yard. Such wall or fence may be higher than six (6) feet if it is a retaining wall.
2. Bays, including their cornices and eaves, balconies and fire escapes, may project into a required side yard not more than three (3) feet.
3. Chimneys, flues, sills, pilasters, eaves, and gutters may project into or over required side yard not more than three (3) feet.
4. Certain other architectural features, which are part of a solar energy system, may project up to four (4) feet into required yards. Such architectural features include but are not limited to overhangs, moveable insulating walls and roofs, detached solar collectors, reflectors and piping.

FF. Swimming Pools. All outdoor swimming pools, whether private, public or commercial, shall comply with the following regulations:

1. No residential swimming pool shall be located in any required front yard, nor within the limits of any utility easement, nor closer than five (5) feet of any lot line or building.
2. No heater, filter, pump or other mechanical equipment shall be located within three (3) feet of any side lot line nor within five (5) feet of any rear lot line in a residential zone.
3. Every swimming pool, or the property on which it is located, shall be completely screened and surrounded by buildings, walls or fences, or combinations thereof, not less than four (4) feet in height above grade, which are so constructed, and maintained as to discourage unauthorized entry.

GG. Temporary Use Permits. Temporary uses or structures not otherwise permitted by the code provisions may be permitted by the approval of a Temporary Use Permit provided the applicant pay a fee to the City as provided in Article 6-2-1, subsection M, and:

1. That the need for the Temporary Use Permit has arisen from circumstances constituting a substantial hardship, including but not limited to a natural disaster, fire or governmental action, or construction or development of a permanent structure.
2. That the structure will not violate any applicable yard setbacks.
3. That any temporary use permitted must be capable of being removed within fifteen (15) days notice if the Temporary Use Permit is revoked or expires.
4. That the temporary use shall not be granted for more than one (1) year, except that an additional one-year period may be granted by the Zoning Administrator for good cause shown.
5. That a surety or cash bond of up to five thousand (5,000) dollars may be required by the City to guarantee termination of the temporary use. The decision to determine if a cash bond is necessary or not is the decision of the Zoning Administrator.

6. The Zoning Administrator may approve an application with such conditions, modifications and restrictions as the Zoning Administrator finds necessary to make the temporary use more compatible with the surrounding neighborhood and to carry out the objectives of the General Plan, specific plans, the Zoning Ordinance, the subdivision regulations and other official policies of the City.

HH. Trash Enclosures.

1. Any and all enclosures, and trash or recycling bins are to be approved by the Sanitation Superintendent and Community Development Department before being placed into service.
2. An adequate and safe ingress/egress is required for the collection vehicle in each new development.
3. Dumpster enclosures are not to be built on any curb or sidewalk or in the area between the curb and sidewalk.
4. Enclosures are not allowed in any area so as to obstruct safe sight distance.
5. Enclosure placement is not to obstruct or block drainage.
6. Enclosures are to be built so that the collection vehicles do not have to back into moving traffic, block traffic or obstruct vehicle parking spaces.
7. The storage and collection areas will be screened from view of adjacent development and from public rights-of-way.
8. Enclosures and bins are to have suitable hatches, doors, gates and covers to prevent material from overflowing, spilling or scattering onto surrounding premises. A sanitary condition will be maintained for fire prevention, ease of collection and health-related impacts.
9. Enclosures shall not be used for storage.
10. Enclosure gates must be secured and locked using a City issued lock.

II. Variances.

1. May only be granted by the Board of Adjustment because of special circumstances applicable to the property, including its size, shape, topography, location or surroundings, and due to the special circumstances, the strict application of the Zoning Code will deprive such property or privileges enjoyed by other properties in the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the same zoning district.
2. Written application must be submitted along with a site plan and the fees must be paid to the City as provided in Article 6-2-1, subsection M, prior to the initiation of the Variance Permit process.
3. Land owners within three hundred (300) feet of property lines shall be notified in writing by the Community Development Department (in accordance with A.R.S. Title 9-462.04), stating the nature of the Variance Permit request, and the time and date of the public hearing conducted by the Holbrook Board of Adjustment prior to the date of the hearing.
4. Notice shall be posted in accordance with ARS Title 9-462.04.
5. At public hearing the Board to Adjustment shall approve, amend or deny the petition.
6. Approved variance applications shall be void after six months of the date of approval unless other arrangements have been approved in writing with the Board of Adjustments.

7. Where a variance or appeal has been denied, no application for a variance or appeal for the same or substantially the same issue on the same or substantially the same site shall be filed within one (1) year from the date of denial. The Council may waive the one (1) year requirement when special circumstances exist.

JJ. Walls, Hedges and Fences.

1. Heights: No fence, wall or hedge in any residential zone may be more than four (4) feet in height above street grade along any required front yard unless on a corner lot which may be less (see Article 6-2-1, subsection R), nor shall a fence, wall or hedge be more than six (6) feet in height in any rear or side yard. Fences, walls and hedges may not exceed height limitations, including ornamental or decorative additions. Fences, walls and hedges may be built above these heights in the following situations:
   a. Around schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants thereof. Hedges shall not be used for safety or restraint of occupants.
   b. Within industrial zones.
   c. In commercial and industrially zoned property, barbed and razor wire is permitted only above the six (6) foot height limitation.
2. Fences and walls in all zones shall be constructed of conventional fencing material and maintained and kept in good appearance. Hedges in all zones shall be maintained in a neat and orderly fashion.
3. Hedges shall not be used for the containment of animals.

KK. Yard Requirements Across Zoning Boundaries in less Restricted Zones. Along any zoning boundary line, on a lot crossing such boundary line in the less restricted zone, the more restricted development standards and zone requirements shall apply.

LL. Zoning for Annexed Areas. All newly annexed areas of the City of Holbrook shall be zoned in accordance with procedures outlined in A.R.S. 9-471.

MM. Zone Changes.

1. Any person proposing to initiate a zone change shall file with the Community Development Department an application for such amendment on the form provided by the Community Development Department and pay a fee to the City as provided in Article 6-2-1, subsection M.
2. The Community Development Department shall review the application for zone map amendments and forward its recommendations to the Planning and Zoning Commission.
3. Landowners within three hundred (300) feet of property lines shall be notified in writing by the Community Development Department (in accordance with A.R.S. 9-462-04), stating the nature of the Zone Change Permit request. Landowners shall also be notified of the time and date of the public hearing conducted by the Planning and Zoning Commission and the Community Development Department prior to the date of the hearing.
4. The Zoning Administrator shall set the date for a public hearing in front of the Planning and Zoning Commission. Notice of the hearing shall be mailed to all parties of interest, and notice shall be posted in accordance with Arizona State Statute.

5. At a hearing, the Planning and Zoning Commission shall make their recommendation to the City Council.
6. At a hearing, the City Council shall approve or deny the Zone Change Permit petition.

6-2-2 Parking

A. Purpose. This Article establishes minimum requirements for motor vehicle and bicycle parking to ensure that such facilities are consistent with the objectives of the General Plan. As part of a balanced transportation system, these regulations are intended to promote public safety and environmental quality. Specifically, these regulations are intended to:
   1. Ensure sufficient off-street motor vehicle and bicycle parking facilities by establishing minimum parking requirements for land use.
   2. Encourage safe, convenient and efficient design of motor vehicle and bicycle parking spaces, circulation and access areas.
   3. In certain circumstances parking requirements may be reviewed and revised at the discretion of the Zoning Administrator.

B. Applicability. The provisions of this article apply to:
   1. New development.
   2. New uses locating in an existing development.
   3. Any expansion of an existing use or any addition of a new use to an existing development as described below.

C. General Provisions.
   1. Parking required for uses not listed: Required parking for uses not listed in this article shall be determined by the Zoning Administrator based on similarity to a listed use.
   2. Bicycle parking requirements: The number of required bicycle parking spaces is calculated as a percentage of the total number of motor vehicle parking spaces provided.
   3. Parking for the physically disabled: Off-street parking spaces for the physically disabled shall be provided as required by the Uniform Building Code and Americans with Disabilities Act.
   4. Calculation of required motor vehicle parking spaces: The number of parking spaces required for a use is calculated based on the particular characteristics of the use. The following methods shall be used to calculate the required number of motor vehicle parking spaces:
      a. Based on fixed seats; use the total number of fixed seats to calculate the requirement. The number of fixed seats or, if individual seats are not provided, each eighteen (18) inches of benches, pews or similar seating facilities is considered one (1) seat.
      b. Based on bedrooms; use the total number of bedrooms to calculate the requirement. Any habitable room which has a minimum area of sixty (60) square feet and which contains a closet will be considered a bedroom, whether termed a studio, family room, study, den or any other name.
      c. Schools with students in the range of K-8 will also provide a dedicated area to pick up and drop off students in addition to the parking requirements.
      d. Based on the square foot building area.
   5. Fractional amounts: When the final result of the calculation of required motor vehicle and bicycle parking spaces results in a fractional number, a fraction of one-

half (1/2) or more is adjusted to the next higher whole number and a fraction of less than one-half (1/2) is adjusted to the next lower whole number.

6. Areas that may not be used for required parking spaces: Spaces in service bays, stacking areas or car wash bays; at gasoline pumps or other hose locations; or those used for the storage or display of vehicles for sale or rent to the public are not considered off-street parking spaces, except as specifically noted.
7. Only one third (1/3) of the required front yard may be used for the parking of vehicles in a residential zone.
8. New uses replacing existing use: Whenever the use of an existing development is changed to a different use which requires more parking spaces under this article than were required for prior use, additional parking spaces shall be provided.
9. Expansions: Any expansion of an existing use, or any addition of a new use to an existing development which results in an expansion in lot area, floor area, vehicular use area, number of dwellings or number of seats is subject to the following:
    a. If an expansion is less than twenty-five (25) percent or if a series of expansions cumulatively results in less than twenty-five (25) percent expansion in land area, floor area, lot coverage or vehicular use area, the requirements of this article apply only to the proposed expansion. Existing development on the site is subject to the zoning regulations in effect at the time of approval of the most recent parking plan for the existing development.

D. Required Number of Motor Vehicle and Bicycle Parking Spaces.
    1. The minimum number of off-street motor vehicle and bicycle parking spaces required for each Land Classification are listed below.

Land Use Class	Off-Street Parking and Bicycle Facilities Required
Agricultural	None
Assembly	1/300 gross sq. ft.
Civic Use	1/200 gross sq. ft.
Dwelling Units	2/Dwelling unit
Health Club	1/100 gross sq. ft.
Hotel/Motel	1/guest room plus 1/500 gross sq. ft.
Industry	1/500 gross sq. ft.
Medical	1/200 gross sq. ft.
Office	1/200 gross sq. ft.
Recreation	15/field of 1/200 sq. ft.
Retail	1/200 gross sq. ft.
Restaurant	1/50 gross sq. ft.
Schools: Preschool	1/200 gross sq. ft.
Schools: K-8	1/10 students + 1/250 gross sq. ft.
Schools: 9-12	1/5 students + 1/250 gross sq. ft.
Schools: Post-secondary	1/250 sq. ft. of office + 1/100 sq. ft. of classroom
Service	1/200 sq. ft.
Warehouse	1/500 sq. ft.
Bicycle Parking is 10% of the required vehicle parking	

E. Surfacing Requirements. All vehicular use areas shall be surfaced with one of the following materials:
    1. Asphaltic concrete.

2. Cement concrete.
3. A penetration treatment of bituminous material and seal coat of bituminous binder and mineral aggregate.
4. Surfacing that is approved by the City.

F. Lighting. Lighting provided in any vehicular use area or for a bicycle facility will be arranged, hooded or controlled so that the light does not shine directly upon neighboring residential property, or obstruct the view of passing traffic in a public right of way.

G. Parking Space Dimensions.
1. All motor vehicle off-street parking spaces shall have a minimum width of eight and one-half (8 1/2) feet and a length of eighteen (18) feet, excluding the area necessary for access drives and aisles.
2. The parking space size for the Physically Disabled must be in compliance with the ADA standards.

Angle of Parking	Access Lane Width	Parking Space Width	Parking Space Length	Total Width One-way Plus Access Lane	Total Width Two-way Plus Access Lane
75BE-90BE	20 ft	9 ft.	18 ft.	40 ft.	60 ft.
54BE-74BE	15 ft.	8.5 ft.	18 ft.	36.5 ft.	58 ft.
30B-53B	12 ft.	8.5 ft.	18 ft.	32 ft.	52 ft.
Parallel	12 ft.	8.5 ft.	18 ft.	20 ft.	28 ft.

H. Driveways. Driveway openings shall not exceed forty (40) feet in width.

I. Access.
1. No direct public or private access shall be permitted to the existing or proposed rights-of-way of:
   a. An arterial street intersecting another arterial street, within forty (40) feet of the intersection of right-of-way lines.
   b. A local or collector street intersecting an arterial street, within twenty-five (25) feet of the intersection of right-of-way lines.

J. Traffic Visibility. No obstructions to visibility at any street intersection, such as structures, parked vehicles, vegetation or signs, shall be constructed or permitted to remain in any zone above the height of three (3) feet, within a triangle formed by the street front and side lot lines and a line connecting these lot lines to a distance of twenty-five (25) feet from the intersection.

K. Parking Lot Placement.
1. Every part of every parking lot shall be set back from every lot line a sufficient distance to ensure that no part of any parked vehicle will project over the lot line.
2. Every parking lot, regardless of the zone in which it is located, shall be set back from every abutting right of way a distance not less than five (5) feet.

6-2-3 Off-Street Loading

A. Commercial, Retail, Consumer Service, Warehouses, Freight Terminals, Wholesale, Manufacturing and Industrial Uses. Off-street loading spaces, each measuring twelve (12) feet by forty-five (45) feet with a fifteen (15) foot height clearance, exclusive of

access aisles and maneuvering space, shall be provided in conformance with the following ratios of spaces to gross floor area of a building:

Number of Spaces	Gross Floor Area Sq. Ft.
1	2,500 - 15,000
2	15,001 - 40,000
3	40,001 - 65,000
4	65,001 - 100,000
5	100,001 - 180,000
1 additional	For each additional 90,000

B. Hotels, Offices and Other Buildings. Off-street loading spaces, each measuring twelve (12) feet by thirty-five (35) feet with a fifteen (15) foot height clearance exclusive of access aisles and maneuvering space, shall be provided in conformance with the following ratios of space to gross floor area of a building:
The following table may be reviewed and revised by the Zoning Administrator to allow for special circumstances.

Number of Spaces	Gross Floor Area Sq. Ft.
1	2,500 - 50,000
2	50,001 - 125,000
1 additional	For each additional 100,000

C. General Requirements. Applicability: Designed off-street loading spaces may be required for:
   1. New structures or uses.
   2. An existing structure or use which is enlarged by twenty-five (25) percent or more in floor area, in which case off-street loading spaces shall be provided for the entire structure or use.

D. Location of Loading Spaces. Required off-street loading space shall be located on the same site with the use it serves. Certain zone districts may require review of off-street loading by the Zoning Administrator.

E. Enclosure of Loading Spaces. Required off-street loading spaces may be partially or entirely enclosed within a building, provided the building meets all the requirements pertaining to required yards.

F. Use of Streets or Alleys for Maneuvering Space. If an off-street loading space is located adjacent to an alley and the alley does not abut a residential zone, such alley may be used for maneuvering space for loading and unloading. A street that is not a highway, arterial or collector street, and which does not abut a residential zone, may be used for the same purpose.

G. Mixed Uses. If there are mixed uses, the total requirements for off-street loading spaces are the sum of the individual requirements of the various uses computed separately.

H. Screening. Where a loading area abuts a street or is located adjacent to a residential zone, permanent non-vegetative screening shall be provided.

I. Maintenance. Any wall, fence or landscaped screening of a loading area shall be maintained by the owner or operator of the business.

J. Lighting. Lighting in a loading area, if installed, shall be arranged, hooded or controlled so that the light does not shine directly upon any street in a residential zone, or upon any adjoining property in a residential zone.

K. Change of Use. In the event an existing use is changed to a use which requires more off-street loading spaces than the former use, off-street loading spaces shall be provided for the new use before a certificate of occupancy is issued.

L. Use of Loading Space. A loading space shall not be used for the dismantling or repair of vehicles, or in such a manner as to interfere with the purpose for which it is provided.

M. Surfacing. An outdoor loading space shall be surfaced, paved or graveled in order to provide a dust free surface, and maintained so as to not become a nuisance or endanger the life, health and safety.

6-2-4 Signs

A. Purpose. The purpose of this section is to set the standards for the design and construction, maintenance and placement of signs within the City limits of Holbrook, as well as the regulation and enforcement thereof. (Ordinance 10-16)

B. Definitions:

Abandonment means ceasing of maintenance or up keep on a use or structure.

Animated sign means any sign that uses movement or change of lighting to depict action, or create a special effect or scene.

Banner means any sign of lightweight fabric or similar material that is mounted to a pole or a building by a frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Billboard means any surface whereon advertising matter is set in view conspicuously, and which advertising does not apply to premises or any use of premises wherein it is displayed or posted.

Building marker means any sign indicating the name of the building, and date and incidental information about its construction, which sign is cut into masonry surface, or made of bronze or other permanent material.

Canopy sign means any sign that is part of or attached to an awning, canopy, or other fabric, plastic or protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

Flag means any fabric containing distinctive colors, patterns or symbols, used as a symbol of a government or other entity.

Freestanding sign means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Incidental sign means a sign, generally informational, that has a purpose secondary to the use on the lot which it is located, such as "no parking," "entrance," "loading only," and similar directives. No sign with a commercial message legible from beyond the lot line on which the sign is located shall be considered incidental.

Marquee means any permanent roof-like structure projecting beyond a building, or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the elements.

Outdoor advertising means any structure or device designed or intended to convey information to the public in written or pictorial form.

Political sign means a temporary sign used to advertise the candidacy of an individual, ballot proposition or to encourage citizens to vote. (Ordinance 10-16)

Portable sign means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs on wheels, umbrellas, and signs attached to or painted on vehicles and visible from the public right-of-way unless said vehicle is used in the normal day-to-day operations of the business.

Projecting sign means any sign affixed to a building or wall in such a manner that its leading edge extends more than one (1) foot beyond the surface of the building or wall.

Residential sign means any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the Zoning Ordinance.

Right of way means an area reserved for public use, such as a street, alley or utility easement. (Ordinance 10-16)

Roof sign means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Sandwich sign means any sign which folds in the middle and can be moved from spot to spot. (Ordinance 10-16)

Sign means any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Suspended sign means any sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary sign means any sign that is used only temporarily and is not permanently mounted.

Wall sign means any sign attached parallel to, but within one (1) foot of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window sign means any sign, picture, symbol or combination thereof designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

C. Permits. A sign permit shall be required before any permanent sign or outdoor advertising may be placed or constructed within the City of Holbrook. Outdoor advertising shall include any advertising, sign or structure which supports outdoor advertising. Temporary signs are exempt from permitting. (Ordinance 10-16)

D. Exceptions.
   1. Governmental signs: Official signs of any public or governmental agency, such as railroad crossing signs, trespassing signs, danger signs, safety signs or public service signs.
   2. Real estate displays, on the site, advertising property for sale, lease or rent and not exceeding six (6) square feet in area.
   3. Displays not visible beyond the boundaries of the lot or parcel upon which they are situated, or from any public thoroughfare or right-of-way.
   4. Personal identification signs listing names and addresses of the legal occupant, not to exceed two (2) square feet.
   5. Political signs, provided they are affixed, placed, erected and maintained in compliance with the requirements set forth in subsection M of this section. (Ordinance 10-16)

E. Regulations.
   1. If any outdoor advertising display becomes a danger to the public, becomes deteriorated by more than fifty (50) percent of replacement/repair costs, is abandoned or damaged by any means other than by an act of God or by some unforeseen accident, the property owner or owner of the display shall remove or repair the display within ten (10) days (except in circumstances of imminent danger to public safety) or it shall be removed and the cost assessed to the owner of the property on which the sign is located. The Code Enforcement Officer will be responsible for determining the percentage of deterioration of signage. (Ordinance 10-16)
   2. No outdoor advertising display shall hereafter be altered without a sign permit. Any repairs or alteration on any outdoor advertising display, which in any manner changes the size, shape or location of the display, shall require a new sign permit.
   3. No outdoor advertising shall project beyond the property lines, except for temporary garage sale, sale or event signs, which must be removed within

twenty-four (24) hours of said sale or event by the proprietor of said sale or event. (Ordinance 10-16)

4. Roof signs shall be so constructed that they shall appear to be an integral part of the building.
5. No sign shall be constructed or erected in such a manner as to interfere, confuse or present a traffic hazard.
6. No sign shall have audible devices.
7. Lighting shall be installed so as to avoid any glare or reflection into any building used for residential purposes, or onto any street, alley or driveway if such glare or reflection might create a traffic hazard.
8. No sign shall obstruct any door or fire escape of any building.
9. Nonconforming signs may be continued in use; provided, however, that in the event any such sign is damaged to exceed fifty (50) percent of the reproduction value according to an appraisal, or is removed or destroyed by any means whatsoever, including fire, collapse, explosion, act of the owner or act of God, such sign may be restored, reconstructed, altered or repaired only to conform with the provisions of this ordinance. Reasonable repairs may be made to non-conforming signs.
10. At no time shall a semi-trailer bed, horse trailer or mobile home be used as a sign for the purpose of advertising. (Ordinance 10-16)

F. Signs in Residential Zones.
   1. All signs shall follow the side yard setbacks outlined for the principal building for the zone in which the sign is located.
   2. No more than two such signs shall be permitted for each development site.
   3. No sign shall have moving parts or have flashing lights.
   4. All signs for home occupations in residential zones shall not exceed three (3) square feet.

G. Signs in Commercial Zones. Signs pertaining to the use on the site are permitted as follows:
   1.

Zone	Maximum Sign Area Per Use	Maximum Height
C-1	150 sq. ft./sign	36 ft.
C-2	300 sq. ft. /sign	36 ft.

   2. Directional signs for off-street parking and off-street loading facilities, not exceeding six (6) square feet for each sign.
   3. One (1) sign pertaining to the sale, lease, rental or display of a structure or land not exceeding forty (40) square feet.
   4. No red, green, or amber lights or illuminated signs may be placed in such a position that they could reasonably be expected to interfere with, or be confused with, any official traffic control device, traffic signal, official directional guide sign or create a public nuisance.

H. Signs in Industrial Zones. Signs pertaining to the use on the site are permitted.
   1. The maximum size of a sign in any industrial zone is outlined in the general requirements of the appropriate industrial zone Article 6-1-17 or 6-1-18.

I. Billboards. Permanent billboard signs shall be permitted only with the following regulations:
   1. No billboard sign shall have a vertical dimension greater than ten (10) feet or a horizontal dimension greater than thirty-two (32) feet (320-sq. ft. per side, 640-sq. ft. for two sides)
   2. No billboard sign combined with the post shall exceed twenty-six (26) feet above ground or highway grade, whichever is highest, and shall have a minimum of ten (10) vertical feet of clearance.
   3. No billboard sign shall be closer than one thousand (1,000) feet from another billboard, nor closer than three hundred (300) feet from a residential zone, nor closer than one hundred (100) feet to any on-premise sign, unless the on-premise sign is attached to the same supporting structure as the billboard, nor closer than twenty-five (25) feet from an intersection of two (2) rights-of-ways.
   4. No billboard shall be located in a commercial zone unless the sign is adjacent to the interstate, on Highway 77 south of the Little Colorado River and Highway 180. No billboards shall be allowed between the Hermosa overpass to Milepost 286. (Ordinance 10-16)

J. Applications. An application for a sign permit shall be filed with the Zoning Administrator on a form prepared by the Zoning Administrator. The application shall include the following:
   1. Sketch showing size, height and shape of sign.
   2. Description of materials used and method of mounting.
   3. Landscaping, if any.
   4. Any existing signs within the maximum distance on site, and off site in the case of billboards.
   5. Any other information the Zoning Administrator might need to evaluate the sign proposal.
   6. Payment of the filing fee. No part of the filing fee shall be refundable. Payment of the filing fee shall be waived when the petitioner is an official or agency of the City, County, State or Federal government.
   7. Sign permits may be required to be accompanied by plans in accordance with UBC regulations and may be required to be stamped by a registered engineer.

K. Fees. The permit fees for construction of any new outdoor advertising shall be based upon the area of the sign as follows:
   1. Fifteen dollars (15) for any display up to fifty (50) sq. ft. in area.
   2. Thirty dollars (30) for any display over fifty (50) sq. ft. to one hundred (100) sq. ft. in area.
   3. Forty dollars (40) for any display over one hundred (100) sq. ft. to two hundred (200) sq. ft. in area.
   4. Fifty dollars (50) for any display over two hundred (200) sq. ft. in area.

   (Ordinance 10-16)

L. Enforcement. It is unlawful to erect, construct, reconstruct, maintain or use any outdoor advertising that requires a permit without first obtaining a sign permit from the City. Any person, firm or corporation violating any provision of the Sign Code, or any part thereof is guilty of a misdemeanor. Each day during which the illegal erection, construction, reconstruction, alteration, maintenance or use continues it is a separate offense. The City, in addition to other remedies provided by law, may

institute an injunction, abatement or any other appropriate action to remove or cease the construction of any such sign.

M. Political signs.
   1. Regulation of political signs. Political signs are regulated by this code in terms of their location and time allowance because of the secondary effects associated with such signs namely, litter, traffic safety hazards and aesthetics in general and not because of their content.
   2. Requirements for political signs:
      a. Signs shall only be located on private property with the owner's permission.
      b. Signs shall not be located on City property, in City right-of-way or placed in such a way as to create a visual traffic obstruction.
      c. Signs shall be removed within ten (10) days after the relevant election. At the end of the ten (10) day period, the sign becomes an unauthorized sign, and may be removed by the City and destroyed if not claimed within thirty (30) days from the removal date.
      d. No sign permit is required for the erection of signs in compliance with these requirements.
   3. Enforcement. Political signs affixed, placed, erected or maintained in violation of subsection 2 of this section shall be removed by the City.
   4. Penalties. Any Person who affixes, places, erects or maintains a sign in violation of this section or who fails to remove a sign as required by this section commits a civil violation punishable by a fine of up to $250.00. Each day such sign remains in violation of the provisions of this section shall constitute a separate violation. (Ordinance 10-16)

ARTICLE 6-3: AIRPORT ZONING

6-3-1 Purpose
6-3-2 Airport Zoning Commission
6-3-3 Board of Adjustment
6-3-4 Airport Zones
6-3-5 Airport Zoning Map
6-3-6 Airport Zone Height Limit
6-3-7 Airport Influence Area
6-3-8 Use Restrictions
6-3-9 Permits
6-3-10 Non-Conforming Uses
6-3-11 Variances
6-3-12 Marking and Lighting
6-3-13 Airport Enterprise Zone
6-3-14 Enforcement

6-3-1 Purpose

Airport zoning is intended to help promote and develop compatibility between airport activity and the surrounding area, and to protect the health, safety and welfare of the persons, property and commercial activity in the vicinity of the Holbrook Municipal Airport. The defined overlays for height, noise and wildlife control are designed to prohibit potential hazards to the safe approach and departure of aircraft, and to identify potential incompatibility between the Holbrook Airport and surrounding development.

6-3-2 Airport Zoning Commission

Pursuant to A.R.S. § 28-8467 an Airport Zoning Commission is hereby established. The Airport Zoning Commission shall be the Planning and Zoning Commission of the City of Holbrook. The Airport Zoning Commission shall:

A. Recommend the boundaries of zones to be established and the regulations to be adopted for zones surrounding the Holbrook Municipal Airport.

B. Make a preliminary report and hold public hearings on the preliminary report before submitting a final report to the City Council or board of adjustment.

6-3-3 Board of Adjustment

Pursuant to A.R.S. § 28-8473, the Board of Adjustment shall be the City Council of the City of Holbrook and shall exercise the following powers:

A. Hear and decide appeals from an order, requirement, decision or determination made by the Zoning Administrator or the Airport Zoning Commission in the enforcement of these zoning regulations.

B. Hear and decide special exceptions to the terms of the airport zoning regulations on which the board may be required to pass under the regulations.

C. Hear and decide specific variances pursuant to Article 6-3-11.

6-3-4 Airport Zones

In order to carry out the provisions of this article, there are hereby created and

established, after public notice and hearing, certain airport zones which include all of the land lying within the approach zones, transitional zones, horizontal zones and conical zones as they apply to the Holbrook Municipal Airport. Such zones are shown on the Holbrook Municipal Airport Zoning Map, which is attached to the zoning code as exhibit A and is incorporated herein by reference. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones that are hereby established and defined are as follows:

A. Approach Zones:
   1. *Larger than utility runway nonprecision instrument approach zones (Runway 3-21)*: The inner edge of these approach zones coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
   2. *Utility runway visual approach zones (Runway 11-29)*: The inner edge of these approach zones coincide with the width of the primary surface and is two hundred and fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred and fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline being the continuation of the centerline of the runway.

B. Transitional Zones. The transitional zones are the areas beneath the transitional surfaces, which begin at the sides of the and at the same elevation as the primary and approach surfaces, slope seven (7) feet horizontally for each foot vertically, and which connect the primary and approach surfaces to the horizontal surface.

C. Horizontal Zone: The horizontal zone is the area beneath the horizontal surface and is established by swinging arcs of five thousand (5,000) feed radii for runways 11 and 29, and ten thousand (10,000) feet radii for runways 3 and 21, measured from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

D. Conical Zone: The conical zone is the area beneath the conical surfaces, and is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom at a horizontal distance of four thousand (4,000) feet. The conical zone does not include the precision instrument approach zone and the transitional zone.

6-3-5 Airport Zoning Map

A map known as the Holbrook Municipal Airport Zoning Map consisting of one sheet and prepared by the City of Holbrook and authenticated by signature of the mayor and City clerk is attached as exhibit A to the zoning code, and is incorporated herein by reference in this Article.

6-3-6 Airport Zone Height Limit

Except as otherwise provided in this article, no structure or tree shall be erected, altered, allowed to grow or be maintained in any zone created by this ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable

height limitations are hereby established for each of the zones as follows:

A. Approach Zones:
   1. *Larger than utility runway nonprecision instrument approach zones (runway 3-21)*: Height limitation equal to the surface of an imaginary slope which slopes thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface, and extending to the intersection of the horizontal surface, at one hundred and fifty (150) feet above the airport elevation, along the extended runway centerline.
   2. *Utility runway visual approach zone (runway 11-29)*: Height limitation equal to an imaginary slope which slopes twenty (20) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to the intersection of the horizontal surface, at one hundred and fifty (150) feet above the airport elevation, along the extended runway centerline.

B. Transitional Zones: Height limitation equal to the surface of an imaginary slope sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevations as the primary and approach surfaces, extending to where these surfaces intersect the horizontal surface at 150 feet above the airport elevation.

C. Horizontal Zone: Height limitations equal to the height of an imaginary surface one hundred and fifty (150) feet above the airport elevation, or an elevation of fifty-four hundred and seventeen (5,417) feet above mean sea level.

D. Conical Zone: Height limitation equal to the height of an imaginary slope which slopes twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone, and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.

6-3-7 Airport Influence Area

A. Notice and Hearing. After notice and a public hearing, the City Council may designate an airport influence area. Potential developers and property owners shall be notified that they are in an area that is subject to potential aircraft noise and over flight. A copy of this ordinance will be recorded with the Navajo County Recorder's Office pursuant to A.R.S. § 28-8485.

B. Airport Influence Area Established. The Airport Influence Overlay area is hereby established after notice and a public hearing to include the area beneath the horizontal surface and traffic pattern Airspace, as shown on the Holbrook Municipal Airport Zoning Map attached to the zoning code as Exhibit A and incorporated herein by reference. This area may be subject to the affixing of restrictive covenants and conditions within the area boundaries in addition to existing zoning regulations.

C. Noise Impact Overlay. The noise impact overlay is established according to the Holbrook Municipal Airport Zoning Map, which is attached to the zoning code as exhibit A, and incorporated herein by reference. Noise contours for the Holbrook Municipal Airport have been developed from the Integrated Noise Model (INM), version 6.0 (a model specified and accepted by the FAA for noise analysis). The yearly day-night average sound level (DNL) contours shall be used to determine noise related impacts relating to:

1. Existing or potential incompatibility between airport operations and surrounding development.
2. Assessing relative noise exposure levels.
3. Development of appropriate noise attenuating construction methods.

D. Wildlife Attractant Overlay. The wildlife attractant overlay is established as shown on the Holbrook Municipal Airport Zoning Map, Exhibit A, and incorporated herein by reference. Any development that might attract wildlife considered hazardous to aircraft operations will be prohibited within five thousand (5,000) feet of the airport primary surface and be restricted within the remaining Airport Influence Area (AIA).

6-3-8 Use Restrictions

Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and others; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport, or otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the airport.

6-3-9 Permits

A building permit must be obtained from the City before any new structure or use may be constructed, established, substantially changed, altered or repaired in any airport zone. In addition, a permit is required before any non-conforming structure or tree may be replaced, substantially altered, repaired, rebuilt, or allowed to grow higher or be replanted. A permit shall not be granted that will allow the establishment or creation of an airport hazard or permit a non-conforming structure or tree or non-conforming use to be made or become higher or a greater hazard to air navigation than it was when the applicable regulation was adopted, or than it is when an application for a permit is made.

6-3-10 Non-conforming Uses

Regulations are not retroactive. The regulations prescribed by this article shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of 2002, or otherwise interfere with the continuance of a non-conforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to 2002, and is diligently prosecuted. However, a non-conforming use, structure or tree shall not be allowed to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto. Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned, or more than fifty (50) percent torn down or physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

6-3-11 Variances

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this article, may apply to the Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement

of the regulations would result in practical difficulty or unnecessary hardship, and relief granted would not be contrary to the public interest, but will do substantial justice and be in accordance with the spirit of this article. Any variance granted may, if such action is deemed advisable to effectuate the purposes of this article, be so conditioned as to require the owner of the structure or tree in question, at his own expense, to install, operate, and maintain thereon such markers or lights as may be necessary to indicate to pilots the presence of an airport hazard.

6-3-12 Marking and Lighting

Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Director to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the City of Holbrook.

6-3-13 Airport Enterprise Zone

The airport enterprise zone is hereby established as the area, owned by the City of Holbrook, adjacent to the operational areas of the airport and that has been set aside for commercial activities complimentary to the airport's aeronautical activities.

A. All Uses Conditional. All property in the Airport Enterprise Zone shall be developed by the same standards as the C-2 General Commercial and I-1 Light Industrial zones. The zoning administrator shall approve all development. All uses shall be by conditional use permit.

B. Accessory Uses. Any customary accessory use and buildings shall be allowed, provided such use is incidental and subordinate to the permitted conditional use, and adheres to the same development standards as the principal buildings.

C. Development Standards. The minimum lot area and maximum percent of lot coverage allowed shall be determined by the aggregate area of buildings, required yards, off-street parking, loading space and any other specified lot area requirements applicable to the proposed use.

6-3-14 Enforcement

It shall be the duty of the City Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the City Zoning Department upon forms provided by the City. Applications required by this article to be submitted to the zoning department shall be promptly considered and granted or denied by the Zoning Administrator. Application for action by the Board of Adjustment shall be forthwith transmitted by the Zoning Administrator.

ARTICLE 6-4: SEXUALLY ORIENTED BUSINESSES

6-4-1 Purpose and Intent
6-4-2 Definitions
6-4-3 Classification
6-4-4 Location of Sexually Oriented Businesses
6-4-5 Additional Regulations for Adult Motels
6-4-6 Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos or Live Entertainment in View Rooms
6-4-7 Additional Regulations for Escort Agencies
6-4-8 Additional Regulations for Nude Model Studios
6-4-9 Additional Regulations Concerning Public Nudity
6-4-10 Prohibition Against Children
6-4-11 Prohibition Against Serving Alcohol
6-4-12 Hours of Operation
6-4-13 Exemptions
6-4-14 Injunction

6-4-1 Purpose and Intent

It is the purpose and intent of this section to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the City of Holbrook, and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the City, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

6-4-2 Definitions

Adult arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult bookstore, adult novelty store or adult video store means a commercial establishment which offers for sale or rental for any form of consideration any one or more of the following:

A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

B. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities"; and which meet one (1) or more of the following criteria:
    1. A substantial or significant portion of its inventory, stock or merchandise on hand at any time is comprised of sexually explicit material; or
    2. A substantial or significant portion of its gross income for any one month is derived from the sale or rental, in any form of consideration, of sexually explicit material; or
    3. A substantial or significant amount of sexually explicit material is displayed in its display area; or
    4. One of its principal business purposes is the sale or rental of sexually explicit material; or
    5. Regularly excludes all minors from the premises or a section thereof because of the sexually explicit nature of the items sold, rented or displayed therein.

Adult cabaret means a nightclub, bar, restaurant or similar commercial establishment which regularly features:

A. Persons who appear in a state of nudity or semi-nude; or

B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

C. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult motel means a hotel, motel or similar commercial establishment which:

A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

B. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

C. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult theater means a theater, concert hall, auditorium or similar commercial establishment, which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified

anatomical areas" or by "specified sexual activities."

Employee means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise, and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

Establishment means and includes any of the following:

A. The opening or commencement of any sexually oriented business as a new business;

B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

C. The additions of any sexually oriented business to any other existing sexually oriented business; or

D. The relocation of any sexually oriented business.

Licensee means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

Massage establishment means an establishment in which a person, firm, association or corporation engages in or permits massage activities, including any method of pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating or simulating of external soft parts of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance.

A. This paragraph does not apply to:
    1. Physicians licensed pursuant to A.R.S. Title 32, chapter 7, 8, 13, 14, or 17, as amended.
    2. Registered nurses, licensed practical nurses, physical therapists or technicians who are acting under the supervision of a physician licensed pursuant to A.R.S. Title 32, chapter 13, 15, 17 or 19, as amended.
    3. Persons who are employed or acting as trainees for a bona fide amateur, semiprofessional athlete or athletic team.
    4. Persons who are licensed pursuant to A.R.S. Title 32, as amended, or if the activity is limited to the head, face or neck.

5. Massage therapy which is a non-sexual massage offered by an individual who is licensed by a professionally recognized organization.

Nude model studio means any place where a person who appears semi-nude, in a state of nudity or who displays "specified anatomical areas," and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Arizona, or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

A. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and

B. Where in order to participate in a class a student must enroll at least three days in advance of the class; and

C. Where no more than one nude or semi-nude model is on the premises at any one time.

Nudity or a state of nudity means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

Person means an individual, proprietorship, partnership, corporation, association or other legal entity.

Semi-nude or in a semi-nude condition means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

Sexual encounter center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Sexually explicit material means any material which depicts or describes “specified sexual activities” or “specified anatomical areas”.

Sexually oriented business means an adult arcade, adult bookstore, adult novelty store,

adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

Specified anatomical areas means:

A. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

B. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

Specified criminal activity means any of the following offenses:

A. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;

B. For which:
   1. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
   2. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
   3. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses, or combination of misdemeanor offenses occurring within any 24-month period.

C. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

Specified sexual activities means any of the following:

A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or

C. Excretory functions as part of or in connection with any of the activities set forth in (1) through (2) above.

Substantial enlargement of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five (25) percent.

Transfer of ownership or control of a sexually oriented business means and includes any of the following:

A. The sale, lease or sublease of the business;

B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or

C. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

6-4-3 Classification

Sexually oriented businesses are classified as follows:

A. Adult arcades;

B. Adult bookstores, adult novelty stores or adult video stores;

C. Adult cabarets;

D. Adult motels;

E. Adult motion picture theaters;

F. Adult theaters;

G. Escort agencies;

H. Nude model studios; and

I. Sexual encounter centers.

6-4-4 Location of Sexually Oriented Businesses

A. No person shall operate or cause to be operated a sexually oriented business in any zoning district other than I-1 Light Industrial or I-2 Heavy Industrial, as defined and described in this Chapter, nor shall any person operate or cause to be operated a sexually oriented business without a conditional use permit which meets all of the requirements set forth in Articles 6-1-17 and 6-1-18 of this Chapter.

B. No person shall operate or cause to be operated a sexually oriented business within one thousand (1,000) feet of:
   1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
   2. A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
   3. A boundary of a residential zoning district as defined in this chapter;

4. A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas or other similar public land within the City which is under the control, operation or management of the City park and recreation authorities;
5. The property line of a lot devoted to a residential use;
6. An entertainment business which is oriented primarily towards children or family entertainment; or
7. A licensed premise, licensed pursuant to the alcoholic beverage control regulations of the State.

C. No person shall cause or permit the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within two hundred (200) feet of another sexually oriented business.

D. No person shall cause or permit the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.

E. For purposes of the one thousand (1,000) foot restriction referenced in paragraph (B) above, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed above. Presence of a City, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

F. For purposes of the two hundred (200) foot requirement referenced in paragraph (C) above, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

6-4-5 Additional Regulations for Adult Motels

A. Evidence that a sleeping room in a hotel, motel or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this ordinance.

B. It shall be unlawful for any person, if as the person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have a sexually oriented license, rents or sub rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he or she rents or sub rents the same sleeping room again.

C. For purposes of (B) above, the terms "rent" or "sub rent" mean the act of permitting a room to be occupied for any form of consideration.

6-4-6 Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms

A. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
   1. Upon application for a conditional use permit for a sexually oriented business, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations, the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north, or to some designated street or object, and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The City may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
   2. The application shall be sworn to be true and correct by the applicant.
   3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the City.
   4. It is the duty of the licensee of the premises to ensure that at least one (1) licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
   5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
   6. It shall be the duty of the licensee to ensure that the view area specified in subsection (5) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials, and at all times to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (1) of this subsection 6.
   7. No viewing room may be occupied by more than one (1) person at any time.
   8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5) foot-candles as measured at the floor level.
   9. It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

10. No licensee shall allow openings of any kind to exist between viewing rooms or booths.
11. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
12. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
13. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
14. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight (48) inches of the floor.

6-4-7 Additional Regulations for Escort Agencies

A. An escort agency shall not employ any person under the age of 18 years.

B. No person shall act as an escort or agree to act as an escort for any person under the age of 18 years.

6-4-8 Additional Regulations for Nude Model Studios.

A. A nude model studio shall not employ any person under the age of 18 years.

B. No person under the age of 18 years shall appear semi-nude or in a state of nudity in or on the premises of a nude model studio. No employee shall allow a person under the age of 18 year to appear semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 18 years was in a restroom not open to public view or visible to any other person.

C. No person shall appear in a state of nudity or knowingly allow another person to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.

D. A nude model studio shall not place or permit a bed, sofa or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

6-4-9 Additional Regulations Concerning Public Nudity

A. No person shall knowingly or intentionally, in a sexually oriented business, appear in a state of nudity or depict specified sexual activities.

B. No person shall knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least ten (10) feet from any patron or customer, and on a stage at least two feet from the floor.

C. No employee shall, while in a semi-nude condition in a sexually oriented business, solicit any pay or gratuity from any patron or customer, nor shall any patron or customer pay or give any gratuity to any employee, while said employee is in a semi-nude condition in a sexually oriented business.

D. No employee of a sexually oriented business shall, while in a semi-nude condition, touch a customer or the clothing of a customer.

6-4-10 Prohibition Against Children

No person shall knowingly allow a person under the age of 18 years on the premises of a sexually oriented business.

6-4-11 Prohibition Against Serving Alcohol

No alcoholic beverages shall be sold, served or consumed on the premises of any sexually oriented business.

6-4-12 Hours of Operation

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of twelve o'clock (12:00) a.m. and eight o'clock (8:00) a.m. on weekdays and Saturdays, or at any time on Sundays.

6-4-13 Exemptions

A. It is a defense to prosecution under this section that a person appearing in a state of nudity did so in a modeling class operated:
   1. by a proprietary school, licensed by the State of Arizona; a college, junior college or university supported entirely or partly by taxation;
   2. by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
   3. in a structure:
      a. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
      b. where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
      c. where no more than one nude model is on the premises at any one time.

6-4-14 Injunction

A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of any part of this section is subject to a suit for injunction as well as prosecution for criminal violation. Such violation shall constitute a Class One Misdemeanor. Each day a sexually oriented business operates in violation of any part of this section is a separate offense or violation.

ARTICLE 6-5: MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION LOCATIONS

6-5-1 Legislative Finding, Purpose and Intent
6-5-2 Definitions
6-5-3 Location
6-5-4 Standard Conditions of Approval
6-5-5 Additional Conditions of Approval Authorized

6-5-1 Legislative Findings, Purpose, and Intent.

A. In many communicates in which so-called medical marijuana "dispensaries" have been established, law enforcement agencies have documented the serious and adverse impacts associated with such dispensaries. These communities and the media have reported increased crime, including burglaries, robberies, violence, illegal sales of marijuana to and use of marijuana by minors and others without medical need in the areas immediately surrounding such medical marijuana dispensaries. Other negative secondary effects include the smoking of marijuana in public areas and adverse impacts on neighboring businesses (including odor complaints). Such negative secondary effects related to medical marijuana use have been considered by other government agencies such as the County of San Diego. The City of Holbrook could reasonably anticipate experiencing similar adverse impacts and effects from any marijuana dispensaries, and cultivation and other marijuana operations established in the Town.

B. Additionally, a number of sources, including the United States Department of Justice's California Medical Marijuana website [which contains various documents and reports related to issues surrounding marijuana use] and the "White Paper on Marijuana Dispensaries" published by the California Police Chiefs Association's Task Force on Marijuana Dispensaries (April 22, 2009), have concluded that the establishment of marijuana dispensaries can lead to an increase in crime. Among the crimes cited as typical examples are burglaries, robberies, sales of illegal drugs in areas immediately surrounding such dispensaries, as well as other public nuisances such as loitering, smoking marijuana in public places, sales to minors and driving while under the influence of marijuana. The Council of City of Holbrook finds that these data and conclusions, experiences in other cities, towns and counties justify the implementation of the regulatory zoning and safety measures included in this ordinance.

C. The provisions of this Article are intended to acknowledge and protect the rights of qualifying patients and their designated caregivers under the provisions of Title 36, A.R.S § 36-2801 et seq., while also protecting the health, safety and welfare of the public; through implementation of the Zoning Code; and curtailing, to the extent reasonably possible, the possession, use, distribution or cultivation of marijuana for unlawful purposes by:
   1. requiring that medical marijuana businesses, operations and facilities be operated in a manner that minimizes potential health and safety risks, and mitigates the negative impacts that a medical marijuana dispensary or cultivation operation might have on surrounding properties and persons;
   2. regulating the conduct of persons owning, operating and using medical marijuana dispensaries and cultivation facilities in order to protect the public health, safety and welfare; and

3. regulating the location and operation of medical marijuana dispensaries, cultivation facilities and medical marijuana operations.

D. By adoption of this Article, the City Council does not intend to authorize or make legal any act that is not permitted under federal or state law.

6-5-2 Definitions

A. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

1. *Cultivation* shall mean the process by which a person grows a marijuana plant(s), as allowed by Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. and the Department rules and regulations.
2. *Department* shall mean the Arizona Department of Health Services or its successor agency.
3. *Department rules and regulations* shall mean the adopted regulations of the Department relating to the provisions of Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. currently in existence and as adopted in the future.
4. *Designated caregiver* shall mean a person, other than qualifying patient and the patient's physician, who, pursuant to Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. and the Department rules and regulations, assists no more than five (5) registered qualifying patients with the medical use of marijuana.
5. *Group care home* shall mean a residential facility for persons providing living facilities, sleeping rooms and meals, and which has a permit issued by the Arizona Department of Health Services or Maricopa County Health Department. This definition shall be construed to include assisted living homes for the elderly and the handicapped, adult foster care homes, group care homes for the developmentally disabled, boarding houses, lodging houses, nursing homes, residential substance abuse diagnostic and treatment facilities, residential drug or alcohol rehabilitation facilities, and halfway houses.
6. *Massage establishment* shall mean any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, or the office of a physician, surgeon, chiropractor, osteopath, or duly licensed physical therapist, or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders.
7. *Medical marijuana* shall mean marijuana or cannabis, including all parts of any plant of the genus cannabis, whether growing or not, and the seeds of such plant, approved under state law for treatment of persons suffering from debilitating medical conditions as designated in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq., the Department rules and regulations, and other laws and regulations of the State of Arizona.
8. *Medical marijuana designated caregiver cultivation location* shall mean an enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed two hundred and fifty (250) square feet of cultivation space where a designated caregiver, as designated by Arizona Revised Statutes, Title 36, § A.R.S. 36-2801 et seq., Department rules and regulations, cultivates medical marijuana.
9. *Medical marijuana dispensary offsite cultivation location* shall mean a building, dwelling, structure or premises used for the cultivation or storage of medical

marijuana that is the additional location where marijuana is cultivated by a medical marijuana dispensary as designated in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. or Department rules and regulations.

10. *Medical marijuana dispensary or dispensary* shall mean a building, dwelling, structure or premises used to acquire, possess, cultivate, manufacture, deliver, transfer, transport, sell, distribute, transmit, give, dispense or otherwise provide medical marijuana in any manner to patients or designated caregivers pursuant to the authority contained in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq., Department rules and regulations, or other implementing state statutes and administrative regulations.
11. *Medical marijuana infusion facility* shall mean a facility that incorporates medical marijuana (cannabis) by the means of cooking, blending or incorporation into consumable/edible goods.
12. *Medical marijuana operation* shall mean any person acting alone or in concert with another person, whether for barter, reimbursement, profit or not for profit, who cultivates, grows, harvests, processes, packages, transports, displays, sells, dispenses or otherwise distributes the stalks, stems, roots, seeds, leaves, buds or flowers of any plant of the genus cannabis, or any mixture or preparation thereof, and medical marijuana for medical use as authorized by Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. This definition shall be construed to include, but is not limited to, the following: a) all services offered by a designated caregiver; b) cultivation by a designated caregiver, c) medical marijuana dispensaries; d) medical marijuana offsite cultivation locations; e) medical marijuana infusion facilities; and f) any other operation involving medical marijuana registered with the Department; all as designated in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq., the Department rules and regulations, or other implementing state statutes and administrative regulations.
13. *Medical marijuana paraphernalia or paraphernalia* shall mean all equipment, products and materials of any kind, which is used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance, including medical marijuana.
14. *Medical marijuana qualifying patient cultivation location* shall mean an enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed fifty (50) square feet of cultivation space where a qualifying patient, as defined in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq., or Department rules and regulations, cultivates medical marijuana. The qualifying patient cultivation location must be accessory to the qualifying patient's primary residence. Medical marijuana cultivation as an accessory use to the qualifying patient's primary residence must not be detectable from the exterior of the building in which the cultivation takes place. Medical marijuana cultivation as an accessory use to the qualifying patient's primary residence shall only be permitted if the residence is located at least 25 miles from a medical marijuana dispensary.
15. *Minor patient* shall mean a patient less than eighteen (18) years of age.
16. *Park* shall mean any public or private land available for recreational, educational, cultural or aesthetic use.
17. *Patient* shall mean a person who has a debilitating medical condition as defined in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq., and is a registered

qualifying patient as defined by State law and the Department rules and regulations.

18. *Person* shall mean a natural person or business entity such as, without limitation, a corporation, association, firm, joint venture, estate, trust, business trust, syndicate, fiduciary, partnership, or any group or combination thereof.
19. *Place of worship or religious assembly* shall mean buildings or facilities used for the purpose of conducting religious services, worship and related educational, cultural and social activities.
20. *Premises* shall mean the entire parcel of property upon which a medical marijuana dispensary, medical marijuana cultivation facility or any other medical marijuana operation is located.
21. *Registered pharmacy* shall mean those pharmacies which have registered under A.R.S. § 32-1929 and obtained a pharmacy permit from the Arizona Board of Pharmacy and operate within the State of Arizona.
22. *School* means any building, portion of building or group of buildings which is designed, constructed, or used for education or instruction in any branch of knowledge, including tutoring centers, day care centers and the following types of schools:
    a. "Charter school" means a school operating under sponsorship of a public school district governing board, the State Board of Education or the State Board for Charter Schools, and has been created pursuant to A.R.S. 15-181.
    b. "Instructional school" means a public or private school providing domestic, recreational and other types of instruction, such as dance, gymnastics, cooking, music, martial arts (without fitness center equipment) and fine arts.
    c. "Private school" means any building, portion of building, or group of buildings used for elementary, secondary or higher education that does not secure the major part of its funding from a governmental agency.
    d. "Public school" means any building, portion of building, or group of buildings used for elementary, secondary or higher education that secures the major part of its funding from a governmental agency.
    e. "Vocational school" means an institution which teaches trades, business courses, hairdressing and similar skills on a post-secondary level.
23. *Sensitive uses* shall be construed to include the following uses: school; public or private recreation center; park; public library; place of worship; massage establishment; group care home; sexually oriented business; teen club; or registered pharmacy. (Ordinance 10-15)
24. *Teen club* is an enclosed or unenclosed structure which is open to persons from fifteen (15) through twenty (20) years of age unaccompanied by adults at which music is furnished for the purpose of social dancing, and at which a person fifteen (15) through twenty (20) years of age pays an admission, membership dues, or a minimum fee or cover charge, whether or not admission is limited to members only. This definition shall be construed to include the enclosed or unenclosed structure and the surrounding premises used for parking and any activity related to the dancing operation.
25. *Zoning clearance* shall mean the issuance of a permit certificate or authorization by the Zoning Administrator, or designee, indicating that a proposed building, structure or use of land for a medical marijuana operation meets all of the standards, criteria, procedures and requirements contained in this Article and the Zoning Ordinance.

6-5-3 Location

A. A Medical Marijuana Dispensary or Commercial Cultivation Location may not be located within any Residential District within the City. (Ordinance 11-02)

B. A Medical Marijuana Dispensary or Commercial Cultivation Location may not be operated as a Home Occupation anywhere within the City. (Ordinance 11-02)

C. A Medical Marijuana Dispensary or Commercial Cultivation Location may only be located in C-2, I-1 or I-2 Zoning Districts. (Ordinance 11-02)

D. A Medical Marijuana Dispensary or Commercial Cultivation Location shall not be located within Five Hundred (500) feet of any public park, school or another Medical Marijuana Dispensary or Commercial Cultivation Location. (Ordinance 11-02)

6-5-4 Standard Conditions of Approval

A. No person under the age of eighteen (18) may be present at a Medical Marijuana Dispensary except with the prior approval of the Chief of Police, or designee, for good cause shown.

B. Marijuana may not be used in any manner on the premises or in the vicinity of any Medical Marijuana Dispensary or Cultivation Location within the City.

C. Only persons with a Registry Identification Card, as defined by A.R.S. 36-2801 (14), authorized licensees and authorized employees may be present at a Medical Marijuana Dispensary or Cultivation Location.

D. The Medical Marijuana Dispensary or Cultivation Location shall comply with all the restrictions and requirements of the Arizona Medical Marijuana Act, A.R.S. 36-2801 through 2818, together with compliance with any regulations adopted by the Arizona Department of Health Services pursuant to same, and said regulations are incorporated herein by this reference as if set forth in full.

E. No alcoholic beverages shall be sold, served or consumed on the premises.

F. Each Dispensary shall display in a manner legible and visible to its clientele:
   a. Notice that persons without a registry identification card or under the age of 18 (eighteen) are not allowed on the premises.
   b. Consumption of medical marijuana on the premises or in the vicinity of the Dispensary/Cultivation Location are prohibited.

G. Dispensaries are to be designed and constructed so that no area or portion where marijuana can be visible from the exterior while requiring the entrance to be visible from a public street.

H. Medical Marijuana Dispensaries and Cultivation Locations must conform to regulations for other businesses with similar zoning and all applicable building, fire and safety codes.

I. Applications for a Conditional Use under the provisions of this Section for a Nonprofit Medical Marijuana Dispensary or Cultivation Location may only be made, received or held by a registered Nonprofit Medical Marijuana Dispensary or Cultivation Location Agent for a registered and certified Medical Marijuana Dispensary or Cultivation Location as provided in A.R.S. 36-2804.

J. Drive through and delivery services are prohibited.

K. Hours of operation shall be only from 8 a.m. to 7 p.m.

L. The Dispensary or Cultivation Location shall be operated in compliance with regulations for same the City may adopt regardless of the date of the grant of a business license or the approval of a conditional use permit. Such regulations may be amended from time to time as the City deems appropriate and shall be deemed to be incorporated in any conditional use permit authorized hereunder.

6-5-4. Additional Conditions of Approval Authorized

In addition to the standard conditions of approval as set forth in Subsection B above, the City may add any other conditions of approval appropriate to the application considering the location, building, surroundings, adjacent land uses, topography, security and safety considerations, as may be necessary to achieve a compatible land use with the surrounding community, as authorized by the City Code or Arizona law.

(Ordinance 10-15 - Article 6-5)

ARTICLE 6-6 Recreational Marijuana (Ordinance 21-04**)**

6-6-1 Purpose
6-6-2 Definitions
6-6-3 Marijuana Prohibited on Public Property
6-6-4 Marijuana Testing Facility Permitted
6-6-5 Marijuana Establishments Permitted; Nonresidential
6-6-6 Individual's Primary Residence for Personal Use
6-6-7 Retail Sales from Marijuana and Marijuana Products
6-6-8 Fees
6-6-9 Violations
6-6-10 Enforcement; Penalties

6-6-1 Purpose

This is adopted to protect the health, safety and welfare of the community. Except as allowed by law for personal or private use, the City enacts reasonable regulations and requires compliance with zoning laws for the retail sale, cultivation, and manufacturing of marijuana or marijuana products in a marijuana establishment or marijuana testing facility and the cultivation, processing and manufacturing of marijuana in a primary residence. Nothing in this article is intended to promote or condone the sale, cultivation, manufacture, transport, production, distribution, possession, or use of marijuana or marijuana products in violation of any applicable law.

6-6-2 Definitions

The below words and phrases, wherever used in this article, shall be construed as defined in this section unless, clearly from the context, a different meaning is intended. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

A. "*Chemical Extraction*" means the process of removing a particular component of a mixture from others present, including removing resinous tetrahydrocannabinol from marijuana.

B. "*Chemical Synthesis*" means production of a new particular molecule by adding to, subtracting from or changing the structure of a precursor molecule.

C. "*Consume,*" *"Consuming"* and *"Consumption"* mean the act of ingesting, inhaling or otherwise introducing marijuana into the human body.

D. "*Consumer"* means an individual who is at least twenty-one years (21) of age, and who purchases marijuana or marijuana products.

E. "*Cultivate*" and "*Cultivation*" mean to propagate, breed, grow, prepare and package marijuana.

F. "*Deliver*" and "*Delivery*" mean the transportation, transfer or provision of marijuana or marijuana products to a consumer at a location other than the designated retail location of a marijuana establishment.

G. "*Department*" means the State of Arizona Department of Health Services or its successor agency.

H. "*Dual Licensee*" means an entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.

I. "*Enclosed Area*" means a building, greenhouse or other structure that has:
   1. A complete roof enclosure supported by connecting walls that are constructed of solid material extending from the ground to the roof;
   2. Is secure against unauthorized entry;
   3. Has a foundation, slab or equivalent base to which the floor is securely attached; and
   4. Meets performance standards ensuring that cultivation and processing activities cannot be and are not perceptible from the structure in terms of not being visible from public view without using binoculars, aircraft or other optical aids and is equipped with a lock or other security device that prevents access by minors.

J. "*Extraction*" means the process of extracting or separating resin from marijuana to produce or process any form of marijuana concentrates using water, lipids, gases, solvents, or other chemicals or chemical processes.

K. "*Manufacture*" and "*Manufacturing*" mean to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

L. "*Marijuana"*
   1. Means all parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin.
   2. Includes cannabis as defined in A.R.S. § 13-3401.
   3. Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

M. "*Marijuana Concentrate*:"
   1. Means resin extracted from any part of a plant of the genus cannabis, and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.
   2. Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products.

N. "*Marijuana Establishment*" means an entity licensed by the Department to operate all of the following:
   1. A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.

2. A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
3. A single off-site location at which the licensee may manufacture marijuana products, and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

O. "*Marijuana Products*" means marijuana concentrate, and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments and tinctures.

P. "*Marijuana Testing Facility*" means the Department or another entity that is licensed by the Department to analyze the potency of marijuana and test marijuana for harmful contaminants.

Q. "*Nonprofit Medical Marijuana Dispensary*" means a nonprofit entity as defined in A.R.S. § 36-2801(12).

R. "*Open Space*" means a public park, public sidewalk, public walkway or public pedestrian thoroughfare.

S. "*Person*" means an individual, partnership, corporation, association, or any other entity of whatever kind or nature.

T. "*Process*" *and "Processing"* means to harvest, dry, cure, trim or separate parts of the marijuana plant.

U. "*Public Place*" has the same meaning prescribed in the Smoke-Free-Arizona Act, A.R.S. § 36-601.01.

V. "*Smoke*" means to inhale, exhale, burn, carry or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic.

6-6-3 Marijuana Prohibited on Public Property.

A. The use, sale, cultivation, manufacture, production or distribution of marijuana or marijuana products is prohibited on property that is occupied, owned, controlled or operated by the City.

B. It is unlawful for an individual to smoke marijuana in a public place or open space in the City.

6-6-4 Marijuana Testing Facility Permitted.

A. It shall be unlawful for a person to operate a marijuana testing facility at any location within the City without obtaining a License from the City.

B. A marijuana testing facility is permitted in City subject to the following conditions:

1. Shall ensure that access to the area of the facility where marijuana or marijuana products are being tested or stored for testing is limited to a facility's owners or authorized agents.
2. Shall ensure that transportation of marijuana or marijuana products is in compliance with applicable law.
3. Shall comply with all testing processes, protocols, standards and criteria adopted by the Department for testing marijuana and marijuana products.
4. Shall maintain records, equipment and instrumentation as required by the Department.
5. Shall submit a written security plan to the City that specifies the measures that will be taken to deter and prevent unauthorized entrance into limited access areas, including the use of security equipment to detect unauthorized intrusion, exterior lighting to facilitate surveillance and electronic monitoring, such as video cameras that provide coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building and has sufficient recording resolution.

6-6-5 Marijuana Establishments Permitted; Nonresidential.

A. It shall be unlawful for a person to operate a marijuana establishment at any location within the City without obtaining a license from the City.

B. If authorized by state law and a license has been obtained from the City, a marijuana establishment is permitted subject to the following conditions and limitations:

1. To the fullest extent allowable by law, shall be authorized for:
   a. A dual licensee who operates both a nonprofit medical marijuana dispensary and marijuana establishment.
   b. Any other entity licensed by the Department to provide marijuana or marijuana products to consumers.

2. Shall be authorized in C-2, I-1 and I-2 zoning districts.

3. Shall not be located within five hundred (500) feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, public cemetery or community center. This distance shall be measured from the lot line of the property in which the business is conducted or proposed to be conducted to the property line of the protected use.

4. Shall be located in a permanent building on an established foundation adhering to building codes, and shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle.

5. Shall have operating hours not earlier than 8:00 a.m. and not later than 7:00 p.m.

6. Shall not provide drive-thru services or offsite deliveries of marijuana or marijuana products.

7. Shall not allow a person to consume marijuana or marijuana products on the premises, or provide outdoor seating areas.

8. Shall provide for proper disposal of marijuana remnants or by-products. The remnants or by-products shall not to be placed within the facility's exterior refuse containers, City trash can, bin or other City facility, or in any park refuse container.

9. Shall not emit dust, fumes, vapors or odors into the environment from the facility and shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of the City.

10. Shall not sell marijuana or marijuana products, except as permitted by state law, to consumers.

11. Shall not display or keep marijuana or marijuana products that are visible from outside the premises.

12. Shall comply with applicable Navajo County health regulations for food preparation and handling.

13. Shall comply with applicable laws to safely and securely engage in extraction processes.

14. Shall submit a written security plan to the City that describes the actions taken to deter and prevent unauthorized entrance into limited access areas, including use of security equipment, exterior lighting to facilitate surveillance and electronic monitoring such as video cameras.

15. For a marijuana establishment that engages in cultivation or manufacturing, shall submit a written operations plan to the City that describes the following:
    a. Procedures showing that the marijuana cultivation will be conducted in accordance with state and local laws and regulations regarding use and disposal of pesticides and fertilizers.
    b. The legal water source, irrigation plan, wastewater systems to be used and projected water use.
    c. The plan for addressing odor and other public nuisances that may derive from the establishment.

6-6-6 Individual's Primary Residence for Personal Use.

A. To the fullest extent allowable by law, marijuana possession, consumption, processing, manufacturing, transportation and cultivation is permitted in a residential zoning district subject to the following conditions and limitation:

    1. It shall be unlawful for any individual who is at least twenty-one (21) years of age to possess, transport, cultivate or process more than six (6) marijuana plants.

    2. It shall be unlawful for two (2) or more individuals who are at least twenty-one (21) years of age to possess, transport, cultivate or process more than twelve (12) marijuana plants at the individuals' primary residence.

3. Except as provided by A.R.S. § 36-2801 et al. and this Section, it shall be unlawful for an individual to otherwise cultivate marijuana in a residential zoning district within the City limits.

4. Individuals shall not process or manufacture marijuana by means of any liquid or gas, other than alcohol, that has a flashpoint below one hundred (100) degrees Fahrenheit.

5. Kitchen, bathrooms and primary bedroom(s) shall be used for their intended use, and shall not be used primarily for residential marijuana processing, manufacturing or cultivation.

6. A residence shall not emit dust, fumes, vapors or odors into the environment, and individuals shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of the City.

7. Cultivation shall be limited to a closet, room, greenhouse or other enclosed area on the grounds of the residence equipped with a lock or other security device that prevents access by minors.

8. Cultivation shall take place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft or other optical aids.

6-6-7 Retail Sales from Marijuana and Marijuana Products.

To the fullest extent allowable by law, the sale of marijuana and marijuana products is authorized within the City from a marijuana establishment and is tangible personal property as defined in A.R.S. § 42-5001 and subject to the transaction privilege tax in the retail classification and use tax.

6-6-8 Fees.

A. The fee for the Business License shall be established by resolution.

6-6-9 Violations.

A. It is unlawful and a violation of this article for a person to sell, cultivate, process, manufacture or transport marijuana or marijuana products if the person fails to meet all the requirements in this article or state law, including the Department's rules.

B. It is a violation of this article for any person to provide false information on any license application.

C. Each day any violation of any provision of this article shall continue shall constitute a separate offense.

6-6-10 Enforcement; Penalties.

A. The license may be revoked by the City for violation of any provision of this article, for any violation of the requirements of the permit, or if the Department revokes the license for a marijuana establishment or marijuana testing facility. If a license is revoked, the licensee shall have the right to appeal the decision of the City.

B. Violations of this article are in addition to any other violation enumerated within the City Code, and in no way limit the penalties, actions or abatement procedures which may be taken by the City for any violation of this article, which is also a violation of any other ordinance or Code provision of the City, or federal or state law. Conviction and punishment of judgment and civil sanction against any person under this article shall not relieve such person from the responsibility of correcting prohibited conditions, or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.

C. Civil Penalty: Violations of any provision of this article shall be civil code offenses which may be adjudicated and enforced by the City civil hearing.

CHAPTER 7
SUBDIVISION REGULATIONS

7-1 ADMINISTRATION AND GENERAL PROVISIONS
7-2 STANDARDS OF DESIGN
7-3 TENTATIVE MAPS
7-4 FINAL MAPS
7-5 DEDICATIONS AND IMPROVEMENTS
7-6 IMPROVEMENT STANDARDS
7-7 ENFORCEMENT; LIABILITY

ARTICLE 7-1: ADMINISTRATIVE AND GENERAL PROVISIONS

7-1-1 Authority
7-1-2 Definitions
7-1-3 Duties of Planning and Zoning Commission
7-1-4 Appeals and Variance

7-1-1 Authority

A. Statutory Provisions: Provisions of this Title are supplemental to those of Arizona Revised Statutes, Section 9-463 et seq., as amended, as the same now exists or may hereafter be amended.

B. Land Subject to Provisions: Any land in the incorporated territory of the City coming within the definition of a subdivision as herein set forth shall be subject to all of the provisions of this Title.

C. Intent: The intent of these regulations is to provide for the orderly growth and harmonious development of the City, to secure adequate traffic circulation through properties having optimum utility and livability; to secure adequate provisions for water supply and distribution, drainage and flood control, sanitary sewerage and other health requirements; to ensure and facilitate provision of sites for schools, recreation and other public purposes; to promote conveyance of land by accurate legal description; and to establish procedures which will achieve these intents on a basis of mutual understanding and equitable relationships between public and private interests.

7-1-2 Definitions

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

ASPHALT: A material made from bituminous materials and aggregates. See specifications in office of Public Works Director.

ATTORNEY: The City Attorney for the City of Holbrook.

COMMISSION: The Planning and Zoning Commission of the City of Holbrook.

CONCRETE: A material made from Portland cement and natural or manufactured aggregate. See specifications in the office of the Public Works Director.

EASEMENT: A grant by the owner for the use of land for specific conditions, uses and purposes.

50-YEAR FLOOD: A flood that has a two percent (2%) chance of occurring during any one year, based upon criteria established by the Arizona Department of Water Resources. All hydrologic design shall be in conformance with the current Arizona Department of Transportation hydrologic design procedures.

HEALTH OFFICER: The Health Officer of Navajo County.

IMPROVEMENT: Such street work, sidewalks, utilities and flood-control devices on the land to be used for public or private streets, highways and easements, as are necessary for the general use of the residents in the subdivision and local neighborhood traffic and drainage needs.

PERSON: Any of the following, either single or combinations thereof, of individuals, firms, copartnerships, joint ventures, associations, clubs, social clubs, fraternal organizations, corporations, estates or trusts.

PUBLIC SALE: That point in the transfer or exchange of property at which time title is transferred or upon close of escrow.

PUBLIC WORKS DEPARTMENT: The Public Works Department of the City of Holbrook.

PUBLIC WORKS DIRECTOR: An employee of the City authorized to direct the Public Works Department.

RECORDER: The Recorder of Navajo County.

RESUBDIVISION: The division, or the change in boundaries which have been previously fixed by a recorded subdivision map, of tracts or parcels, resulting in six (6) or more additional lots, tracts of parcels.

SERVICE AREA: An area provided for in the subdivision design at the rear of retail, commercial or multi-family dwelling uses of sufficient size and accessibility to facilitate the provision of necessary services.

STREETS AND ROADS:

A. Alley: A secondary means of access to property located at the rear or side of property.

B. Arterial Highways: Rural routes of County-wide importance, spaced at intervals consistent with population density, to collect traffic from local roads and bring all developed rural areas within a reasonable distance of a higher level of service than the local roads. Additional arterial roads may provide direct service to the communities not directly served by the freeway and major highway systems and to other locally important traffic generators.

C. Cul-De-Sac: A local street open at one end with only special provisions for turning around, and the further extension of which is precluded by the subdivision

design.

D. Expressway: A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections.

E. Freeway: Those roads and streets with full control access and which serve corridors of major traffic flow not already served by the interstate freeways.

F. Highway: A right of way designated for vehicular traffic, including expressway, freeway, road or street.

G. Highway, Belt: An arterial highway for carrying traffic partially or entirely around an urban area or portion thereof for which the minimum right-of-way width shall be one hundred ten feet (110').

H. Highway, Divided: A highway with separated roadways for traffic in opposite directions.

I. Right of Way: A general term denoting land, property or interest therein, usually in a strip acquired for or devoted to a highway, road, street, alley or utility drainage.

J. Roads, Local: Roads primarily for access to abutting lands, such as farms, rural subdivisions or other low intensity purposes.

K. Roadside Strip: The area adjoining the outer edge of the roadway or street and extending to the right-of-way line, and in which sidewalks, approved plantings, approved utility structures and bank slopes may be located.

L. Roadway: The portion of a street or highway, including shoulders and auxiliary lanes, for vehicular travel.

M. Street or Road, Frontage: A local street or road auxiliary to and located on the side of an expressway, freeway, major highway or secondary highway for service to abutting property and adjacent area for access control.

N. Streets, Collector: Those streets which provide for traffic movement within neighborhoods and between major streets and local streets and for direct access to abutting property. The spacing for collector streets is approximately one-half (½) mile, and they may also serve secondary traffic generators, such as schools, parks and apartment areas with high population density.

O. Streets, Commercial: Access streets serving substantial traffic volumes on relatively short trips in areas where land use is primarily retail sales or offices. These streets will normally be constructed with highly developed illumination and drainage and provisions for parking and pedestrian movements.

P. Streets, Commercial, Major: A street serving property intended for commercial use and carrying through traffic.

Q. Streets, Dead-End: A local street open at one end only, with temporary special provisions for turning around and which may be further extended into adjoining property.

R. Streets, Industrial: Access streets serving substantial traffic volumes and particularly high proportions of commercial vehicles on areas where land use is predominantly industrial, wholesale trade and goods movement.

S. Streets, Industrial, Major: Streets serving property intended for industrial use and carrying through traffic.

T. Streets, Local: Those streets providing direct access to commercial, industrial or other abutting land and for local traffic service to collector or major streets.

U. Streets, Private: Streets serving only property within the subdivision, which is not dedicated to public use, and to which access by the public is controlled by the subdivision design and by either posting or gating.

V. Streets, Residential: Other streets in municipalities. In general, these streets provide access to residential property.

W. Streets, Restricted: Short local streets where, due to unusual conditions as determined by the Planning and Zoning Commission and approved by the City Council, it is impractical to provide a wider right of way.

SUBDIVISION DEVELOPMENT PLAN: A simple drawing of the proposed subdivision showing streets, alleys, utility and drainage easements. Subdivisions will be shown in relation to existing and planned streets within one thousand feet (1,000') of the subdivision prepared to scale.

SUBDIVISION (OR SUBDIVIDED LANDS): Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, town house or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided. "Subdivision" does not include the following:

A. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.

B. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.

C. The leasing of apartments, offices, stores or similar space within a building or trailer park, not to mineral, oil or gas leases.

UTILITIES: The installation of facilities, furnished for the use of the public: electriCity, gas, sewer, water, fire hydrants, steam, telephone, cable television or other facilities, owned and operated by any person, firm, corporation, municipal department or board duly authorized by State or municipal regulations.

VICINITY MAPS: A simple drawing of the subdivision showing its location in relation to established City, County, State or interstate highway drawn to legible scale.

7-1-3 Duties of Planning and Zoning Commission

A. Specified: The Planning and Zoning Commission shall make investigations and reports on the design and improvement of proposed subdivisions, and, subject to the provisions of the Chapter, shall recommend to the City Council proposed maps of subdivisions prepared and filed according to this Chapter, to designate the kinds, nature and extent of the improvements to be installed in subdivisions and shall report directly to the subdivider or owner, the action taken on the tentative maps. The Planning and Zoning Commission shall then recommend its action to the City Council, who shall give its final recommendation of the preliminary subdivision plat.

B. Advisors: There are professionals to act in an advisory capacity to the Planning and Zoning Commission, and such advisors may consist of the following members: a registered professional engineer as situations may require, City Public Works director, County public health officials, County Assessor, City Attorney and other agencies and authorities or other professional advisors as may be necessary. The advisors shall meet as the matter to be considered by each may be required.

7-1-4 Appeals and Variance

In cases of appeal or variances, the Planning and Zoning Commission shall:

A. Scope: Hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, grant or refusal made by the any official in the administration of this Title.

B. Filing, Hearing: Appeals shall be made in writing and filed with the Planning and Zoning Commission setting forth the particulars and the reason for the appeal. Hearing on such cases shall be at such time as set by the Planning and Zoning Commission, and upon not less than fifteen (15) days or more than thirty (30) days' notice to the applicant and officials concerned.

C. Decision: Hear, approve, disapprove or approve with modifications, upon appeal, or upon recommendation of the hearing officer in specific cases, such variance from the terms of these regulations as will not be contrary to the public interest.

D. Conditions: In granting a variance, the Planning and Zoning Commission may attach thereto such conditions regarding the development of the subdivision as it may deem desirable in the interest and furtherance of the purpose of this Chapter.

E. Findings: In order for the property to come within the provisions of this Section, it shall be necessary that the Planning and Zoning Commission find the following

facts with respect thereto:

1. That there are special circumstances or conditions affecting said property;
2. That the modification is necessary for the preservation and enjoyment of a substantial property right;
3. The granting of the modification will not be detrimental to the public welfare or injurious to other property in the vicinity;
4. No grant or variance shall be authorized unless the Planning and Zoning Commission specifically finds that the condition or situation for which the variance is sought is not so typical or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

F. Presence at Meeting: The subdivider or his agent and his engineer shall be present at the meeting. The subdivider's engineer may act as his agent.

G. Appeal to Council: An appellant may further appeal a decision or any conditions thereto, as rendered by the Planning and Zoning Commission to the City Council for the same reasons and in like manner as prescribed in subsection A of the Section.

ARTICLE 7-2: STANDARDS OF DESIGN

7-2-1 Conformance
7-2-2 Street Design
7-2-3 Curb and Gutter Requirements
7-2-4 Street and Highway Widths
7-2-5 Frontage Roads
7-2-6 Street Graders
7-2-7 Street Alignment
7-2-8 Intersections
7-2-9 Alleys
7-2-10 Pedestrian Ways
7-2-11 Blocks
7-2-12 Lots Divided by Boundary Line
7-2-13 Public Service Installations
7-2-14 Dangerous Areas
7-2-15 Property Exclusions
7-2-16 Permanent Access
7-2-17 Flood Control Facilities
7-2-18 Protective Fence
7-2-19 Monuments

7-2-1 Conformance

A. Generally: All subdivisions shall conform to the following standards of subdivision design, except in those cases where the Planning and Zoning Commission determines that the size or shape of the land, topographical conditions or proposes land use make compliance therewith impractical. Upon such determination, the Planning and Zoning Commission must make the further findings required in Article 7-1-4(E) of this Chapter before any variation from these standards of subdivision design will be allowed.

B. General Plan: All subdivision plans shall conform to the requirement of any plan adopted by the City as a general plan, land use plan, or element thereof, and to all other requirements established by law, this Code or ordinance.

7-2-2 Street Design

A. General:
   1. Alignment to Existing Streets: The street system in the proposed subdivision shall relate in alignment to the existing streets in the area adjoining the subdivision.
   2. Consideration to Future Subdivision: The proposed street plan shall give consideration to the future subdivision of adjoining unsubdivided property.
   3. Serve Proposed Use to Abutting Land: All streets shall be designed to serve the proposed use of the land abutting them.
   4. Improvements: If a subdivision borders on a street, the subdivider shall be required to improve the streets in accordance with the requirements of the Public Works Department and the guide for improvement of subdivision perimeter streets.

B. Special:
   1. Access Along Major Highways: Along expressways and major highways, access to private property shall be provided by means of one or more of the following:

a. Frontage road;
b. Street separated from the expressway or major highway by a tier of lots or by;
c. Cul-de-sac streets entered from a street other than the expressway or major highway.

2. Design Provisions: Design of streets shall make provision for railroads, parkways, expressways, grade separations, flood control channels, irrigation facilities and hillside property.

C. Private: Private streets may be platted with the concurrence of the City Council and the Planning and Zoning Commission under the following conditions:
1. Satisfactory Easements: That easements satisfactory for meeting established minimum standards of design and construction are provided;
2. Maintenance: That provision, satisfactory to the Public Works Department, is made for maintenance of streets;
3. Access: That adequate provision is made for access of emergency vehicles, utility vehicles and vehicles providing service such as garbage and trash pickup;
4. Declaration of Responsibility: That clear statements be contained in both deed restrictions and homeowner's association bylaws that those streets be declared private and remain the permanent responsibility of the homeowner's association and be so posted;
5. Public Health and Welfare Maintained: That the health, safety, and welfare of the public will not be impaired thereby.

7-2-3 Curb and Gutter Requirements

The requirement for schedule A (See Article 7-6 of this Chapter) subdivision improvement standards for curbs and gutters within a proposed urban residential subdivision may be waived when the subdivision meets the following criteria:

A. Grade: The subdivision road grade shall not be more than three percent (3%).

B. Flood Water: The design of the subdivision will preclude the flow of flood water on the roadways.

C. Pavement Border: A pavement border as per the Standards, Maricopa Association of Governments, or such treatment as may be approved by the Public Works Department.

7-2-4 Street and Highway Widths

The minimum right of way for residential and secondary street shall be as follows:

A. Area Service Highway: A highway so designated on the General Plan for which the minimum right-of-way width shall be one hundred feet (100');

B. Collector Street, High Volume: The minimum right-of-way width shall be eighty feet (80');

C. Collector Street, Residential: The minimum right-of-way width shall be sixty (60) or more feet as approved by the Planning and Zoning Commission;

D. Cul-De-Sac Streets: Shall not serve more than twenty (20) lots, or be longer than

three hundred feet (300'); roads shall be at least fifty feet (50') wide and with a minimum of one hundred feet (100') turnarounds;

E. Major Commercial Streets: Shall have a minimum right-of-way width of one hundred feet (100') to provide for four (4) 12-foot traffic lanes, two (2) 8-foot parking lanes, one 16-foot center separation for turning lanes and two (2) 10-foot roadside stripes;

F. Residential Streets: Shall have a minimum right of way of fifty feet (50') when no utilities are being installed in the right of way. Where utilities are being installed with the road right of way, the minimum width shall be increased to sixty feet (60').

7-2-5 Frontage Roads

The minimum right of way where frontage roads are involved shall be as follows:

A. Residential and Agricultural Uses: Roads serving residential and agricultural uses; an additional forty feet (40');

B. Other Uses: Roads serving all other uses; and additional sixty feet (60').

7-2-6 Street Grades

A. Maximum: Street grades between six percent (6%) and ten percent (10%) will be approved only for such distances as topographical conditions make lesser grades impractical. A grade exceeding ten percent (10%) will be approved only when conclusive evidence show that a lesser grade is impractical.

B. Minimum: The minimum street grade should not be less than two-tenths of one percent (0.2%).

C. Flat Grades: Flat grades may be considered when adjacent lots or blocks are designed for ponding storm water.

D. Approval Required: All grades shall be approved by the Public Works Director.

7-2-7 Street Alignment

A. Curves: Curves in residential streets in comparatively level locations shall have a preferred center line radius of three hundred feet (300'), a minimum center line radius of two hundred feet (200') and in steep hillside locations a minimum radius of one hundred fifty feet (150'). All other streets and highways shall have a minimum center line radius of one thousand feet (1,000').

B. Jogs: Streets jogs of less than one hundred fifty feet (150') shall not be permitted.

7-2-8 Intersections

A. Connections: All street connections shall be at approximate right angles.

B. Corners: Street corners shall provide for a minimum twenty-five foot (25') foot curb radius with the property line corner radii designed so as not to reduce the widths of the roadside strips.

7-2-9 Alleys

A. Width: Where alleys are not required by this Code, but are provided for in the subdivision design at the rear of lots back-to-back, they shall be twenty feet (20') wide and improved.

B. Intersections: Alley intersections shall have corner cut-backs of not less than ten feet (10').

C. Cul-De-Sacs: Cul-de-sac alleys shall have a turnaround at least forty-five feet (45') in diameter. Dead-end alleys are not permitted.

D. Paved Service Areas: Paved service areas may be substituted for alleys at the rear of lots intended for retail business. Service areas used for refuse collection shall be adequately concealed.

7-2-10 Pedestrian Ways

Paved pedestrian ways six feet (6') wide shall be provided approximately midway across blocks over one thousand two hundred feet (1,200') in length or where deemed by the Planning and Zoning Commission to be necessary for public safety and convenience.

7-2-11 Blocks

Blocks shall not be more than one thousand five hundred feet (1,500') in length unless deemed necessary for public safety and convenience.

7-2-12 Lots Divided by Boundary Line

A. Through Lots: Through lots are not desirable.

B. Prohibited: No lot shall be divided by a City, county, school district or other taxing agency boundary line.

C. Lot Depth-To-Width Ratio: The depth-to-width ratio of the useable area of lots of less than one acre should not be greater than three to one (3:1).

7-2-13 Public Service Installations

A. Line Location: Public service lines, to include electrical, telephone and cable TV facilities, shall be located in accordance with the provisions of the Arizona Corporation Commission Order U-48, at the front of lots or side lines of lots as necessary, in alleys or easements provided for that purpose; unless requested differently by the public utility company.

B. Within Right-of-Way: Electric or telephone service may be located within the road right of way, provided they are installed underground and all transformers, pedestals, etc., extending above the ground be located behind the right of way.

C. Lot Lines: Lot lines shall be so designated that easements will be located in practical locations and will be suitable for the proposed use.

D. Street Lights: Street lights shall be required in high density commercial or residential areas.

7-2-14 Dangerous Area

A. Restrictions: Areas which by reasons of geological or topographical conditions, unstable surface conditions, ground water or seepage conditions, hazard of flood inundations, erosion or any other condition deemed by the Planning and Zoning Commission to be dangerous or to create unsatisfactory living conditions, shall not be subdivided except under restrictions as to the use of all or any part thereof as approved by the Planning and Zoning Commission.

B. Water Control; Basis: Design for the control of waters falling on a subdivision and storm waters crossing a subdivision shall be based on a storm generating a 50-year flood.

7-2-15 Property Exclusions

A. When Required: Portions of an adjacent property within the ownership of the subdivider shall not be excluded from within the boundaries of a subdivision when needed or required for dedications or improvement of any traffic, drainage or flood control facility, utility or other access use.

B. Size and Shape Conformance: Portions of property within the ownership of the subdivider, but not included within the boundaries of a subdivision, shall be of such size and shape as to conform to the provisions of this Chapter or any element of a general plan.

7-2-16 Permanent Access

A. Minimum: No subdivision shall be recorded unless two (2) permanent, public access streets, or more as deemed necessary by the Planning and Zoning Commission, are provided from the subdivision to a City, county, State or Federally-maintained road. Public access means a dedication to the County or a permanent written easement from the State or Federal governments.

B. Dedication; Approval: Roads dedicated to the City for the purpose of providing access shall be approved by the Public Works Director prior to recording and final approval by the City Council.

7-2-17 Flood Control Facilities

A. Design: Flood control facilities including flood channels, flood easements and storm drains will be designed to provide adequate protection against a 50-year flood and shall be approved by the Public Works Director.

B. Streets; Highways: Streets and highways shall not be used as flood channels.

7-2-18 Protective Fence

A. Types Approved: Protective fence for subdivisions shall be a chain-link galvanized wire fence, masonry wall or a protective wall or fence or other acceptable materials along any canal, drain, highway or other feature deemed by the Planning and Zoning Commission or Public Works Director to be hazardous to the occupants of the subdivision.

B. Abutting Specific Lands: All subdivisions abutting forest land, government land,

range land or as required by the Public Works Department shall be fenced.

C. Cattle Guards: Steel and concrete cattle guards shall be placed on all fence lines at all access roads entering the subdivision from an opened or free area, as specified in subsection B of this Section.

7-2-19 Monuments

All subdivision monuments and stakes shall be in place at the conclusion of subdivision improvement work.

ARTICLE 7-3: TENTATIVE MAPS

7-3-1 Preliminary Steps
7-3-2 Submittal
7-3-3 Date of Filing Fixed
7-3-4 Map Checking Fee
7-3-5 Identity of Subdivider
7-3-6 Information Required
7-3-7 Supplemental Information
7-3-8 Boundary Survey
7-3-9 Corner Stakes
7-3-10 Planning and Zoning Commission Actions
7-3-11 Time Limits for Action
7-3-12 Resubdivision; Tentative Map Required
7-3-13 Refiling Following Disapproval

7-3-1 Preliminary Steps

A. Consultation: In order to avoid unnecessary and costly revision, the subdivider or his engineer is urged to consult early and informally with the Planning and Zoning Commission, the Public Works Department and the County Health Department for advice and assistance before the preparation of the preliminary plat and formal application for its approval. This will enable him to become thoroughly familiar with various requirements and any regulations which might affect the area.

B. Tentative Map: The initial action in the development of a subdivision located in the incorporated territory of the City shall be in the preparation of a tentative map.
   1. The size of the tentative maps shall be twenty-four by thirty six inches (24 x 36") and shall be drawn to a fifty (50), one hundred (100) or two hundred foot (200') to the inch scale, whichever is most appropriate to clearly present necessary details.
   2. The tentative map or maps shall show or be accompanied by such data as are specified in Sections 7-3-5 through 7-3-8 of this Chapter.

7-3-2 Submittal

A. Filing; Distribution: The subdivider shall file ten (10) copies of the preliminary map or maps, along with the map checking fee, in the office of the City Clerk. The City Clerk shall cause to be transmitted copies of the preliminary plat to the Planning and Zoning Commission, Public Works Department, the County Health Department and all interested utilities. The officials shall review the plat for matters within their jurisdiction and promptly report their recommendations to the Planning and Zoning Commission, who shall check the plat for conformity to this Chapter.

B. Date: The date of filing will be a minimum of ten (10) days prior to the date the subdivider desires a formal hearing by the Planning and Zoning Commission.

7-3-3 Date of Filing Fixed

The date of filing a preliminary map shall be fixed as the date on which all of the maps and information required by this Chapter have been filed, as determined by the staff, and the required fees have been paid.

7-3-4 Map Checking Fee

The tentative map shall be accompanied by a map checking fee. The map checking fee

shall be shown on a separate fee schedule as determined by the City Council.

7-3-5 Identity of Subdivider

When submitting the tentative map, the subdivider shall certify in writing to one of the following:

A. That he is the record owner of the property;

B. That the identified record owner of the property consents in writing to the filing of the map.

7-3-6 Information Required

The following information shall be delineated on the tentative map, except those items determined by the staff as not being pertinent to a particular tract:

A. Title of map and legal description of property.

B. Name and address of owner and subdivider.

C. Name and address of person preparing map.

D. Approximate acreage and overall dimensions.

E. North point, scale and date.

F. Subdivision boundary line and vicinity map.

G. Names, book and page number of adjoining subdivisions
.

H. Names, locations and widths of adjacent streets.

I. Identifying landmarks and existing structures, both above and below and around.

J. Proposed names, locations and widths of streets.

K. Approximate grades of proposed and existing streets.

L. Streets and rights of way providing permanent access to the property.

M. Excavations within two hundred feet (200') of the subdivision.

N. Approximate radii of curves.

O. Widths of alleys and easements.

P. Names and address of utility companies and locations of existing and proposed public utilities.

Q. Elevations of sewer at proposed main connections.

R. Existing culverts and drain pipes.

S. Watercourses and channels including proposed facilities for control of storm waters.

T. Land subject to overflow and inundations for flood hazard.

U. Railroads and other rights of way.

V. Lands and parks to be dedicated to public use.

W. Dimension of reservations.

X. Proposed lot lines and approximate dimensions.

Y. Adjoining property and lot lines.

Z. Contours with maximum interval as follows:

Slope	Interval
0 - 2%	1'
3 - 9%	2'
10% Plus	5'

AA. Existing use of property immediately surrounding tract.

BB. Source of water supply, size and location of water lines.

CC. Method of sewage disposal.

DD. Method of fire protection.

7-3-7 Supplemental Information

Reports and written statements on the following matters shall accompany the tentative map:

A. Development Plan: Subdivision development plan when the subdivision is larger than forty (40) acres or is developed in phases.

B. Water Service and System: A written statement from the Navajo County Health Officer stating that:

1. A water company under permit has agreed in writing to serve all lots in the subdivision; or
2. The subdivider has an acceptable well and water delivery system.

C. Solid Waste Disposal and Sewage: A written statement from the Navajo County Health Officer stating the type of solid waste disposal and sewage disposal that will be permitted. To aid in this determination, the Health Officer will require soil percolation tests or other pertinent information. If sanitary sewer facilities and a sewage disposal plant are proposed, the method by which the operation and maintenance will be accomplished and financed.

D. Street Improvement: Type of street improvement.

E. Utilities: Utilities to be installed.

F. Storm Water Control: Proposed method of control of storm water, including data as to grade and dimension.

G. Covenants: Protective covenants proposed to be recorded.

H. Private Street Maintenance: If private streets or other ways of necessity are proposed, the method by which their maintenance will be accomplished and financed.

I. Tree Planting: Proposed tree planting if within public rights of way.

J. Wells; Statement: Where the minimum lot size of all lots is in excess of two and one-half (2 1/2) net acres in area, the subdivider shall not be required to have a water company under permit or to furnish water to each lot, but shall furnish a statement of quantity and quality of any wells existing on the property or the estimated cost and feasibility of drilling wells if none exist.

K. Engineer Certification: The name and address of the professional engineer who will provide the certification of completed improvements and inspection pursuant to Section 7-6-4 and subsection 7-6-9(B) of this Title.

L. Other Required Information: Such other supplemental information as the Planning and Zoning Commission may require.

7-3-8 Boundary Survey

A. Required: A boundary survey of the subdivision including all courses and distances necessary to compute a closure on the preliminary plat.

B. Data: Sufficient data to prove the method by which the boundary was determined, including a description of all corners found or set, adjoining maps or property lines and records.

7-3-9 Corner Stakes

Upon filing a tentative map, the subdivider shall immediately place a conspicuous stake and flag at each corner, angle point to curve point of the property proposed to be subdivided. Said stake shall extend at least three feet (3') above the ground, except where the corner is on a roadway.

7-3-10 Planning and Zoning Commission Action

Within sixty days (60) after the date of filing, the Planning and Zoning Commission shall approve, conditionally approve or disapprove said map and the action of the Planning and Zoning Commission shall be noted on two (2) copies of the tentative plat. Conditions resulting in conditional approval or disapproval will be noted and referenced. One copy shall be returned to the subdivider and the other retained for the Planning and Zoning Commission's records.

7-3-11 Time Limits for Action

The time limits for acting and reporting on tentative maps as specified in this Chapter may be extended by mutual consent of the subdivider and the City Council or Planning and Zoning Commission as the case may be. If no action is taken within these time limits, the tentative maps as filed shall be deemed to be approved and it shall be the duty of the Planning and Zoning Commission to certify the approval.

7-3-12 Resubdivision; Tentative Map Required

A tentative map showing data and information required by this Chapter shall be required when the resubdivision of lots, tracts or parcels previously recorded as a subdivision or portion of a subdivision resulting in four (4) or more additional lots, tracts or parcels.

7-3-13 Refiling Following Disapproval

In the event that a tentative map is disapproved by the Planning and Zoning Commission, a new tentative map of the same area or portion thereof may be filed within six (6) months of the date of disapproval. A refiling after six (6) months shall be treated as a new submission.

ARTICLE 7-4: FINAL MAPS

7-4-1 Preparation
7-4-2 Conformance to Standards of Design
7-4-3 Street Names
7-4-4 Map Requirements
7-4-5 Data Required
7-4-6 Center Lines and Boundaries
7-4-7 Lot Description and Identification
7-4-8 Filing; Accompanying Documents
7-4-9 Checking by City Staff
7-4-10 Certificates and Acknowledgments
7-4-11 Extension of Time
7-4-12 Resubdivision Map
7-4-13 Reversion to Acreage Map
7-4-14 Approval

7-4-1 Preparation

A. Compliance with Tentative Map: After approval of a tentative map by the Planning and Zoning Commission, the subdivider may, within one year, cause a final map of the subdivision or any part thereof to be prepared in accordance with a completed survey of the subdivision and in compliance with the approved tentative map within the provisions of this Chapter.

B. Monuments: The survey and final map shall be made by a registered civil engineer or licensed land surveyor who shall set sufficient durable monuments so that another engineer or surveyor may readily retrace the survey. He shall also set such additional monuments as may be required by the Public Works Department.

7-4-2 Conformance to Standards of Design

The final map shall conform in all respects to the standard of design set forth in Article 2 of this Chapter, unless any nonconformance has been specifically shown on the approve tentative map and approved in the conditions of approval attached.

7-4-3 Street Names

Streets shown on the final map shall be named as approved by the Planning and Zoning Commission and the City Council.

7-4-4 Map Requirements

A. Scale: The final map shall be clearly and legibly delineated upon tracing material of acceptable quality. All lines, letters, figures, dedications, certificates, acknowledgments and signatures shall be made in black, waterproof India ink or equal. The net size of each sheet shall be twenty-four by thirty-six inches (24 x 36"). A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one-half inch (1/2"), except the left margin which shall be two inches (2"). The scale of the map shall be large enough to show all details of the subdivision or part thereof to be recorded and enough sheets shall be used to accomplish this end.

B. Numbering Sheets: If more than one sheet is required, each sheet shall be numbered, the relation of one sheet to another clearly shown and the number of

sheets shall be set forth on each sheet.

C. Scale, North Point, Sheet Number: The scale, north point, and sheet number shall be shown on each sheet of the final map. The scale shall be fifty (50), one hundred (100) or two hundred feet (200') to the inch.

D. Map Notes: A statement labeled "Map Notes" shall be shown on one sheet of the final map. Such statements shall include the basis of bearings, what monuments were found, what monuments and points were set, a key to symbols and abbreviations and such other information deemed to be necessary.

E. Surveys: Surveys made in preparation of final maps shall be made in accordance with standard practices and principles of surveying. A traverse of the boundaries of the subdivision and all lots and blocks shall close within a limit of error of one foot (1') twenty-five thousand feet (25,000').

7-4-5 Data Required

The following additional data shall be shown on each final map:

A. Dates: Dates of survey and preparation of map.

B. Street Names and Locations: Locations and names, without abbreviations, of all proposed streets and alleys; proposed public areas and easements; adjoining streets.

C. Lot Dimension: Dimensions of all lots; lots containing one acre or more shall show net acreage to the nearest hundredth of an acre. Ditto marks shall not be used.

D. Street Lines and Lengths: Center lines of all streets and lengths, tangent radius and central angle or radial bearings of all curves; and the bearings of radial lines to each lot corner of a curve; the width of each street, the width of the portion being dedicated and the width of existing dedication.

E. Line Bearing and Length: Sufficient data to determine readily the bearing and length of each line.

F. Survey Control Points: Suitable primary survey control points.

G. Adjacent Subdivision Ties: Ties to and recording references to adjacent subdivisions and section corners, or two (2) known monuments as appropriate.

H. Easement Data: Center line data, width and side lines of all easements to which the subdivision is subject. Distances and bearings on the side lines of lots which are cut by an easement shall be shown as to indicate clearly the actual lengths of the lot's lines. The width of the easements and the lengths and bearings of the lines thereof and sufficient ties to locate the easements definitely with respect to the subdivision shall be shown. The easement shall be clearly labeled and identified and, if already of record, proper reference to the records given. Easements being dedicated shall be so indicated in the certification of dedication.

Easements shall be shown on the map by broken lines.

I. Boundary Evidence: Clear indication of stakes, monuments or other evidence on the ground to determine the boundaries of the subdivision.

7-4-6 Center Lines and Boundaries

Wherever the surveyor has established the center line of a street or alley, that data shall be considered in making the surveys and in preparing the final map, and all monuments found shall be indicated and proper reference made to field books or maps of public record relating to the monuments. If the points were reset by ties, that fact shall be stated. The, final map shall show City and County boundaries adjoining the subdivision.

7-4-7 Lot Description and Identification

A. Numbering: Lots shall be numbered consecutively on each final plat with no omissions or duplications. Each lot shall be shown in its entirety on one sheet. Lots use for streets, alleys or recreational purposes shall be lettered.

B. Corner Marking: All lot corners shall be marked with pipe or iron rods and marked with the engineer's or surveyor's number before recording of final plat; minimum: pipe one-half inch (1/2") ID x fifteen inches (15"), deformed rod one-half inch (1/2") x fifteen inches (15").

7-4-8 Filing; Accompanying Documents

Two (2) mylar copies of the final map shall be filed for checking in the office of the City Clerk and shall be accompanied by the following:

A. Distribution: Five (5) positive prints thereof, which shall be distributed as follows:
   1. Two (2) to the Planning and Zoning Commission;
   2. Two (2) to the Public Works Department; and
   3. One to the County Health Officer.
   4. Water and sewer designs, where applicable, will be submitted to the Arizona Department of Environmental Quality (ADEQ).

B. Improvement Plans and Specifications: Plans and specifications of the proposed improvements, including street, sewer, electric and water utilities, drainage, flood control and improvements meeting adopted City construction standards and specifications.

C. Covenants: A copy of the protective covenants to be recorded. Said covenants shall provide for the raising and expenditure of funds necessary for the maintenance of any private streets shown on the map.

D. Water Distribution System. Two (2) mylar copies and three (3) positive prints of a map showing the proposed water distribution system, signed by the Public Works Director. The distribution system shall comply with all applicable State and County regulations.

7-4-9 Checking by City Staff

After issuance of a receipt for the final map and accompanying supplemental data, the

staff will examine it as to sufficiency of affidavits and acknowledgments, correctness of surveying date, mathematical data and computations and such other matters as require checking to ensure compliance with the provisions of this Chapter.

7-4-10 Certificates and Acknowledgments

The final map shall show all certificates and acknowledgments. They shall appear on the final map, or they may be combined on a separate linen of the same size on the final map.

7-4-11 Extension of Time

A. Authority; Appeal: Upon application by the subdivider, an extension for submission of the final map of up to one year may be granted by the Planning and Zoning Commission. In the event the Planning and Zoning Commission denies a subdivider's application for extension, the subdivider may appeal to the City Council.

B. Recording Time Limit: Failure to record a final map within one year from the approval or conditional approval of the tentative map, or any extension of approval of the final map granted by the City Council or Planning and Zoning Commission, shall terminate all proceedings. The City Council or Planning and Zoning Commission may approve an additional extension of time for recording the final map if circumstances exist beyond the control of the subdivider.

C. Application: Any application of a subdivider for such extension of time for the recording of a final map shall be made in writing to the Planning and Zoning Commission not less than thirty (30) days prior to the expiration of the one year allowed. All persons appearing as owners or authorized agents of the subdivision shall execute the request for extension.

7-4-12 Resubdivision Map

A final map showing data required by Article 7-4-5 of this Chapter shall be submitted when the resubdivision of lots, tracts or parcels previously recorded as a subdivision or portion of the subdivision results in four (4) or more additional tracts of parcels.

7-4-13 Reversion to Acreage Map

A. Marking: Maps filed for the purpose of reverting subdivided lands to acreage shall be conspicuously marked under the number, "The Purpose of the Map is a Reversion to Acreage".

B. Procedures; Certificates: Procedures and certificates for the purpose of reversion to acreage may be obtained from the Planning and Zoning Commission.

7-4-14 Approval

A. Conditions: No record of survey or plat for record may be filed until all improvements are completed (see Section 7-6-9 of this Chapter) or a bond equal to their value has been posted with the City Clerk, or a trust agreement filed with a required completion upon sale of sixty percent (60%) of the lots or four (4) years, whichever shall occur first.

B. Endorsement: When the final map is found to be in the correct form and the certificates and acknowledgments are sufficient, and the improvements certified as

complete (see subsection A of this Section), the Planning and Zoning Commission shall endorse their approval and transmit it, together with the deed restrictions, to the City Council for their approval and recording.

ARTICLE 7-5: DEDICATIONS AND IMPROVEMENTS

7-5-1 Dedication
7-5-2 Improvement Standards
7-5-3 Improvement Plans
7-5-4 Evidence of Title
7-5-5 Construction and Inspection
7-5-6 Soil and Materials Tested
7-5-7 Protective Covenants and Restrictions

7-5-1 Dedication

A. Offer: All streets, highways, alleys and parcels of land shown on the final map and intended for any public use shall be offered for dedication. Such dedications shall be free of any and all encumbrances incurred subsequent to the date of the filing of the tentative map.

B. Private Streets Indicated: The fact that any streets and ways are private shall be clearly indicated on the map.

C. Special Easement Dedications: When in the opinion of the Planning and Zoning Commission the location of the proposed subdivision is such that a significant impact may develop between future residents of the subdivision and existing land uses in the vicinity, appropriate special easements dedicated to adjacent property owners may be required of the subdivider prior to recording of the final map.

7-5-2 Improvement Standards

All improvements shall be according to the subdivision improvement standards as established in Article 6 of this Chapter, except as provided herein.

7-5-3 Improvement Plans

A. Required: All improvements made, constructed or installed in subdivisions shall be according to full and detailed plans and specifications as approved in writing by the Public Works Director prior to the commencement of said improvement work.

B. Approval: Such plans and specifications as required by the Public Works department shall be submitted to and shall be approved by the Public Works Department before submitting the final map to the City Council.

C. Applicability: This section shall include all work done in the subdivision whether such work is required by the City or is done at the option of the subdivider.

D. Dead-End Streets: Plans for improvements of streets which temporarily dead end at the subdivision boundary shall include data sufficient to determine that the future extensions of such streets are feasible where necessary.

7-5-4 Evidence of Title

At the time the final map is filed in the office of the City Clerk, as provided in Section 7-4-8 of this Chapter, it shall be accompanied by the evidence of title, which shall be the form of a certificate of title, a preliminary title report or a policy of title insurance issued by a title company authorized by the laws of the State to write the same, showing the names of persons having any interest and any record title interest in the land to be subdivided,

together with the nature of their respective interests therein.

7-5-5 Construction and Inspection

All improvements in the public right of way shall be constructed under the general inspection and approval of the City. Primary responsibility for control of the quality of the improvements remains with the subdivider, and he shall, upon completion of the improvement, provide a certificate from a registered professional engineer that all work has been completed in accordance with approved plans and specifications as specified in Article 6 of this Chapter. It should not be expected that inspection by representatives of the City will in any way eliminate the need for regular inspection during the entire construction period by the subdivider's project engineer. The Public Works Department shall be notified at least three (3) working days prior to restart of construction.

7-5-6 Soil and Materials Tests

The Public Works Department shall have the right to enter upon the sites of improvements for the purpose of inspecting them and shall be furnished with soil and materials tests by a competent laboratory as may be required to determine the acceptability of such materials. The costs of these tests shall be borne by the subdivider.

7-5-7 Protective Covenants and Restrictions

A copy of the recorded protective covenants and restrictions will be provided for the Planning and Zoning Commission upon recordation of the final map.

ARTICLE 7-6: IMPROVEMENT STANDARDS

7-6-3 General
7-6-2 Lot Schedules
7-6-3 Acceptance of Streets and Roads
7-6-4 Domestic Water Supply
7-6-5 Fire Protection
7-6-6 Sewage Disposal
7-6-7 Flood Protection and Tract Drainage
7-6-8 Protective Fence
7-6-9 Subdivision Improvements
7-6-10 Construction Standards

7-6-1 General

A. Improvements installed in subdivisions shall be constructed in full conformance to this Chapter and to the subdivision construction standards of the Maricopa Association of Governments.

B. In the absence of a standard for an improvement proposed by the Public Works Department, the Department may establish a standard in keeping with good construction and engineering practice.

7-6-2 Lot Schedules

A. Schedule A; Less Than One Acre:

1. Streets: The minimum improvement for subdivision streets as required by Schedule A are hereby established when included in the proposed subdivision design at the option of the Planning and Zoning Commission and Public Works Department.

a. Collector street - residential areas with sixty feet (60') of right of way; concrete curbs and gutters with forty-four feet (44') between curbs (two 12-foot lanes, two 10-foot lanes, asphalt paving).

b. Frontage street - or road with forty feet (40') of right of way; concrete curbs and gutters with twenty-eight feet (28') between curbs (two 14-foot lanes), restricted parking or with thirty feet (30') between curbs, (two 11-foot lanes, one 8-foot lane); two feet (2') separation from highway right of way; asphalt pavement.

c. Major commercial street - with one hundred (100') of right of way: concrete curbs and gutters with eighty feet (80') between curbs (four 12-foot lanes, two 8-foot lanes, one 16-foot left turn lane); five foot (5') concrete sidewalks adjacent to curbs; asphalt pavement.

d. Residential streets - with fifty feet (50') of right of way: concrete curbs and gutters with thirty-eight feet (38') to the back of the curbs (two 11-foot lanes, two 8-foot lanes); asphalt pavement.

e. Street name signs and traffic-control signs.

f. Barricade at end of dead-end street may be required.

1. Waiver: In the event the requirement for pavement, curb and gutter is

waived by the Planning and Zoning Commission and the City Council, streets shall be installed to width and a material as approved by the Public Works Department.

B. Schedule B; One Acre or More, Less Than Two and One-Half:
   1. Streets: The minimum improvements for subdivision streets as required by Schedule B are hereby established when included in proposed subdivision design, at the option of the Planning and Zoning Commission and the Public Works Department.
      a. Collector street - residential area with sixty (60') or eighty feet (80') of right of way as approved by the Public Works Director, with concrete retainer curbs, thirty-six feet (36') of asphalt pavement plus shoulder.
      b. Frontage street or road with forty feet (40') of right of way; thirty two feet (32') of asphalt pavement; concrete retainer curb, two feet (2') separation from major highway right of way.
      c. Major commercial street with one hundred feet (100') of right of way; concrete curbs and gutters with eighty feet (80') between curbs (four 12-foot lanes, two 8-foot lanes, one 16-foot left turn lane); five foot (5') concrete sidewalks adjacent to curbs; asphalt pavement.
      d. Residential streets with fifty feet (50') of right of way; concrete retainer curbs twenty-six feet (26') of asphalt pavement plus shoulders.
      e. Street names signs and traffic-control signs.
      f. Barricade at end of dead-end streets may be required.
   2. Waiver: In the event the requirement of pavement, curbs and gutters is waived by the Planning and Zoning Commission and the City Council, streets shall be installed to a width and of a material as approved by the Public Works Department.

C. Schedule C; Lots More Than Two and One-Half Acres:
   1. Streets: The minimum improvements and right of way for subdivision streets as required by Schedule C are hereby established as follows:
      a. Collector street - residential area with sixty (60) or sixty six feet (66') of right of way as approved by the Public Works Director, concrete retainer curbs, twenty four feet (24') of asphalt pavement plus shoulders.
      b. Frontage Street or road with forty feet (40') of right of way; concrete retainer curbs; twenty four feet (24') of asphalt pavement; four foot(4') shoulders; two feet (2') separation from major highway right of way.
      c. Major commercial street with one hundred feet (100') of right of way, concrete curbs and gutters with eighty feet (80') between curbs (four 12-foot lanes, two 8-foot lanes, one 16-foot left turn lane); five foot (5') concrete sidewalks adjacent to curbs; concrete retainer curbs; asphalt pavement.
      d. Residential streets with fifty feet (50') of right of way; concrete retainer curbs twenty-four feet (24') of BST pavement plus shoulders.
      e. Street names signs and traffic-control signs.
      f. Barricade at the end of dead-end streets may be required.
   2. Waiver: In the event the requirement for pavement, curbs and gutters is waived by the Planning and Zoning Commission and the City Council, streets shall be installed to a width and of a material as approved by the Public Works Department.

7-6-3 Acceptance of Streets and Roads

Subdivision streets will be accepted for maintenance by the City only when they are constructed, without cost to the City to meet the minimum Maricopa Association of Governments Construction Standards and the minimum standards as set forth in this Chapter.

7-6-4 Domestic Water Supply

A. Less Than Two and One-Half Acres: Subdivisions having lots of less than two and one-half (2½) net acres in area will be provided with a complete water distribution system which shall adequately serve the subdivision in the opinion of the City.

B. More Than Two and One-Half Acres: In subdivisions having lots of more than two and one-half (2½) acres, the subdivider shall provide a statement as to the availability of a water source and the anticipated costs to the buyer of obtaining such water.

7-6-5 Fire Protection

Fire hydrants and a fire distribution system shall be provided in accordance with the recommendations or requirements of the City and its Fire Department.

7-6-6 Sewage Disposal

A. Connection to Public System: Subdivisions shall be provided with a sanitary sewer connection to each lot when the nearest boundary of the subdivision is within one thousand four hundred feet (1,400') of a public sanitary sewer system.

B. Unavailability: Whenever a public sanitary sewer system is not available to a subdivision, proper provision shall be made for the disposal of sewage in accordance with the standards and requirements of the Navajo County Health Department.

7-6-7 Flood Protection and Tract Drainage

A. Minimum Facilities: The minimum facilities for the control of flood waters crossing, flowing into or falling upon a subdivision shall be designed on the basis of a 50-year flood.

B. Streets and Highways: Streets and highways shall not be used as flood channels.

7-6-8 Protective Fence

Protective fence requirements for subdivisions are established as a five foot (5') chainlink galvanized wire, masonry, wood or other acceptable material for fencing, along any canal, drain, expressway or other feature deemed by the Planning and Zoning Commission or the Public Works Department to be hazardous.

7-6-9 Subdivision Improvements

A. Completion: All streets, improvements, stakes and monuments shall be completed and in place or a bond, trust, improvement district or some other appropriate security as approved by the City Council shall be provided to ensure completion of the subdivision, improvements prior to the sale of any land or lots appurtenant to such streets and improvements.

B. Certificate: Following the completion of all required improvements including, but not limited to, lot staking, survey monuments, streets, drainage ways, public water

supply, water distribution, sanitary sewer, sewage disposal and solid waste disposal facilities, a certificate shall be executed by a professional engineer registered to practice in the State, certifying that said improvements have been made under his direction in accordance with the provisions of these subdivision regulations and in accordance with the plans of such as approved by the Public Works Department upon which approval of the final plat was based and shall be submitted to the Public Works Director.

7-6-10 Construction Standards

The minimum improvements for streets as shown in this Chapter evolve fromthe standards of Maricopa Association of Governments. Changes, modifications or revisions of the construction standards shall cause the subdivision improvements standards to change accordingly.

ARTICLE 7-7: ENFORCEMENT; LIABILITY

7-7-1 Building Permit; When Not Issued
7-7-2 Legal Proceedings; Abatement
7-7-3 Remedies Cumulative
7-7-4 Liability

7-7-1 Building Permit; When Not Issued

No building permit shall be issued for the erection or use of any structure or part hereof to be located in a subdivision, that is not in accordance with the provisions of the Chapter. Any such permit issued shall be void and of no effect.

7-7-2 Legal Proceedings; Abatement

Any building or structure erected or maintained on a lot or parcel of land that is subject to this Chapter, created or established after adoption of this Code that is contrary to the provisions of this Chapter shall be and same is hereby declared to unlawful and a public nuisance, and the City Attorney shall, upon order of the City Council, immediately commence action or proceedings for the abatement, removal and enjoinment thereof, in the manner provided by law; and shall take such other steps, and shall apply to such court as may have jurisdiction to grant such relief as will abate or remove such building or structure.

7-7-3 Remedies Cumulative

All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibilities of correcting prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof.

7-7-4 Liability

No liability shall be created on the part of the City or any district, office, department or employee thereof for any damages that may result from the application of these regulations or any administrative decision thereunder.

CHAPTER 8
STATE OF ARIZONA FLOODPLAIN MANAGEMENT

8-1 STATUTORY AUTHORIZATION
8-2 FINDINGS OF FACT
8-3 STATEMENT OF PURPOSE
8-4 METHODS OF REDUCING FLOOD LOSS
8-5 DEFINITIONS
8-6 GENERAL PROVISIONS
8-7 ADMINISTRATION
8-8 PROVISIONS FOR FLOOD HAZARD REDUCTION
8-9 VARIANCE PROCEDURE

ARTICLE 8-1: STATUTORY AUTHORIZATION

In A.R.S. § 48-3610, the Arizona State Legislature enabled the City of Holbrook to assume the powers and duties for floodplain management and adopt regulations in conformance with A.R.S. § 48-3609 designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City Council of Holbrook, Arizona, does ordain as follows:

ARTICLE 8-2: FINDINGS OF FACT

A. The Special Flood Hazard Areas (SFHA) of Holbrook are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in SFHA which increase flood heights and velocities and, when inadequately anchored, cause damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

ARTICLE 8-3: STATEMENT OF PURPOSE

It is the purpose of this Chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone and sewer lines; streets and bridges located in SFHA;

F. Help maintain a stable tax base by providing for the second use and development of SFHA so as to minimize flood blight areas;

G. Participate in and maintain eligibility for flood insurance and disaster relief.

ARTICLE 8-4: METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this Chapter includes methods and provisions to:

A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards which result in damaging increases in erosion, flood heights, or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;

D. Control filling, grading, dredging and other development which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

ARTICLE 8-5: DEFINITIONS

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

"Accessory structure": as defined in FEMA P-2140

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this Chapter or a request for a variance.

"Area of shallow flooding" means a designated AO or AH Zone of a community's Flood Insurance Rate Map (FIRM) with a one percent of greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized b ponding or sheet flow.

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year. (Also called the "100-year flood".)

"Base flood elevation (BFE)" The computed elevation to which floodwater is anticipated to rise during the base flood.

"Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

"Building" (See "Structure")

"Chief Engineer" (See "Floodplain Administrator")

"Community" means any state, area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and

enforce floodplain management regulations for the areas within its jurisdiction.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage or materials.

"Encroachment" As defined by FEMA:
https://www.fema.gov/glossary/encroachments#:~:text=Encroachments%20are%20activities%20or%20construction,substantial%20improvements%2C%20and%20other%20development

"Erosion" means the process of the gradual wearing away of landmasses. This peril is not, per se, covered under the program.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of flood waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding and defined in this definition.

"Flood Insurance Rate Map (FIRM)" means the official map of a community, on which the Federal Emergency Management Agency has delineated both the SFHA and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, Flood Insurance Rate Maps, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source - see "Flood of flooding".

"Floodplain Administrator" means the community official, the Planning and Zoning Administrator, designated by title to administer and enforce the floodplain management regulations.

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, open space plans.

"Floodplain Management Regulations" means this Chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" Any combination of structural and nonstructural additions, changes, or adjustments to nonresidential structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents by means other than elevation.

"Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding. (See additional definitions in APPENDIX)

"Floodway" The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship" as related to Article 8-9 of this Chapter, means the exceptional hardship that would result from a failure to grant the requested variance. The City Council of Holbrook requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   1. By an approved state program as determined by the Secretary of the Interior; or
   2. Directly by the Secretary of the Interior in states without approved programs.

"Lowest floor" means the lowest floor of the lowest enclosed area including the basement, see "Basement". An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market Value" means, shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed.

A. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guides recognized by the building construction industry.

B. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence.

Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences. (See additional definitions in APPENDIX)

"Mean sea level" means, for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are refereed.

"New construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map (FIRM) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across, or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One-hundred-year flood" or "100-year flood" means the flood having a one percent chance of being equaled or exceeded in any given year (See "base flood).

"Person" means an individual or the individual's agent, a firm, partnership, association or corporation, or an agent of the aforementioned groups, or this state or its agencies or political subdivisions.

"Recreational vehicle" means a vehicle which is:

A. Built on a single chassis;

B. 400 square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

"Regulatory Flood Elevation (RFE)" means an elevation one foot above the Base Flood Elevation.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Flood Hazard Area (SFHA)" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on a Flood Insurance Rate Map as Zone A, AO, A1-30, AE, A99 or AH.

"Start of Construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" As defined by FEMA:
https://www.fema.gov/sites/default/files/documents/fema_agricultural-and-accessory-structures_8132021.pdf

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the

market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a "historic structure," provided, that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in this Chapter is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, (or other datum, of floods of various magnitudes, and frequencies in the floodplains of coastal of riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE 8-6: GENERAL PROVISIONS

8-6-1 Lands to Which this Chapter Applies
8-6-2 Basis for Establishing Areas of Special Flood Hazard
8-6-3 Compliance
8-6-4 Abrogation and Great Restrictions
8-6-5 Interpretation
8-6-6 Disclaimer of Liability
8-6-7 Statutory Exceptions
8-6-8 Before Construction
8-6-9 Unlawful Acts
8-6-10 Declaration of Public Nuisance Statue
8-6-11 Notice of Violations
8-6-12 Severability

8-6-1 Lands to Which this Chapter Applies

This Chapter shall apply to all SFHA within the corporate limits of Holbrook, Az.

8-6-2 Basis for Establishing Areas of Special Flood Hazard

The SFHA identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study (FIS) of Navajo County, Arizona and Incorporated Areas dated March 2, 2016, with accompanying Flood Insurance Rate Maps (FIRMs) dated September 26, 2008, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Chapter. This FIS and attendant mapping is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of his Chapter and which are recommended to the Floodplain Board by the Floodplain Administrator. The Floodplain Board, within its area of jurisdiction shall delineate (or may by rule require developers of land to delineate) for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by the Federal Emergency Management Agency and the Director of Water Resources. The FIS and FIRM panels are on file at the Holbrook Municipal Building in Holbrook, Arizona, and the Navajo County Admiration Building in Holbrook, Arizona.

8-6-3 Compliance

All development of land, construction of residential, commercial or industrial structures, or future development within delineated floodplain areas is subject to the terms of this Chapter and other applicable regulations.

8-6-4 Abrogation and Greater Restrictions

This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

8-6-5 Interpretation

In the interpretation and application of this Chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

8-6-6 Disclaimer of Liability

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the SFHA or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City of Holbrook, any officer or employee thereof, the State of Arizona, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

8-6-7 Statutory Exemptions

In accordance with A.R.S. §48-3609(I), unless expressly provided, this and any regulation adopted pursuant to this Chapter do not affect:

A. Existing legal uses of property or the right to continuation of such legal use. However, if a nonconforming use of land or a building or structure is discontinued for twelve months or destroyed to the extent of fifty (50) percent of its value, as determined by a competent appraiser, any further use shall comply with this Chapter and regulations of the City Council of Holbrook;

B. Reasonable repair or alteration of property for the purposes for which the property was legally used on August 3, 1984, or any regulations affecting such property takes effect, except that any alteration, addition or repair to a nonconforming building or structure which would result in increasing its flood damage potential by fifty (50) percent or more shall be either floodproofed or elevated to or above the Regulatory Flood Elevation;

C. Reasonable repair of structures constructed with the written authorization required by A.R.S. §48-3613; and

D. Facilities constructed or installed pursuant to a certificate of environmental compatibility issued pursuant to A.R.S. Title 40, Chapter 2, Article 6.2.

8-6-8 Before Construction

Before the following types of construction authorized by A.R.S. § 48-3613(B) begin, the responsible person must submit plans for the construction to the Floodplain Board for review and comment pursuant to A.R.S. § 48-3613(C):

A. The construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, roads and streets intersecting or crossing a watercourse;

B. The construction of storage dams for watering livestock or wildlife, structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by A.R.S. Title 45, Chapter 6;

C. Construction of tailing dams and waste disposal areas for use in connection with

mining and metallurgical operations. This subsection does not exempt those sand and gravel operations which will divert, retard or obstruct the flow of waters in any watercourse from complying with and acquiring authorization from the Floodplain Board pursuant to regulations adopted by the Floodplain Board under this article;

D. Other construction if it is determined by the Floodplain Board that written authorization is unnecessary;

E. Any flood control district, county, City, town or other political subdivision from exercising powers granted to it under A.R.S. Title 48, Chapter 21, Article 1;

F. The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision;

G. The construction and erection of poles, towers, foundations, support structures, guy wires and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.

H. In accordance with A.R.S. § 48-3613(D), in addition to other penalties or remedies otherwise provided by law, this state, a political subdivision or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation, or obstruction of a watercourse has the right to commence, maintain, and prosecute any appropriate action or pursue any remedy to enjoin, abate, or otherwise prevent any person from violating or continuing to violate this section or regulations adopted pursuant to A.R.S. Title 48, Chapter 21, Article 1. If a person is found to be in violation of this Section, the court shall require the violator to either comply with this Section if authorized by the Floodplain Board or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation including reasonable costs and attorney fees.

8-6-9 Unlawful Acts

A. It is unlawful for a person to engage in any development to divert, retard or obstruct the flow of waters in any watercourse if it creates a hazard to life or property without securing the written authorization required by A.R.S. §48-3613. Where the watercourse is a delineated floodplain, it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by A.R.S. §48-3613.

B. Any person violating the provisions of this Chapter shall be guilty of a misdemeanor. Each day of that violation continues shall be a separate offense punishable as hereinabove described.

C. A person who without written authorization damages or interferes with a facility that is owned, operated, or otherwise under the jurisdiction of the community is liable for both of the following:
   1. Any actual damages to persons or property that is caused by the damage or

interference.

2. Payment of costs to the community for remediating the damage or interference.

8-6-10 Declaration of Public Nuisance Statue

All development located or maintained within any Special Flood Hazard Area after August 8, 1973, in violation of this Chapter, is a public nuisance per se and may be abated, prevented of restrained by action of this political subdivision.

8-6-11 Notice of Violations

If the Chief Engineer finds that a person has engaged or is engaging in development in the floodplain without a floodplain use permit, has engaged or is engaging in any development that is not in compliance with an active floodplain use permit or has damaged or interfered with facilities that are authorized pursuant to A.R.S. Title 48, Chapter 21 without written authorization of the Floodplain Board, the Chief Engineer shall issue a notice of violation to the owner, occupant or manager of the real property on which the development is located or to the person who has damaged or interfered with the facilities. The notice of violation shall identify the violations observed and order the violator to cease and desist any ongoing activity that is not in compliance with the regulations adopted pursuant to this chapter or cease and desist any damage or interference that is not authorized by the Board. The notice of violation shall include the date and time by which the person must mail or deliver a response to the notice of violation.

8-6-12 Severability

This Chapter and the various parts thereof are hereby declared to be severable. Should any Section of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

ARTICLE 8-7: ADMINISTRATION

8-7-1 Designation of the Floodplain Administrator
8-7-2 Duties and Responsibilities of the Floodplain Administrator
8-7-3 Establishment of Development Permit

8-7-1 Designation of Floodplain Administrator

The Planning and Zoning Administrator is hereby appointed to administer, implement, and enforce this Chapter by granting or denying development permits in accordance with its provisions.

8-7-2 Duties and Responsibilities of the Floodplain Administrator

Duties of the Floodplain Administrator shall include, but not be limited to:

A. Permit Review. Review all development permits to determine that:
   1. The permit requirements of this Chapter have been satisfied;
   2. All other required State and Federal permits have been obtained;
   3. The site is reasonably safe from flooding;
   4. In areas where a floodway has not been designated, the proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this Chapter, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood more than one foot at any point.

B. Substantial Improvement and Substantial Damage Procedures.
   Review all development permits for improvements and/or damages to existing structures to determine if the application of the substantial improvement rules apply, including establishing a definition of market value determination and verifying that the estimated improvement and/or repair costs are less than 50% of the market value of the structure.

C. Use of Other Base Flood Data.
   When Base Flood Elevation data has not been provided in accordance with Section 8-6-2, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data available from a Federal, State or other source, in order to administer Article 8-8. Any such information shall be consistent with the requirements of the Federal Emergency Management Agency and the Director of Water Resources and shall be submitted to the Floodplain Board for adoption.

D. Obtain and maintain for public inspection.
   1. Certification required by Sections 8-8-1 C.1 and 8-8-5 (lowest floor elevations, bottom of the structural frame, and utilities);
   2. Certification required in Section 8-8-1 C.2 (lowest floor elevations or floodproofing of nonresidential structures and utilities);
   3. Certification required in Section 8-8-1 C.3a (flood vents);
   4. Certification of elevation required by Section 8-8-4 A.2 (subdivisions and other proposed development standards;
   5. Certification required in Section 8-8-7 A (floodway encroachments);
   6. Maintain a record of all variance actions, including justification for their issuance,; and
   7. Obtain and maintain improvement calculations required in Section 8-7-2(B).

E. Notification of other entities:
   1. Whenever a watercourse is to be altered or relocated:
      a. Notify adjacent communities and the Arizona Department of Water Resources prior to such alterations or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency through appropriate notification means; and
      b. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
   2. Base Flood Elevation and rate of flow due to physical alterations:
      a. Base Flood Elevations may increase of decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific date in accordance with Volume 44 Code of Federal Regulations section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
      b. Within one hundred twenty (120) days after completion of construction of any flood control protective works which changes the rate of flow during the flood or the configuration of the floodplain upstream of downstream from of adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Director of the Director of Arizona Department of Water Resources.
   3. Corporate Boundary Changes.
      a. Notify the Federal Emergency Management Agency and the Arizona Department of Water Resources of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

F. Map Determinations.
   Make interpretations, where needed, as to the exact location of the boundaries of the SFHA (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 8-9.

G. Remedial Actions.
   Take actions on violations of this Chapter as required in Section 8-6-1 herein.

8-7-3 Establishment of Development Permit

A Development Permit shall be obtained before construction or development, including placement of manufactured homes, begins within any Special Flood Hazard Area established in Section 8-6. Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

A. Proposed elevation in relation to mean sea level, of the lower floor (including basement) of all structures. in Zone AO, elevation of existing highest adjacent natural grade and proposed elevation of lowest floor of all structures;

B. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 8-8-1 C.2; and

D. Base Flood Elevation data for subdivision proposals or other development greater than 50 lots or 5 acres; and

E. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

ARTICLE 8-8: PROVISIONS FOR FLOOD HAZARD REDUCTION

8-8-1 Standards of Construction
8-8-2 Standards for Storage of Materials and Equipment
8-8-3 Standards for Water Supply and Waste Disposal Systems
8-8-4 Additional Development Standards, Including Subdivisions
8-8-5 Standards for Manufactured Homes
8-8-6 Standards for Recreational Vehicles
8-8-7 Floodways

8-8-1 Standards of Construction

In all SFHA, the following standards are required:

A. Anchoring:
   1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and.
   2. All manufactured homes shall meet the anchoring standards of Section 8-8-5 B

B. Construction materials and methods:
   1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
   2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;
   3. All new construction, substantial improvement, and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. within the components during conditions of flooding; and
   4. Within Zones AH or AO that adequate drainage paths around structures on slopes guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing:
   1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement, elevated to or above the Regulatory Flood Elevation:
      a. In a Zone AO, the Base Flood Elevation is determined from the FIRM panel. If unspecified, the required elevation is at minimum two (2) feet above highest adjacent grade.
      b. In a Zone A where the Base Flood Elevation has not been determined, the Base Flood Elevation is determined locally by the criteria set out in Section 8-7-2 (C).
      c. In Zones AE and AH, the Base Flood Elevation is determined from the FIS and/or FIRM.
      d. A garage attached to a residential structure, constructed with the garage floor slab below the Regulatory Flood Elevation, must be designed to allow for the automatic entry and exit of flood waters and must be used solely for parking, access and/or storage. See Section 8-8-1(C)(3).

   Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Floodplain

Administrator for verification.

2. Nonresidential construction.
   Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 8-8-1 C.1 or together with attendant utility and sanitary facilities:
   a. Be floodproofed below the elevation recommended under Section 8-8-1 C.1 so that the structure is watertight with walls substantially impermeable to the passage of water;
   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Floodplain Administrator for verification; or certification by a registered professional engineer or architect that the floodproofing standards of this section are satisfied shall be provided to the Floodplain Administrator for verification.

3. Flood openings
   All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet of exceed the following criteria:
   a. For non-engineered openings:
      1. Have a minimum of two openings, on different sides of each enclosed area, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
      2. The bottom of all openings shall be no higher than one-foot above grade;
      3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or
   b. For engineered openings:
      1. Engineered openings (or covers and devices) that are specifically designed and certified by a registered engineer or architect as meeting the required performance and design requirements.
      2. Engineered openings (or covers and devices) for which an Evaluation Report has been issued by the International Code Council (ICC) Evaluation Service, Inc. (ICC-ES), a subsidiary of the International Code Council, Inc.

4. Manufactured homes.
   Manufactured homes shall also meet the standards in Section 8-8-5.

5. Accessory Structures (Detached Garages & Storage Structures).
   Accessory structures used solely for parking of vehicles or storage may be constructed such that its floor is below the Regulatory Flood Elevation, provided the structure is designed and constructed in accordance with the following requirements:

a. Use of the accessory structure must be limited to parking of vehicles or storage;
b. The portion of the accessory structure located below the Regulatory Flood Elevation must be built using flood-resistant materials;
c. The accessory structure must be adequately anchored to prevent floatation, collapse and lateral movement;
d. Any machinery or equipment servicing the accessory structure must be elevated or floodproofed to or above the Regulatory Flood Elevation;
e. The accessory structure must comply with floodplain encroachment provisions in Section 8-8-7.
f. The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 8-8-1 C3.

Detached garages, storage structures, and other accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 8-8-1.

Upon completion of the structure, certification by a registered professional engineer or surveyor that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

8-8-2 Standards for Storage of Materials and Equipment

A. The storage or processing of materials could be injurious to human, animal or plant life if released due to damage from flooding is prohibited in SFHA.

B. Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

8-8-3 Standards for Water Supply and Waste Disposal Systems

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Waste disposal systems shall not be installed in a regulatory floodway.

8-8-4 Additional Development Standards, including Subdivisions

A. All new subdivision proposals and other development (including proposals for manufactured home parks and subdivisions), greater than 50 lots or 5 acres, whichever is the lesser, shall:
1. Identify the Special Flood Hazard Area and the Base Flood Elevation.
2. Identify on the final plans the elevation(s) of the proposed structure(s) and pads. If the site is filled above the Base Flood Elevation, the final lowest floor and grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administer.

B. All subdivision proposed development shall be consistent with the need to

minimize flood damage.

C. All subdivision proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

D. All subdivision proposals and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

8-8-5 Standards for Manufactured Homes

All manufactured homes that are placed on site or substantially improved shall:

A. Be elevated to conform with Section 8-8-1(C)(1) so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at the Regulatory Flood Elevation; and

B. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

Upon completion of installation of the manufactured home, certification by a registered professional engineer or surveyor that the elevation requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

8-8-6 Standards for Recreational Vehicles

All recreational vehicles placed on site will either:

A. Be on site for fewer than 180 consecutive days; or

B. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

C. Meet the permit requirements of Section 8-7 of this Chapter and the elevation and anchoring requirements for manufactured homes in Section 8-8-5.

8-8-7 Floodways

Located within SFHA established in Section 8-8 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. If Section 8-8-7 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 8-8.

ARTICLE 8-9: VARIANCE PROCEDURE

8-9-1 Nature of Variances
8-9-2 Appeal Board
8-9-3 Conditions for Variances

8-9-1 Nature of Variances

The variance criteria set forth in this section of the Chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this Chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City of Holbrook to help protect its citizens from flooding. This need is so compelling and the implications of the cost of ensuring a structure built below the Regulatory Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this Chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

8-9-2 Appeal Board

A. The Floodplain Board shall hear and decide appeals and requests for variances when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.

B. In considering such applications, the Floodplain Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and:
   1. The danger that materials may be swept onto other lands to the injury of others;
   2. The danger of life and property due to flooding or erosion damage;
   3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   4. The importance of the services provided by the proposed facility to the community;
   5. The necessity to the facility of a waterfront location, where applicable;
   6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
   7. The compatibility of the proposed use with existing and anticipated development;
   8. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for that area;
   9. The safety of access to the property in time of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water system, and streets and bridges.

C. Upon consideration of the factors of Section 8-9-2 C and the purposes of this Chapter, the Floodplain Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

D. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
   1. The issuance of a variance to construct a structure below the Regulatory Flood Elevation will result in increased premium rates for flood insurance up to amounts as high as
      $25 for $100 of insurance coverage; and
   2. Such construction below the Regulatory Flood Elevation increases risks to life and property; and

E. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.

8-9-3 Conditions for Variances

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the Regulatory Flood Elevation, providing items in Article 8-7 and Article 8-8 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any designated floodway if any increase in the Base Flood Elevation would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:
   1. Showing of good and sufficient cause;

2. Determination that failure to grant the variance would result in exceptional hardship to the applicant;
3. Showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Article 8.5 of this Chapter in the definition of "Functionally Dependent Use".
4. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict with existing local laws or ordinances.