

## CHAPTER 1 GENERAL

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### **Article 1-1**                    **How Code Designated and Cited**

The ordinances embraced in the following chapters and sections shall constitute and be designated “The Code of the Town of Pima, Arizona”, and may be so cited. Such code may also be cited as the “Pima Town Code”.

### **Article 1-2**                    **Construction of Ordinances**

The rules and definitions set forth in this chapter shall be observed in the construction of this code and the ordinance of the town unless such construction with either the manifest intent of the council or the context of this code or the ordinances of the town and shall be construed to protect life, liberty, property and pursuit of happiness of the inhabitants of the Town of Pima.

### **Article 1-3**                    **Definitions**

For definitions and construction of statutes generally, see A.R.S., 1-211 to 1-215.

#### **Section 1-3-1**                    **General Rule Regarding Definitions**

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

**Section 1-3-2            Acts by Agents**

When an ordinance requires an act to be done which may be by law as well is done by an agent as by the principal, such requirement shall be construed to include all such acts when done by and authorized agent.

**Section 1-3-3            Code**

The words “the code” or “this code” shall mean “The Code of the Town of Pima, Arizona”, unless the context indicates otherwise.

**Section 1-3-4            Council**

Whenever the word “council” is used, it shall be construed to mean the common council of the Town of Pima, Arizona

**Section 1-3-5            Day**

A “day” is a period of time between any midnight and the midnight following.

**Section 1-3-6            Daytime, Nighttime**

“Daytime” is the period of time between sunrise and sunset. “Nighttime” is the period of time between sunset and sunrise.

**Section 1-3-7            Department, Board, Commission, Office, Officer 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 town, unless the context clearly indicates otherwise.

**Section 1-3-8            Gender; Singular and Plural**

Words of the Masculine gender include the feminine; words in the singular number include the plural and words in the plural number include the singular.

**Section 1-3-9            In the Town**

The words “in the Town” or “within the Town” shall mean and include all territory over which the town now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

**Section 1-3-10**      **Joint Authority**

All words purporting to give a joint authority to three or more town officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

**Section 1-3-11**      **Month**

The word “Month” shall mean a calendar month.

**Section 1-3-12**      **Oath**

“Oath” includes affirmation or declaration.

**Section 1-3-13**      **Or, and**

“Or” may be read “and” and “and” may be read “or” if the sense requires it.

**Section 1-3-14**      **Person**

The word “person” shall extend and be applied to firms, corporations or voluntary associations, as well as to individuals, unless plainly inapplicable.

**Section 1-3-15**      **Personal Property**

“Personal Property” includes every species of property, except real property as defined in this article.

**Section 1-3-16**      **Preceding, Following**

The words “preceding” and “following” mean next before and next after, respectively.

**Section 1-3-17**      **Property**

The word “property” shall include real and personal property.

**Section 1-3-18**      **Real Property**

Real property shall include lands, tenements and hereditaments.

**Section 1-3-19**      **Shall, May**

“Shall” is mandatory and “May” is permissive.

**Section 1-3-20**      **Shall Have Been**

The words “shall have been” include past and future cases.

**Section 1-3-21**      **Signature or Subscription by Mark**

“Signature” or “Subscription” includes a mark when the signer cannot write, such signer’s or subscriber’s name being written near the mark by a witness who writes his own name near the signer’s or subscriber’s mark, but a signature or subscription to a sworn statement when two witnesses so sign their own names thereto.

**Section 1-3-22**      **State**

The words “the state” shall be construed to mean the State of Arizona.

**Section 1-3-23**      **Tenant or Occupant**

The word “tenant” or “occupant” applied to a building or land shall include any person holding a written or an oral lease or who occupies the whole or part of such building or land, either alone or with others.

**Section 1-3-24**      **Tenses**

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

**Section 1-3-25**      **Time—Computation**

The time within which an act is to be done as provided in this code or 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 Sunday or holiday it shall be excluded; and when such time is expressed in hours, the whole of Sunday or a holiday, from midnight to midnight, shall be excluded.

**Section 1-3-26**      **Time—Reasonable**

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

**Section 1-3-27**      **Town**

Whenever the word “town” is used, it shall be construed to mean the Town of Pima, Arizona.

**Section 1-3-28**      **Week**

A “week” consists of seven consecutive days.

**Section 1-3-29**      **Writing**

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.

**Section 1-3-30**      **Year**

The word “year” shall mean a calendar year, except where otherwise provided.

**ARTICLE 1-4**      **REFERENCE TO CHAPTERS, ARTICLES OR SECTIONS:  
CONFLICTION PROVISIONS**

- 1-4-1 Additional Rules of Construction
- 1-4-2 Reference to this code
- 1-4-3 Conflicting Provisions—Different Chapter
- 1-4-4 Conflicting Provisions—Same Chapter

**Section 1-4-1**      **Additional Rules of Construction**

In addition to the rules of construction specified in Article 1-2 and 1-3. The rules set forth in this article shall be observed in the construction of this code.

**Section 1-4-2**      **Reference to this Code**

All references to chapters, articles or sections are to the chapters, articles and sections of this code unless otherwise specified.

**Section 1-4-3**      **Conflicting Provisions—Difference Chapter**

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.

**Section 1-4-4            Conflicting Provisions—Same Chapter**

If conflicting provisions are found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail unless such construction is inconsistent with the meaning of such chapter.

**ARTICLE 1-5            SECTION HEADINGS**

Headings of the several sections of this code are intended as a convenience to indicate the contents of the section and do not constitute part of the law.

**ARTICLE 1-6            EFFECT OF REPEAL**

When any ordinance repealing a former ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive former ordinance, clause or provision, unless it shall be expressly so provided.

**ARTICLE 1-7            SEVERABILITY OF PARTS OF CODE**

It is hereby declared to be the intention of the council that the sections, paragraphs, sentences, clauses and phrases of this code shall be severable, and if any provisions of this code is held unconstitutional for any reason by a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining provisions of this code.

**ARTICLE 1-8            PENALTY**

Any person found guilty of violating any provision of this code shall be guilty of a misdemeanor, and upon conviction thereof shall be punished.

**ARTICLE 1-9            REPEAL OF EXISTING ORDINANCES**

- 1-9-1    Effective Date of Repeal
- 1-9-2    Ordinances Exempt from Repeal

**Section 1-9-1            Effective Date of Repeal**

All ordinances of the Town of Pima except those specifically exempted in this article, now in force and effect are hereby repealed effective at twelve o'clock noon on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, but all rights, duties, and obligations created by said ordinance shall continue and exist in all respects as if the code had not been adopted and enacted.

**Section 1-9-2                    Ordinances Exempt from Repeal**

The adoption and enactment of this code shall not be construed to repeal or in any way affect or modify:

- A.     Any special ordinance or ordinances regarding franchises, annexations, dedications or zoning.
- B.     Any ordinance making an appropriation.
- C.     Any ordinance affecting any bond issue or by which any bond issue may have been authorized.
- D.     The running of the statutes of limitations in force at the time this code becomes affective.
- E.     The continued existence and operation of any department, agency, commission or office heretofore legally established or held.
- F.     Any bond of any public officer.
- G.     Any taxes, fees, assessments or other charges incurred or imposed.
- H.     Any ordinances authorizing, ratifying, confirming, approving or accepting any compact or contract with any other municipality, the State of Arizona, or any county or subdivision thereof, or with the United States or any agency or instrumentality thereof.

**ARTICLE 1-10                    EFFECTIVE DATE OF CODE**

Each and every section of this code as herein contained and hereby enacted shall take effect and be enforced on and after twelve o'clock noon on the 26<sup>th</sup> day of March, 1977, except that where a later effective date is provided it shall prevail.

## **CHAPTER 2—MAYOR AND COUNCIL**

ARTICLE 2-1	COUNCIL
ARTICLE 2-2	MAYOR
ARTICLE 2-3	COUNCIL ELECTION
ARTICLE 2-4	COUNCIL PROVEDURE
ARTICLE 2-5	ORDINANCES, RESOLUTIONS AND CONTRACTS
ARTICLE 2-6	PLANNING AND ZONING

### **ARTICLE 2-1      COUNCIL**

- 2-1-1 Elected Officers
- 2-1-2 Corporate Powers
- 2-1-3 Duties of Office
- 2-1-4 Vacancies in Council
- 2-1-5 Compensation
- 2-1-6 Oath of Office
- 2-1-7 Bond
- 2-1-8 Financial Disclosure Statements

#### **Section 2-1-1      Elected Officers**

The elected officers of the town shall be five councilmen, one of who shall be designated as mayor in accordance with Section 2-2-1. The mayor and councilmen shall constitute the council and shall continue in office until assumption of duties of office by their duly elected successors. Councilmen shall serve four year overlapping terms in the manner provided by state law. Candidates for office and elected officers primary residence shall be within the Town limits.

#### **Section 2-1-2      Corporate Powers**

The corporate powers of the town shall be vested in the council and shall be exercised only as directed or authorized by law. All powers of the council shall be exercised by ordinance, resolution, order or motion.

#### **Section 2-1-3      Duties of Office**

Following a regular Town Election, the Council shall meet on the first Tuesday after the General Elections for the purpose of choosing a Mayor from among their number, appointing the regular officers of the Council, and transacting such other business as they deem necessary.

**Section 2-1-4            Vacancies in Council**

The council shall fill by appointment for the unexpired term any vacancy that may occur for whatever reason. The vacancy appointment shall be filled by the next regular council meeting following the council's acceptance of the member's resignation.

**Section 2-1-5            Compensation**

The compensation of elective officers of the town shall be fixed from time to time by the resolution of the council; provided, that the compensation allowed to the mayor and councilmen shall not exceed that allowed by state statute.

**Section 2-1-6            Oath of Office**

Immediately prior to assumption of the duties of office, each Councilman shall, in public, take and subscribe to the oath of office.

**Section 2-1-7            Bond**

Prior to taking office, every council member shall execute and file an official bond, enforceable against the principal and his sureties, conditioned on the due and faithful performance of his official duties, payable to the state and to and for the use and benefit of the town or any person who may be injured or aggrieved by the wrongful act or default of such officer in his official capacity. A person so injured or aggrieved may bring suit on such bond under provisions identical to those contained in Section 38-260, Arizona Revised Statutes. Bond shall be in sum as shall be provided by resolution and the premium for such sum by paid by the town. Nothing in this section shall preclude the town from obtaining a blanket bond pursuant to the provisions of Section 9-302, Arizona Revised Statutes.

**Section 2-1-8            Financial Disclosure Statements**

Each member of the council shall file by January 31<sup>st</sup> of each year, on a form prescribed by the clerk, a financial disclosure statement, setting forth each information as determined by resolution of the council.

**ARTICLE 2-2            MAYOR**

- 2-2-1 Selection of Mayor
- 2-2-2 Powers and Duties of Mayor
- 2-2-3 Absence of Mayor
- 2-2-4 Failure to Sign Documents

**Section 2-2-1            Selection of Mayor**

The Council shall meet on the first Tuesday following the regular General Election to choose a Mayor from among their number. At this time, the Council members shall also select a Vice-Mayor to act in the Mayor's absence.

**Section 2-2-2            Powers and Duties of the Mayor**

The powers and duties of the mayor shall include the following:

- A. He shall be the chief executive officer of the town.
- B. He shall be the chairman of the council and preside over its meetings. He may make and second motions and shall have a voice and vote in all its proceedings.
- C. He shall enforce the provisions of this code.
- D. He shall exercise supervision over the acts and conduct of all the officers and employees of the town and shall inquire into all complaints against such officers or employees for violation or neglect of duty. He shall certify all complaints to the council.
- E. He shall execute and authenticate by his signature such instruments as the council, or any statute, ordinances or this code shall require.
- F. He shall make such recommendations and suggestions to the council as he may consider proper.
- G. He may, by proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing, or any other natural or man-made calamity or disaster or in the event of the threat or occurrence of riot, rout or affray or other acts of civil disobedience which endanger life or property within the town. After declaration of such emergency, the mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the town, including but not limited to:
  - 1. Imposition of curfew in all or any portion of the town.
  - 2. Ordering the closing of any business.
  - 3. Closing to public access any public building, street or other public place.

4. Calling upon regular auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.

H. He shall perform such other duties required by state statute and this code as well as those duties required as chief executive officer of the town.

**Section 2-2-3                    Absence of Mayor**

The mayor shall not absent himself for the town for a greater period than fifteen days without the consent of the council.

**Section 2-2-4                    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 members of the council may, at any regular or special meeting, authorize an acting mayor to sign such ordinance, resolution, contract, warrant, demand or other document of instrument which when so signed shall have the same force and effect as if signed by the mayor.

**ARTICLE 2-3                    COUNCIL ELECTION**

- 2-3-1 Primary election
- 2-3-2 Non-Political Ballot
- 2-3-3 General election Nomination
- 2-3-4 Election to Office
- 2-3-5 Candidate Financial Disclosure
- 2-3-6 Election Dates

**Section 2-3-1                    Primary elections**

Any candidate who shall receive at the primary election a majority of all the votes cast shall be declared elected to the office for which he is a candidate effective as of the date of the general election, and no further election shall be held as to said candidate; provided that if more candidates receive a majority than there are offices to be filled then those equal in number to the offices to be filled receiving the highest number of votes shall be declared elected.

**Section 2-3-2                    Non Political Ballot**

Nothing on the ballot in any election shall be indicative of the support of the candidate.

**Section 2-3-3                    General Election Nomination**

If at any primary election there is any office for which no candidate is elected, the primary election shall be considered to be an election for nomination of candidates for such office, and a general municipal election shall be held to fill such office. Candidates to be placed on the ballot at the general election shall be those not elected at the primary election and shall be equal in number to twice the number to be elected to any given office unless there be less than that number named on the primary election ballot. Persons who receive the highest number of votes for the respective offices at the primary election shall be the only candidates at such general election, provided that if there be any person who, under the provision of this article, would have been entitled to become a candidate for any office except for the fact some other candidate received an equal number of votes shall likewise become candidates for such office.

**Section 2-3-4                    Election to Office**

The candidates equal in number to the persons to be elected who receive the highest number of voted shall be declared elected.

**Section 2-3-5                    Candidate Financial Disclosure**

Each candidate for the office of councilman shall file a financial disclosure statement on a form prescribed by the clerk when such candidate files a nomination paper. The statement shall contain such information as required by resolution of the council.

**Section 2-3-6                    Election Dates**

The Primary Election for the Town shall be held in conjunction with the Graham County Primary Election in September of each even number year.

**Section 2-3-7                    Deadline for filing Nomination Papers**

A person desiring to be come a candidate and to have his name printed on the official ballot for municipal office shall file a nomination paper and the other nomination materials not less than seventy-five days or more than one hundred and five days before the primary election date. All such nomination papers must be completed and filed with the Town Clerk by four o'clock on the last business day for filing such papers.

**ARTICLE 2-4                    COUNCIL PROCEDURE**

- 2-4-1 Regular Meetings
- 2-4-2 Special Meetings

- 2-4-3 Meetings to be Public
- 2-4-4 Quorum
- 2-4-5 Order of Business
- 2-4-6 Committees
- 2-4-7 Voting
- 2-4-8 Suspension of Rules

**Section 2-4-1                    Regular Meetings**

The council shall hold regular meetings on the first Tuesday of each month at seven o'clock P.M. provided that when the day fixed for any regular meeting of the council falls upon a day designated by law as a legal holiday, such meeting shall be held at the same hour of the next succeeding day not a holiday, at the council's discretion. All regular meetings of the council shall be held in the council chambers of the town.

**Section 2-4-2                    Special Meetings**

The mayor may convene the council at any time after giving at least twenty-four hours notice of such meeting to members of the council and the general public. The notice shall include the date, hour and purpose of such special meeting and shall be served upon each member of the council either in person or by notice left at his place of residence. No business shall be transacted at such meeting except such as is stated in the notice. If the mayor is absent from the town, a special meeting may be convened by a majority of the council. In the case of an actual emergency a meeting may be held upon such notice as is appropriate to the circumstances.

**Section 2-4-3                    Meeting to the Public**

All official meetings to the council at which any legal action is taken shall be open to the public. Notice of meetings shall be given in a manner consistent with state statute. Upon approval by a majority vote of the council, the council may meet in a closed executive session for a discussion as per state statute.

**Section 2-4-4                    Quorum**

A majority of the councilmen shall constitute a quorum for transacting business but a lesser number may adjourn from time to time and compel the attendance of absentees.

**Section 2-4-5                    Agenda**

At least forty-eight hours prior to such council meeting all written reports, communications, ordinances, resolutions, contracts, and other documents to be submitted to the council, shall be delivered to the clerk who shall prepare an

agenda according to the order of business and shall furnish each council member, the mayor and the attorney with a copy of the agenda, any material pertinent thereto and a copy of the minutes of the preceding council meeting. Such materials shall be furnished as far in advance of the council meeting as time for preparation will permit. None of the foregoing matters shall be presented to the council by administration official except those of an urgent nature, and the same, when presented shall have the written approval of the mayor before presentation.

**Section 2-4-6                      Order of Business**

The business of the Council shall be taken up for consideration and disposition in the manner and order desired by the mayor and in conjunction with State laws.

**Section 2-4-7                      Committees**

The council may create such committees, standing or special, as it deems necessary. Such committees shall consist of as many members and shall perform such duties as the council may require and shall exist at the pleasure of the council.

**Section 2-4-8                      Voting**

- A. The Mayor shall vote as a member of the council
- B. The vote of every member of the council on every issue shall be included in the minutes. A member may announce his intention to abstain for voting. Each member choosing to vote shall do so verbally or by sign.

**Section 2-4-9                      Suspension of Rules**

Any of the provisions of this chapter may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths of the members present, except that this section shall not be construed to permit any action that is contrary to state statute.

**ARTICLE 2-5                      ORDINANCES, RESOLUTIONS AND CONTRACTS**

- 2-5-1 Prior Approval
- 2-5-2 Introduction
- 2-5-3 Same Day Passage Prohibited
- 2-5-4 Two Separate Readings
- 2-5-5 Requirements for an Ordinance
- 2-5-6 Effective Date of Ordinance
- 2-5-7 Signatures Required
- 2-5-8 Publishing Required
- 2-5-9 Posting Required

**Section 2-5-1**                    **Prior Approval**

All ordinances, resolutions and contract documents shall, before presentation to the council, have been reviewed as to form by the attorney. When there are substantive matters of administration involved, all ordinances, resolutions and contract documents shall be referred to the person who will be charged with the administration of such ordinance, resolution or contract. Such person shall have an opportunity to present comments, suggestions and objection, if any, prior to the passage of the ordinance, resolution or acceptance of the contract.

**Section 2-5-2**                    **Introduction**

Ordinances, resolutions and other matters or subjects requiring action by the council shall be introduced and sponsored by a member of the Council or Town Administrative staff, except that the Attorney may present ordinances, resolutions, and other matters or subjects to the Council, and any Council may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise they shall not be considered.

**Section 2-5-3**                    **Same Day Passage Prohibited**

No ordinance, except an emergency ordinance, shall be put on its final passage on the same day on which it was introduced.

**Section 2-5-4**                    **Two Separate Readings**

All ordinances, except emergency ordinances, shall have two separate readings, but the first and the second reading shall never be made on the same day. The first reading may be by title only, but the second reading shall be in full unless the council, in possession of printed copies of said ordinance, shall unanimously allow reading by title only.

**Section 2-5-5**                    **Requirements for an Ordinance**

Each ordinance may have only one subject, the nature of which is clearly expressed in the title. Whenever possible, each ordinance shall be introduced as an amendment to this code or to an existing ordinance and, in such case, the title of the sections to be amended shall include the ordinance.

**Section 2-5-6**                    **Effective Date of Ordinance**

No ordinance, resolution or franchise shall become operative until thirty days after its passage by the council and approval by the mayor, except measures necessary for the immediate preservation of the peace, health or safety of the town, but such an emergency measure shall not become immediately operative unless it states in a

separate section the reason why it is necessary that it should become immediately effective, and unless it is approved by the affirmative vote of three-fourth of all the member elected to the council taken by ayes and nays.

**Section 2-5-7                    Signatures Required**

Every ordinance passed by the council shall, before it becomes effective, be signed by the mayor and attested by the clerk.

**Section 2-5-8                    Publishing Required**

Only such order, resolutions, motions, regulation or proceedings of the council shall be published as may be required by state statute or expressly ordered by the council.

**Section 2-5-9                    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 town and an affidavit of the person who posted the ordinance shall be filed in the office of the clerk as proof of posting.

**RESOLUTION NO. 194**

**A RESOLUTION ADOPTING AN AMENDED  
PERSONNEL MANUAL AND DECLARING  
SUCH MANUAL TO BE A  
PUBLIC RECORD.**

**WHEREAS**, it is desirable that the Town of Pima establish a Personnel Manual with job description, rules, regulations, and policies covering employees’ rights, duties, and responsibilities,

**WHEREAS**, it has become necessary to amend the existing Personnel Manual and bring it up-to-date with current practices and policies as follows:

**ARTICLE 3-1            CONTENTS OF ARTICLE 3-1**

- 3-1-1            Administrative and Supervisory Employees
- 3-1-2            Holding more than one position
- 3-1-3            Powers and Duties
- 3-1-4            Job Descriptions
- 3-1-5            Personnel Manual
- 3-1-6            Personnel Manual

**Section 3-1-1            Administrative and Supervisory Employees**

There are hereby created the offices of Town Manager, Town Clerk, Police Chief, Attorney, Magistrate, Library Director, Public Works Director, and Sanitation/Wastewater Foreman. Such other offices as needed may be established by Council resolution. Officials to hold these public offices shall be appointed biannually by the Council. The Council may appoint and remove from time to time such officials as it may deem necessary and that are not provided for in this code or state statute.

**Section 3-1-2            Holding More Than One Position**

One person may hold more than one office at the discretion of the Council and the functions of the Town Official may be validly performed and discharged by a deputy or another Town Official, or an otherwise qualified individual not holding office but employed by the Town of Pima.

**Section 3-1-3**

**Powers and Duties**

Officials shall have such powers and duties as prescribed in state statutes, in code, and such further powers and duties as may be provided by the Council through ordinance resolution or order.

**Section 3-1-4**

**Job Descriptions**

**A. Town Manager**

1. Records. The Manager shall keep a true and correct record of all business transacted by the Council and any other records that either pertain to the business of the Town or that the Council directs.
2. Public Inspection of Records. The Manager shall keep convenient for public inspection all public records and public documents under his control, as provided by state statute.
3. Minutes. The Manager shall prepare or cause to be prepared, all minutes of Council proceedings and ensure their correctness and accuracy.
4. Ordinances, Resolutions, Budgets and Notices. The Manager shall process, record, file, publish and, if required by state statute, post all ordinances, resolutions, budgets and notices that may be passed by the Council.
5. Duties as Treasurer. The Manager shall serve as Town Treasurer and receive and safely keep all monies that shall come to the Town and pay out the same when authorized by the Council.
6. Duties as Manager. The Manager shall perform those administrative duties and responsibilities conferred by this code and those conferred by the Council by resolution or other official action or direction.

**B. Town Clerk**

The Town Clerk is responsible for the performance of difficult and varied clerical duties and public contact. The Town Clerk may act as an intermediary for superiors.

**C. Police Chief**

The Chief of Police shall enforce the State Statutes and all ordinances of the town and shall supervise the Police Department.

**D. Town Attorney**

The Attorney shall act as the legal counselor and advisor of the Council and other town Officials.

**E. Magistrate**

The Magistrate shall preside over and administer the Police Court.

**F. Librarian**

The Librarian shall direct and supervise the Town Library.

**G. Public Works Director**

The Public Works Director shall administer and direct all activities of public works, including streets, parks and recreation, and cemeteries.

**H. Sanitation Foreman**

The Sanitation Foreman shall supervise the collection of trash, garbage, wastewater, refuse and other related materials within the Town of Pima.

- I. Any officer or employee appointed pursuant to this Resolution shall be subject to the Personnel Manual and shall fulfill the job description as contained therein and shall perform all duties and responsibilities as directed by the Town Council by resolution or other official action or direction.

**Section 3-1-6                      Personnel Manual**

The Personnel Manual adopted by Council resolution is incorporated herein by reference and may be amended by council resolution and the amendments shall become a part of this chapter of the Town Code.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Pima that the amended Personnel Manual be on file in the office of the Town Manager and it is hereby adopted as the Official Personnel Manual of the Town of Pima and it is declared a public record.

WHEREAS, the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health, and safety, and emergency is hereby declared a public record.

PASSED by the Council of the Town of Pima this Second day of July, 1985.

\_\_\_\_\_  
Mayor

ATTESTED:

\_\_\_\_\_  
Town Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

## **SECTION B**

### **OFFICES AND JOB DESCRIPTIONS**

#### **SECTION B-1      Contents of This Section**

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#### **Section B-1-1      Administrative and Supervisory Employees**

There are hereby created the Offices of Town Manager, Police Chief, Attorney, Magistrate, Librarian, Public Works Director, Street Superintendent, Sanitation Foreman, Assistant Police Chief and such other officers as needed as outlined in Resolution 166 and Ordinance 76. Understanding they may be terminated without cause at any time by the Town Manager. The Town Manager may be terminated only by Town Council. Employees must be willing to give report to Town Council at Council meetings as needed.

#### **Section B-1-2      Holding More Than One Position**

One person may hold more than one office at the discretion of the Council and the functions of a Town Official may be validly performed and discharged by a deputy or another Town Official, or an otherwise qualified individual not holding office but employed at the pleasure of the Council.

#### **Section B-1-3      Powers and Duties**

In addition to any powers and duties prescribed in this Code, each officer shall have such further powers, perform such further duties and hold such other offices as may be provided by the Council through ordinance, resolution or order.

#### **Section B-1-4      Offices and job Descriptions**

- A.      Attorney
- B.      Town Manager
- C.      Finance Director
- D.      Magistrate
- E.      Police Chief

- F. Assistant Police Chief
- G. Police Patrolman
- H. Public Works Director
- I. Street Superintendent
- J. Sanitation Foreman
- K. Town Clerk
- L. Planning and Zoning Administrator  
And Building Inspector
- M. Sewer Operator
- N. Laborer
- O. Library Director
- P. Cemetery Custodian
- Q. Swimming Pool Manager  
and/or Head Lifeguard
- R. Swimming Pool Lifeguard
- S. Wastewater Treatment Operator
- T. Inmate Supervisor
- U. Little League Caretaker

A. **Attorney**

The attorney shall act as the legal counselor and advisor of the Council and other Town Officials, and as such shall give his opinion in writing when requested. He shall draft deeds, contracts, conveyances, ordinances, resolutions and other legal instruments when required by the Council. He shall approve, in writing all drafts of contracts and the form of all official documents or other bonds before final approval or acceptance thereof by the Council. He shall return, within 10 days, all ordinances and resolutions submitted to him by the Council, with his approval or disapproval noted thereon, together with his reasons therefore.

He shall prosecute and defend all suits, actions, or causes where the Town is a party and shall report to the Council when required the condition of any suit or action to which the Town is a party. His salary shall be set annually by the Town Council.

**B. Town Manager**

This is responsible administrative work relating to a wide range of municipal administrative problems.

The work in this class involves responsibility for directing and coordinating all municipal administrative activities. This employee supervises and participates in investigations or studies necessary to securing facts upon which important determinations can be made. Management and facilitating functions constitute an important emphasis of the work, such as supervision, budgetary analysis, research and public contact.

This employee exercises independent judgment in determining the course or extensiveness of assignments and in the development of recommendations. This employee exercises all administrative authority over all Town employees. Work is performed in accordance with general instructions and directions from the Mayor and Town Council. This employee has the authority to hire and/or fire all town employees. He may seek Council approval at his discretion.

This person also assumes the responsibilities of the Finance Director, Town Election Officer and Personnel Manager until otherwise stipulated by the Town Council.

Examples of Work Performed: (Any one position may not include all of the duties listed, nor do the listed examples include all tasks which may be found in positions of this class.)

Prepares agenda for all formal Council Meetings; attends all meetings of Town Council; reads minutes of previous meeting, proposed ordinances and other documents; and keeps official record of all Council actions.

Answers questions, distributes minutes on Council meetings and issues information concerning Council action.

Checks and attests to official actions of the Council; supervises preparation, indexing and filing of official minutes; keeps the corporate seal of the Town.

Exercises administrative authority over all Town Employees; interprets Council policies as well as administrative policies; relays instructions, policy and Procedural decisions of Council to administrative personnel for action or implementation; represents the Town at conferences and meetings.

Attends all meetings of the Town Council, Boards, commissions, and committees and required or necessary.

Receives inquiries from the public by letter, phone, or in person and furnishes information or directs the inquiry to the proper source for answers.

Plans, coordinates, and reviews the preparation of the municipal budget; reviews budget periodically to compare with revenues and expenditures; performs related budget and fiscal work.

Studies departmental organization and procedures, confers with department heads and administrative personnel on assignments, policy interpretations, and related work.

Conducts research, procedural and administrative studies and prepares reports embodying recommended solutions or courses of action; initiates appropriate courses of action for greater administrative effectiveness.

Supervises preparation of material for public meetings.

Does all purchasing for the Town of Pima.

Negotiates contracts and other legal agreements; signs purchase order, agreements, contracts, and related documents as authorized by the Town Council. Represents the Town at meetings, organizations, clubs, and the like and may speak on behalf of the Town at these meetings as requested and directed by the council.

Maintains all Personnel records and insures their accuracy in regards to annual leave, sick leave, and disciplinary action and other matters. Insures confidentiality of the Personnel records.

The Town Manager shall act as the Town Election Official. He shall see that all election materials are prepared correctly as per State Statutes. He shall oversee the dissemination of election materials and information to potential candidates and the public. He shall coordinate the Elections held for the Town of Pima and train Election Workers. He shall oversee the Election itself and present the results to the town council as prescribed by State Statute. He shall maintain all Election records and results as prescribed by State Statute and oversee their destruction when legally allowed to do so.

Performs related work as required.

### **Required Knowledge, Skills and Abilities**

Extensive knowledge of public administration with particular reference to municipal administration including the basic principles of organization and budget preparation.

Thorough knowledge of basic laws, ordinances and regulations underlying the municipal corporation.

Considerable knowledge of research techniques and of the sources and availability of information.

Ability to analyze a variety of administrative problems; to make sound recommendations as to their solution and to prepare working procedures.

Ability to express ideas effectively, orally and in writing.

Ability to maintain harmonious and effective working relationships with the Town Council, Town Employees, and the general public.

Knowledge of the legal requirements relating to the keeping and preservation of Council minutes and records.

Knowledge of the organization of Town government, legal powers and duties of Town Officials, and of the rules of procedure for Town Council meetings.

Ability to plan, organize and direct the work of regular and part-time office assistants.

Ability to prepare and submit clear, concise and accurate reports either orally or in writing.

Ability to establish and maintain effective working relationships with other employees, governmental officials and the general public.

## C. Finance Director

### Distinguishing Features of Work

This is administrative and professional work supervising and maintaining the accounting and financial systems of the Town, and all activities of the Office of Town Manager.

Work involves responsibility for financial planning, budgeting, accounting, revenue administration, treasury management, preparing, maintaining and attesting to the official records of actions taken by the Town Council in regular and special meetings. The finance director is custodian of official books and records of the Council, the Town Treasurer, and the Town's Election Officer. An employee of this class works with considerable freedom of action, particularly on the policy and administrative aspects of the work. The data and recommendations which he prepares are essential to policy and administrative determinations made by the Town Manager and the Town council. Work performed is subject only to general executive and legislative direction.

Examples of Work Performed (Any one position may not include all of the duties listed, nor do the listed examples include all tasks which may be found in positions of this class.)

Directs the planning, organizing and the maintenance of central accounting systems including pre-audit, posting of expenditures, accounting controls, fiscal and capital budget, investment program, bond program and other related activities.

Supervises preparation of statements and reports on town financial affairs to administrative officials, town Council and the General Public; directs preparation of revenue, expenditures, debt, cost and other statements.

Consults with and advises Town legislative and executive officials on the financial conditions of the Town, and makes recommendations for specific courses of action.

Directs the maintenance of all special assessment records; directs administration of Town privilege license tax provision, including enforcement, collection and auditing.

Directs receipt, deposit and investment of all Town monies, together with records thereof.

### Required Knowledge, Skills and Abilities

Thorough knowledge of the principles, methods and practices of municipal finance.

Thorough knowledge of modern office practices and procedures; standard office and accounting equipment.

Considerable knowledge of the approved principles and standard practices of centralized, budgetary and accrual accounting, treasury management, revenue and license administration, budgeting, etc.

Knowledge of the State Laws and Town Ordinances governing operations of the Town Treasurer's functions.

Desirable Experience and Training

Considerable progressive experience in governmental finance work and administration, including responsible supervisory experience.

D. **Magistrate**

The powers and duties of the Magistrate shall include:

1. The powers and duties set forth and conferred upon him/her under the provisions of the State constitution and statutes, this code and the ordinances and resolutions of the Town.
2. The keeping of docket in which shall be entered each action and the proceedings of the court therein.
3. The responsibility for fixing and receiving all bonds and bails and receiving all fines, penalties, fees and other monies as provided by law.
4. Payment of all fees, fines, penalties and other monies collected by the court to the Manager.
5. Submitting a monthly report to the Council summarizing court activities for that month.
6. Preparation of a schedule of Traffic violations, not involving the death of a person, listing specific bail for each violation.
7. The Magistrate shall act as Police Justice.

E. **Police Chief**

**Distinguishing Features of Work**

This is administrative and technical work in directing all functions and activities of the Town Police Department.

The Police Chief is responsible for the enforcement of those provisions of the Town Code, Ordinances and Regulations involved in the preservation of law and order, and the protection of life and property. The Chief is responsible for directing all police employees and activities. The Chief works with the Mayor, Council and Manager in determining plans and policies to be observed in police operations. Work includes: supervising, training, and assigning all department members.

Examples of Work Performed (Any one position may not include all of the duties listed, nor do the listed examples include all tasks which may be found in positions of this class.)

Plans, organizes and supervises the maintenance of law and order, the protection of life and property, and the regulation of traffic, the apprehension, arrest and detention of law violators and the maintenance of police records.

Plans and directs the investigation of crimes.

Analyzes operational costs and prepares budget estimates for the Police Department.

Coordinates Town law enforcement activities with those of other agencies.  
Selects and evaluates personnel and administers discipline and training regulations.

Directs the assignment of men and equipment.

Maintains an effective liaison with Federal, State and other local law enforcement agencies.

Instruct and train police personnel in various phases of basic and advanced law enforcement and prevention procedures.

Supervises special studies and the preparation of comprehensive reports.

Works with Fire Chief to aid during natural disasters.

Works with Fire Department to aid them in fire fighting.

Participates in civic and professional activities and meetings.

Supervises the impounding of dogs and the issuing of dog licenses.

Prepares monthly Police Department Report for the Council to include statistical summary of all incidents with the Town of Pima and includes recommendations for improvement.

Performs related work as required or assigned.

#### Required Knowledge, Skills and Abilities

Extensive knowledge of the modern principles and techniques of police department administration, organization and operation.

Extensive knowledge of the techniques of the law enforcement including investigation, preservation of evidence, patrol, traffic control and safety, and the custody of persons and property.

Thorough knowledge of the use of police records and their application to the solution of police problems.

Ability to plan, direct and coordinate the work of others.

Ability to effectively maintain good interpersonal and public relations.

Good administrative ability

Ability to compile concise and clear reports.

#### Desirable Experience and Training

Graduation from a standard high school with additional training in police methods and administration; extensive experience in law enforcement work, including considerable experience in a supervisory capacity.

Graduation from Police Academy or equivalent training.

A.L.E.O.A.C. Certification.

Advance training in special areas as provided by A.L.E.O.A.C.

F. **Assistant Police Chief**

This job includes administrative and technical work in assisting, in directing the functions and activities of the Town Police Department.

This will include general duty police work in the protection of life and property through the enforcement of laws and ordinances.

Work is performed in accordance with departmental rules and regulations, aids patrolmen in receiving assignments and instructions from officers of higher rank. Work normally consists of routine patrol, preliminary investigations and traffic regulation duties. Work may involve an element of personal danger and employees must be able to act without direct supervision and exercise independent judgment in meeting emergencies. Work methods and results are checked by the Police Chief through personal inspections, review of reports and discussions. In the absence of the Police Chief, the Assistant Chief shall assume full duty for the Police Department.

Examples of Work Performed (Any one position may not include all of the duties listed, nor do the listed examples include all tasks which may be found in positions of this class.)

Operates an automobile in patrolling as assigned area for the prevention of crime and the enforcement of traffic laws and regulation.

Responds to radio and telephone dispatches and reports to scenes of disorder or crime.

Investigates and prepares reports on accident, offenses and damage to property.

Gives directions and information to the public.

Makes arrests, directs traffic, and requests medical attention when necessary.

Appears in court as arresting officer or to present evidence.

Transports prisoners, assists in the investigation of crimes, and collects and preserves evidence.

Interrogates witnesses and suspects.

Participates in safety conferences and programs.

May be assigned to special functions such as investigations, records, traffic or the firing range.

In the absence of the Police Chief he will assume the duties of the Chief.

Performs related duties as required or assigned.

Required Knowledge, Skills and Abilities

Extensive knowledge of the geography of the Town and the location of important buildings or ability to acquire this knowledge rapidly.

Ability to read and understand departmental policies, procedures, instructions, laws, and regulations.

Ability to analyze situations and to adopt a quick, effective and reasonable course of action.

Ability to prepare clear and accurate reports.

Ability to develop skill in the use of firearms.

Physical agility, keen observation, and ability to remember names, faces and details of incidents.

Ability to follow oral and written directions.

Ability to learn the use and care of automobiles.

Ability to speak and write effectively.

Desirable Experience and Training

A.L.E.O.A.C. Certification.

Graduation from a standard High School.

Advance training in special areas as provided by A.L.E.O.A.C.

## G. Police Patrolman

### Distinguishing Features of Work

This is general duty police work in the protection of life and property through the enforcement of laws and ordinances.

Work is performed in accordance with departmental rules and regulations, and patrolmen receive assignments and instructions from officers of higher rank. Work normally consists of routine patrol, preliminary investigations and traffic regulation duties. Work may involve an element of personal danger and employee must be able to act without direct supervision and exercise independent judgment in meeting emergencies. Work methods and results are checked by superior officers through personal inspections, review of reports and discussions.

Examples of Work Performed (Any one position may not include all of the duties listed, nor do the listed examples include all tasks which may be found in positions of this class.)

Operates an automobile in patrolling as assigned area for the prevention of crime and the enforcement of traffic laws and regulation.

Responds to radio and telephone dispatches and reports to scenes of disorder or crime.

Investigates and prepares reports on accident, offenses and damage to property.

Gives directions and information to the public.

Makes arrests, directs traffic, and requests medical attention when necessary.

Appears in court as arresting officer or to present evidence.

Transports prisoners, assists in the investigation of crimes, and collects and preserves evidence.

Interrogates witnesses and suspects.

Participates in safety conferences and programs.

May be assigned to special functions such as investigations, records, traffic or the firing range.

In the absence of the Police Chief he will assume the duties of the Chief.

Performs related duties as required or assigned.

### Required Knowledge, Skills and Abilities

Extensive knowledge of the geography of the Town and the location of important buildings or ability to acquire this knowledge rapidly.

Ability to read and understand departmental policies, procedures, instructions, laws, and regulations.

Ability to analyze situations and to adopt a quick, effective and reasonable course of action.

Ability to prepare clear and accurate reports.

Ability to develop skill in the use of firearms.

Physical agility, keen observation, and ability to remember names, faces and details of incidents.

Ability to follow oral and written directions.

Ability to learn the use and care of automobiles.

Ability to speak and write effectively.

### Desirable Experience and Training

A.L.E.O.A.C. Certification.

Graduation from a standard High School.

Advance training in special areas as provided by A.L.E.O.A.C.

## H. Public Works Director

### Distinguishing Features of Work

This is a broad administrative and professional job in directing most activities outside the Manager's office in the Street Department, Cemetery, and Parks and Recreation, unless work is contracted.

This employee is responsible for organizing, directing and coordinating the activities of the different departments in the Public Work category. The Public Works Director is responsible for recommending major departmental policies, for planning long-term programs and for making difficult and technical decisions. The work involves definite activities as designated by the Manager and Town Council. Through his supervision, direction is given to the staff of unskilled workers. Work is performed under the general direction of the Mayor, Town Council, and Manager.

### Examples of Work Performed:

Responsibility for the utility departments including problems relating to the design, construction and maintenance of streets, sewer and other public places, the cleaning of streets, traffic control and related activities and the maintenance of mechanical equipment and buildings.

Designs and reviews plans, technical engineering reports, budget estimates and proposed ordinances and regulations.

Directs, coordinates and participates in all engineering activities.

Recommends general policies in consultation with appropriate personnel for the expansion, operation and maintenance of various programs.

Confers with the representatives of Federal, State and County Agencies on varied public works problems and engineering activities, and prepares memoranda and conducts correspondence relevant to activities of the departments.

This person will also act as Street Superintendent, Parks Commissioner and Planning and Zoning Administrator, unless one or more duties are reassigned to another employee or Contract Service Provider.

### Required Knowledge, Skills and Abilities

Extensive knowledge of the modern principles and practices of administration as applied to the design, construction and maintenance of streets, parks, sewers and other public works facilities.

Extensive knowledge of the principles of civil engineering as applied to the development and management of municipal works.

Thorough knowledge of the materials, methods and techniques utilized in the construction, maintenance and operation of public works projects.

Ability to organize, direct and coordinate the activities of a Public Works Department.

Ability to develop long range plans and programs. Ability to make decisions on matters of major policy and on complex and administrative problems.

Ability to maintain and establish satisfactory relationships with other officials, employees and the general public.

The person in this position is also responsible for the caring and maintenance of the Cemetery, Parks, Streets, Planning and Zoning and Sewer Operations, unless one or more duties are reassigned to another employee or Contract Service Provider.

Cemetery work shall consist of opening and closing graves, maintaining and cleaning the roadways and curbing lots.

Park work shall consist of maintaining and caring for all park areas in the Town Limits including, but not limited to: Roping Arena, Little League area, Heritage Park and the Swimming Pool.

Ability to obtain CDL license within 60 days.

## I. Street Superintendent

### Distinguishing Features of Work

This is supervisory work over workers engaged in the repair and maintenance of streets and related facilities. The Employee of this class supervises workers engaged in street maintenance and repair tasks such as asphalt overlays or repairs, curb and gutter concrete work, and mixed granite hole patching. Work assignments are received orally or in writing and the employee is expected to proceed and complete the assignments, exercising initiative and judgment in carrying out assignments. Work is subject to review reports, conferences and results accomplished.

Examples of Work Performed (Any one position may not include all of the duties listed, nor do the listed examples include all tasks which may be found in positions of this class.)

Supervises the work of street maintenance personnel engaged in a variety of repairs on streets and related facilities.

Supervises the work of hot and cold asphalt repair of roads and intersections. Designs, and supervises installations and repairs to parking areas, curbs, gutters, headwalls to bridges, water or sewer cuts, drainage ditch, catch basins, and oversize and special water meter boxes; work may also include demolition projects in the clearance of road rights of way, the placement of cement pipe, or corrugated metal pipe for both drainage and irrigation and the operation and maintenance of such equipment as air tools and rollers.

Sees that proper safety devices and equipment are placed on street maintenance jobs; conducts tailgate safety meetings with other supervisors and workers.

He is responsible for the maintenance of permits, “draws” upon bonds required and inspections of Utility Companies when digging in streets to see that proper permits have been obtained and streets are restored to their original condition.

### Required Knowledge, Skills and Abilities

Knowledge of the materials, methods, equipment and techniques commonly used in street maintenance and repair activities.

Knowledgeable of the hazards of street maintenance work and safety precautions necessary to minimize these hazards.

Ability to layout and supervise the work of employees engaged in street maintenance and repair work.

Ability to understand and effectively carry out written and oral instructions and to make reports to the Town Manager.

Ability to establish effective working relationships with employees and the public.

Ability to obtain CDL License within 60 days.

Desirable Experience and Training

Some experience in street maintenance and repair work and some supervisory experience; and graduation from a standard certified high school.

J. **Sanitation Foreman**

Distinguishing Features of Work

This is a supervisory position. This employee shall supervise the collection of all trash, garbage, wastewater, refuse and other related materials.

This employee will supervise unskilled laborers in the collection of all above mentioned materials. He is to work with the Public Works Director and under his direction along with the direction of the Manager, Mayor and Town Council.

Examples of Work Performed (Any one position may not include all of the duties listed, nor do the listed examples include all tasks which may be found in positions of this class.)

In discussion with the Public Works Director and the Town Manager, he shall establish garbage and trash pick up schedules and routes.

Collects and dumps garbage, rubbish and other related waste materials into refuse truck.

Goes to residences and picks up containers and delivers them to refuse truck and returns containers to property.

Answers questions of householders and public about refuse containers, collection service and regulations, and kinds of refuse collected.

If unable to handle complaints, refers them to Town Manager.

Red tags all unsatisfactory refuse containers.

Services and washes trucks.

Knowledge, Skills and Abilities

Ability to understand and follow written and oral instructions.

Ability to work effectively with others.

Ability to maintain friendly relations with the public.

Ability to maintain equipment and keep in clean condition

Physical strength and endurance.

Ability to obtain CDL license within 60 days.

Desirable Experience and Training

Some experience in general laboring work desirable, graduation from a standard certified high school and experience in some mechanical aspects in equipment.

K. **Town Clerk**

This is a responsible and varied secretarial work position.

Employees are responsible for the performance of difficult and varied clerical duties and public contact work. Employees must apply independent judgment based on knowledge gained through experience in the performance of responsible duties. Work problems involving important departures from standard policies, are reviewed with superiors, but ordinarily employees develop their own procedures and carry work through to completion. Instructions are received from superiors on matters of policy, and new assignments usually consist only of statements of desired objectives. Work is normally reviewed only for results obtained. Employees frequently act as intermediaries for superiors.

Examples of Work Performed (Any one position may not include all of the duties listed, nor do the listed examples include all tasks which may be found in positions of this class.)

Takes and transcribes dictation, consisting of letters, articles, memoranda and other materials. Types and copies minutes of Public Meetings.

Composes correspondence in accordance with standard policies; answers the telephone, interviews and screens callers; open the mail, and distributes to superiors; answers varied inquiries, and explains policies and procedures; arranges appointments; maintains office files, suggests purchases of office supplies.

Receives call to the department or office and resolves routine questions or problems independently.

Performs related work as required or assigned.

Required Knowledge, Skills and Abilities

Considerable knowledge of business English, spelling and arithmetic.

Knowledge of the regulations, procedures and services of the department to which assigned.

Skill in taking accurately and transcribing oral dictation, and in the use of a typewriter.

Ability to establish, maintain, and explain filing system.

Ability to compose letters and reports relative to departmental policies and procedures.

Ability to establish and maintain effective working relationships with other employees and the public.

Knowledge of general accounting practices.

Ability to work with computer and assorted software.

Desirable Experience and Training

Considerable experience in performing stenographic, filing and clerical work of a progressively responsible and difficult nature; graduation from a standard high school, including or supplemented by courses in business practices.

L. **Planning and Zoning Administrator & Building Inspector**

Distinguishing Features of Work

This is skilled technical work in enforcing the Town's codes, zoning ordinances and related regulations. This position shall be appointed by the Town Council.

An employee of this class examines and approves a variety of plans relating to projected new construction, alterations and repairs, and inspects work in progress, at intervals to assure that work is performed according to code requirements. Responsibilities include the inspection of existing buildings to assure that structural safety, and zoning regulations are being followed. An employee in this class works independently in the field and is responsible for making decisions requiring technical discretion and judgment and requiring familiarity with a variety of construction and repair problems. Work is performed under the general supervision and subject to the review of the Planning and Zoning Commission.

Examples of Work Performed (Any one position may not include all of the duties listed, nor do the listed examples include all tasks which may be found in positions of this class.)

Makes inspections of building, electrical, and plumbing construction; approves work which conforms to Town codes and zoning regulations; and requires corrections to be made when deficiencies are discovered.

Studies blueprints to see if drawings conform to the building, electrical and plumbing codes and zoning ordinance; makes corrections or requires corrections to be made so that plans will conform to regulations.

Inspects old and dangerous structures which may be subject to condemnation, especially for fire and safety hazards.

Investigates alleged violations of building and zoning ordinances.

Maintains required records from inspections and construction problems found; and prepares periodic reports and conducts surveys as required.

Issues Permits for Building and remodeling.

Performs related work as required or assigned.

Gives monthly Building Permit Report to the Town Council.

### Required Knowledge, Skills and Abilities

Working knowledge of all types of building construction materials and methods, and of stages of construction, when possible violations, and defects may be most easily observed and corrected.

Familiar with Town building, electrical, plumbing and zoning codes and related laws and ordinances.

Ability to detect structural and other faults and to appraise for quality of construction and physical depreciation.

Ability to read and interpret plans, specifications and blueprints of ordinary complexity quickly and accurately, and to compare them with construction in process.

Ability to keep records and prepare clear and concise reports.

Ability to establish and maintain effective working relationships with other employees and the public.

Keep all files and records of inspections and permits.

### Desirable Experience and Training

Experience in building construction or related work, including some experience as a foreman; graduation from a standard high school, supplemented by trade school or college level courses in structural design or structural engineering.

M. **Sewer Collections-System Operator**

This operator is responsible for all maintenance of the Wastewater Collection System which must be done in accordance with the OPERATION AND MAINTENANCE MANUAL on file at the Town Hall and State Laws. This person should be knowledgeable about the sewer layout and the operational aspects of the lift stations. They shall coordinate their work with the Wastewater Operator, Public Works Director, Town Manager, and the Mayor and Town Council.

**Job Requirement**

This person shall be an employee of the Town of Pima and have considerable knowledge of the collection system. He shall be familiar with blueprints, manhole systems, plumbing codes, and installation practices, in accordance with State and Local laws and regulations. He shall have the ability to deal with the public on a daily basis and to work out problems with them. He shall be certified by the State as a Grade I collections operator with ADEQ at minimum.

**Examples of Work Performed** (Any one position may not include all of the duties listed, nor do the listed examples include all tasks which may be found in positions of this class.)

Daily inspection of all lift station pumps, electrical apparatus, and recording equipment.

Change recording tapes every 28 days.

Inspection of manholes on a routine basis to insure inspection of all manholes within the system at least annually.

Spray manholes for insects annually or more as needed.

Installation of new sewer taps.

Marking of all manholes and sewer pipelines.

Check and inspect all commercial facilities, grease traps (monthly or more often), on a routine basis to insure that grease from these facilities is not entering the collection system.

Check and clean lift station baskets a minimum of once a month.

Report any irregularities or problems with the Collection System immediately to both the Town Manager and the Wastewater Operator.

Performs related work as required or assigned.

N. **Laborer**

This is a routine manual labor position. Employees of this class perform work of a manual nature which does not require previous experience or a high degree of manipulative skill to do an effective job. Work is usually performed under immediate supervision.

Examples of Work Performed (Any one position may not include all of the duties listed, nor do the listed examples include all tasks which may be found in positions of this class.)

Performs work of routine nature in maintenance or construction activities under immediate supervision.

Load and unloads trucks in a variety of situations.

Excavates and fills trenches and ditches.

Does manual work in a variety of situations in public works maintenance repair, parks, streets and related activities.

Does manual work in preparing surfaces of paving, mixing concrete, mortar or plaster and breaking up paved surfaces.

Uses such tools as shovels, rakes, jackhammers and tampers.

Required Knowledge, Skills and Abilities

Knowledge of the use of hand tools, ability to use tools with skill and safety, ability to perform heavy manual labor, ability to follow written and oral instructions and ability to get along with fellow employees. Ability to obtain CDL license within 60 days.

Desirable Experience and Training

Some experience in manual labor work; and completion of the eighth grade.

O. **Library Director**

This is an administrative position (Part-time).

The Library Director performs professional library functions requiring specialized knowledge and expertise in all areas of public library services and library administration. This position focuses on management of all aspects of library service including policy and collection development, community outreach, reference responsibilities and all budgetary considerations.

Principle Priorities: Duties may be modified by the Library Board or Town Manager

1. Aspires to help patrons to become lifelong library users by introducing them to library resources and enables them to use library services effectively.
2. Assists patrons in locating needed resources in all formats and provides assistance for Internet usage and computer programs within the Library.
3. Provides Reader Advisory and basic instruction for all ages, as requested, for print materials, Internet usage and computer programs.
4. Gives patrons correct, non-judgmental and complete responses to their informational needs and provides help where needed in locating materials housed in the library.
5. Formally or informally assesses the community regularly to identify community needs and preferences; evaluates and updates the library's strategic plan every five years.
6. Develops and promotes the services of the Library to meet effectively present and future community needs.
7. Plans, organizes, oversees and manages all the services of the Library; including (not exclusively) building management, collection management, Interlibrary Loan transactions, technical processing, public services, youth services and outreach services throughout the library.
8. Keep Library Board and Town Manager informed as to project progression, library needs and outcomes.
9. Collects data and compiles reports as requested by the Board, State Library, Town Council, and other agencies.
10. Prepares for and attends monthly library board meetings, keeps board members apprised of matters related to library operation.

11. Researches, drafts, and recommends library policies to the Library board and implements all policy as determined by the Library Board.
12. Handles monetary payments for fines, donations, copying, faxing, etc. Oversees accounting of such monetary matters for the Library, works with town administration on library budgetary matters.
13. Prepares the annual budget request and monitors its implementation; prepares and submits claims for Library needs.
14. Solicits donations for the Library, and assists library board with fundraising.
15. Applies for and administers state and federal library grants and E-Rate funding.
16. Maintains and manages all technological equipment requiring servicing and accountability within the Library.
17. Recruits, interviews, hire, supervise, evaluates & recommends termination of all Library staff. Ensures ongoing training opportunities for all staff and encourages staff development.
18. Maintains a neat, clean, functional and inviting library. Provides a welcoming and safe atmosphere for staff and the public.
19. Enforces and develops library rules for the protection of library patrons and property.
20. Interacts with customers and staff in a courteous and professional manner to ensure quality customer service and effectively deals with all patron complaints & disturbances.
21. Performs supervisory and professional duties requiring adherence to standards of accuracy, timeliness, tact and confidentiality.
22. Consults with peers on library matters, this may include staff meetings, workshops, the state library listserv, other library listserves, professional gatherings and other resources.
23. Stays informed of trends and needed skills through professional reading and continuing education opportunities. Keeps current on new library materials, techniques and technologies.
24. Participates in continuing education programs related to library services, including state library workshops, automation software workshops, and electronic database workshops.

25. Responsible for all library purchasing of collection materials, equipment and service contracts, technology equipment and software, supplies and submitting invoices and receipts to town administration in a timely manner.
26. Catalogs all incoming library collection materials, and processes materials for shelving.
27. Handles all aspects of circulation including check-out of materials, inspecting returned books for damage, verifying due-date, receiving overdue fines, and sorts and reshelves books.
28. Explains and assists patrons in use of reference sources, both print and electronic, and in the use of the electronic card catalog. Describes or demonstrates procedures for searching catalog files and helps patrons perform searches and locate materials and information.
29. Attend the monthly County Library Consortium meetings and work with the consortium to write and administer grants, and create programming and services to county residents.
30. Continue the library's membership in the Graham County Education Consortium and attend meetings as scheduled.
31. Conducts an inventory of all library materials each year and examines and selects materials to be discarded, repaired, or replaced as part of an on-going project.
32. Maintain the library's website, making sure all links are working, all information is accurate and up-to-date and expanding the site as necessary to include new online databases acquired by the library, new websites for research, and other areas of patron interest.
33. Analyzes administrative policies, observes work procedures, and reviews data relative to book collections to determine effectiveness of library service to public.
34. Evaluates library operations bases on observations and surveys, and recommends measures to improve organization.
35. Other duties as assigned by the Library Board and Town Manager and as approved by the Library Board.

Supervision: Under general supervision of the Library Board and the Town Manager.

Responsibility for Work of Others: Supervises all Library Staff and Volunteers.

Knowledge, Skills and Abilities: Five years progressively responsible work experience in a library environment, including a minimum of one year administrative or supervisory experience.

Essential Skills/Abilities: Must demonstrate strong leadership and management abilities; demonstrate a good knowledge and appreciation of children's and adult literature, audiovisual materials, computer resources, and other materials that constitute a balanced, relevant library collection; have a good knowledge of reference materials and other library resources which may serve the needs of the community demonstrates good interpersonal skills in meeting with staff and community members of all ages; demonstrates good active listening skills. Must be an effective and capable public speaker. Must be able to conduct diverse library programs with sensitivity to the various needs of the audience and with age appropriate materials and activities. A good working knowledge of library standards and rules such as USMARC and AACR2 is essential. Must be familiar with library tools for evaluating, acquiring and maintaining library collections. Must know how to use Online Public Access Catalog, electronic resources and other information technology sources to meet typical library needs. Must demonstrate the ability to conduct a reference interview and be able to answer reference questions to meet patron needs. Must have skills in operating personal computers, automated information databases, database creations, word processing, spreadsheets and electronic software. A working knowledge of office procedures is desirable and typing ability and computer skills are essential. Must possess a valid Arizona Driver's License or obtain one by hire date.

The position requires a commitment to service excellence; the ability to see the big picture of the Library; the ability to work well with others in a team; the ability to provide leadership and plan, prioritize and focus on what is critical; a commitment to lifelong learning; recognition of the value of professional networking; and the ability to remain flexible and positive.

Working conditions and physical demands: Physical requirements include ability to move around the facility, walk, sit, bend, climb, kneel, carry and stoop; ability to use hand and finger motion with enough manual dexterity to use computers and handle library items; lift up to 25#, or greater with assistance; and perform other efforts as identified with normal library work; must have the ability to communicate with patrons effectively; having the ability to talk with clarity, and be able to listen to patrons accurately; must have specific vision abilities (adjusted) that include close and distance vision with good depth perception; reasonable accommodations may be available; Duties are performed in surroundings where undesirable physical conditions and hazards are minor and controllable.

P. **Cemetery Custodian**

This position is an unskilled position (part-time)

The work shall consist of keeping the weeds and other materials from the individual lots and seeing to the general well-maintained look of the cemetery. He shall also be responsible for the watering of the trees and oleander shrubs on the cemetery roadways. He shall be able to mark and layout burial plots and aide or oversee the curbing of cemetery plots. He shall not be responsible for maintaining the roadways.

Q. **Swimming Pool Manger and/or Head Lifeguard**

Distinguishing Features of Work

This is a Supervisory Part-Time Position.

The position shall be filled by the Town Manager and wages are to be set by the Town Council.

Employees in this class perform work pertaining to the Swimming Pool and the running of it. They shall supervise all lifeguards and concession personnel.

This employee shall ensure all policies and rules of the swimming pool are followed by lifeguards, concession personnel and the general public.

Examples of Work Performed (Any one position may not include all of the duties listed, nor do the listed examples include all tasks which may be found in positions of this class.)

Shall see that the Swimming Pool is in repair and maintained for use to the public according to the County Health Department as directed by the Public Works Director.

Shall be in charge of the pool when the pool is open to the public.

Manager or Assistant Manager is to be available at all times during pool hours.

It shall be the responsibility of the Manager and/or Head Lifeguard to see that the pool is ready for operation each day:

- A. Clean, vacuum, skim daily, if needed.
- B. Check Chlorination daily. Does not adjust chlorination without prior approval from the Public Works Director.
- C. Keep premises clean at all times.

Pool Manager and/or Head Lifeguard shall see that concession supplies are bought and available for use when pool is open. He is to use purchase orders from Town Hall and all invoices and income from concession stand is to be turned in to the Town Clerk Office daily.

Pool Manager and/or Head Lifeguard is to be in charge of all discipline problems at the pool including lifeguard problems. He shall maintain a “daily log” of pool activities.

Pool Manager and/or Head Lifeguard is to perform daily accounting of all funds, and is responsible to turn in all funds to the Town Clerk daily.

R. **Lifeguard**

This is a part-time technical position.

Shall work directly under the supervision of the Pool Manager and/or Head Lifeguard.

This position is to be hired by the Town Manager

Wages are to be set by the Town Council.

Required Skills

Lifeguarding Certificate

CPR Certificate

First Aide Certificate

S. **Wastewater Treatment Operator**

The operator is responsible for all maintenance of the Wastewater Treatment Facility, which must be done in accordance with the OPERATION AND MAINTENANCE MANUAL on file at the Town Hall and State Regulations. This person should be knowledgeable about stabilization lagoons, chlorination facilities effluent discharge and reuse program and must be able to conduct the various tests of the raw and treated wastewater to determine the various levels of treatment and when corrective actions are needed. They shall coordinate their work with the Sewer Collecting Operator, Public Works Director, Town Manager, the Mayor and Town Council.

**Job Requirement**

The minimum requirement. Grade II operator certified by ADEQ and/or any other certifications required by ADEQ. The Operator shall be fully qualified and certified by examination by the ADEQ.

**Examples of Work Performed** (Any one position may not include all of the duties listed, nor do the listed examples include all tasks which may be found in positions of this class.)

**Daily:** Observations to be made at least three time per week on a non-consecutive daily basis.

**Weekly:** Tests to be performed at lagoon sight at least weekly.

**Quarterly:** Tests to be performed by outside laboratory.

Influent:       suspended solids & 5 day B.O.D.  
Effluent:       suspended solids & 5 day B.O.D.  
Calculate average daily flow: from pumping records

During period of discharge:

Chlorine residual test  
Suspended and settle able solids  
5-day B.O.D.

Maintain all files, records and correspondence, acceptable to the Town Manager and ADEQ, so as not to jeopardize the Town of Pima's current standing with E.P.A. and ADEQ with regards to the wastewater treatment system.

Supervise and maintain a management program: maintain a records card system on all major equipment, control weed growth at lagoon and lift site location, and perform routine mechanical maintenance.

Supervise collection system maintenance: check manholes and laterals for grease build up, inspect and record information on grease traps, daily inspection of lift stations and pumps, and monitor pumping chart records as needed.

Implement and continue safety training program.

## T. Inmate Supervisor

The position of Inmate Supervisor is a part-time, advanced level position. This position does not receive any sick leave, vacation leave, retirement benefits or other fringe benefits. An Inmate Supervisor shall primarily be responsible for the supervision of, and the check on of inmate workers. These inmates are released to the Town to perform tasks for the Town. Under the contract with the State Department of Corrections, these inmate workers are to be checked on a regular basis. It is the responsibility of the Inmate Supervisor, under the director of the Public Works Director and Town Manager to insure that the inmates are at their assigned work place, performing their assigned duties in the prescribed manner. In addition, an Inmate Supervisor performs skilled and unskilled, hands on, gardening, grounds keeping, and maintenance duties, along with other additional related duties, as assigned by a supervisor.

### Job Requirement

This person shall be an employee of the Town of Pima and hold a current Arizona Drivers license. This person shall be able to satisfactorily pass a “DOC background check”. This person shall be able to follow oral and written directions and assignments with little or no further instructions. This person shall be able to give both oral and written instruction to others so that they will be able to complete satisfactorily their assignments. This person should be self motivated to ensure proper performance of assigned duties. This person shall write clear and concise reports and activities, situations, and circumstances when required to do so, to enable others to aid in the evaluation of a problem. This person shall have an understanding of simple grounds keeping machinery. Knowledge of fertilizers and their applications. Knowledge of pesticides and their applications. Knowledge of various grounds keeping techniques including but not limited to various plants and their requirements for sun, water, and soil. Must have the physical ability and willingness to do strenuous labor involving shovels, picks, the moving of above ground water lines, and work with other tools. This person must also be willing to work under unfavorable weather conditions.

Examples of Work Performed (Any one position may not include all of the duties listed, nor do the listed examples include all tasks which may be found in positions of this class.)

Make frequent visual contact with each inmate assigned to work with them, to insure that each inmate is where he should be, and properly doing his assigned tasks.

Supervise a work crew of inmates to insure they are properly trained and complete an assigned task. Report any problems to supervisors immediately.

Fuel vehicles for their use in the field. Properly fill out the fuel log when a vehicle has been fueled. List any deficiencies with any equipment and report such to the proper authority. Do no operate or allow any inmate to operate unsafe equipment.

Transport inmates to their assigned work areas.

Transport tools, implements, supplies, and other needed materials to the work areas or sites. Clean and return these tools and other materials to their proper storage places when finished.

Unlock and lock storage buildings and gates to work areas or sites.

Dispense tools, implements, supplies, and materials to inmate workers when instructed to do so.

Insure that inmate workers are performing their assigned tasks efficiently and safely. Insure that safe work procedures are being followed at all times.

Pick up supplies from a variety of places when assigned, including Safford and other local points.

Drive the various pieces of equipment when assigned to supervise the inmates performing a certain task such as: the garbage truck with assigned crew, the trash truck with assigned crew, the pick up with assigned crew, and/or other pieces of equipment.

Instruct inmates about assigned duties and proper safety procedures.

Write clear and concise reports and statements of fact when required.

Evaluate work sites for violation of safety procedures and make reports to improve safety conditions.

Mows lawns using hand and power mowers. May operate heavy tractors and other large power equipment.

Trims and edges around walls, flower beds and walks using hand clippers and power edging tools.

Prunes and shapes shrubs and trees to provide optimum growth efficiency of plants.

Responsible to see that all power equipment and machines are properly maintained, lubricated, and repaired. May perform minor maintenance and repair on equipment.

Water fields, lawns, and garden areas and may perform certain maintenance and modifications to automated and manual watering systems, including repairs.

Digs holes and trenches. Rakes and grades ground.

Cleans walkways and picks up litter. Loads and unloads supplies, equipment, trash, etc., to and from trucks.

As directed, prepares and maintains flower beds and other soils through mulching, tilling, etc. to build up soil as needed for specific plantings according to our climate.

Prepares and plants lawns and other grassed areas.

Performs other related work as required and assigned.

## V. Little League Caretaker

This is a routine semi-skilled manual labor position. Employees of this class perform work of a manual nature which does require some previous experience, but does not require a high degree of manipulative skill to do an effective job. This employee shall have mature work habits and can see things that need to be done and accomplish them. Work is usually performed under little or no supervision.

### Job Description

Unlock the main gate to the little league facility on game days.

To unlock the restrooms and check to make sure they are neat, clean and suitable for use.

Check to insure there are adequate supplies in the restrooms daily.

To put out the bases if they have not already been put out.

To spray water on the infields to “wet down” the infields on each playing field to control the dust just prior to game time.

To turn on the field lights just prior to dusk.

To umpire two (2) baseball games. As the umpire, you are to handle the crowd and report in writing to the Town Hall, any problems within twenty-four (24) hours. The written report shall state the names of all people involved in the incident and all statements of fact surrounding the incident.

To pick up the bases after each night's games and put them away in the concession stand.

To turn out the lights after each night's games are complete.

Lock up all facilities after everyone has left the little league park.

Turn on the sprinklers as directed to do.

Lock main facility gate.

### Required Knowledge, Skills and Abilities

Knowledge of the game of baseball and the Little League Rules. Knowledge of “Pima Little League Ground Rules”

Knowledge of the use of hand tools, ability to use tools with skill and safety, ability to perform heavy manual labor, ability to follow written and oral instructions and ability to get along with fellow employees, adults, and children.

Desirable Experience and Training

Some experience in manual labor work; and must be sixteen (16) years of age.

## SECTION C: PERSONNEL RULES

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## **Rule I            Definition of Terms**

The following terms, whenever used in these rules, shall be defined as follows:

1. Allocation: The assignment of a single position to its proper class in accordance with the duties performed and the authority and responsibilities exercised.
2. Anniversary Date: The date upon which a step advance in salary or performance evaluation becomes effective or takes place under the provisions of these Rules and Regulations.
3. Annual Leave: Time off with pay granted to the employee at the convenience of the Town of Pima in recognition of service and of the employee's need for an annual period of rest and recreation.
4. Appointment: The offer to a person, and the acceptance of a position authorized by the appointing powers.
5. Class: All positions sufficiently similar in duties, authority, and responsibility to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion, and compensation.
6. Classified Service: All positions of employment in the service of the Town of Pima except those specifically excluded by Council action.
7. Demotion: The movement of an employee from a position in one class to a position in another class having a lower maximum rate of pay.
8. Department Head: Those officers or employees who are appointed or employed as the principal employee of a department for the discharge of duties provided by law or of particular delegated functions.
9. Eligible: A person whose name is on an employment, reinstatement, promotional or layoff list.
10. Employee: Any person employed by the Town of Pima except those excluded by Rule II, section 4 of these Rules and Regulations.
11. Employment List: A list of names of persons who have applied for employment in the classified service and have qualified for consideration by demonstrating their fitness for such employment.
12. Examination:
  - A. Open competitive examination: An examination for a particular class which is open to all persons meeting the qualification for the class.

- B. Promotional examination: An examination for a particular class, admission to the examination being limited to permanent and probationary employees in the classified service who meet the qualifications for the class.
13. Funeral Leave: This leave is granted for the death of a member of the employees family to either attend the funeral or arrange for the services. See Rule VIII item #10
  14. Merit Increase: A salary increase granted on the basis of meritorious service within the limits of a pay range established for a class.
  15. Overtime Work: Those hours of work in excess of 40 hours per week for those employees who normally work 40 hours per week and are not in an Administrative or Supervisory position.
  16. Part-time Employees: An employee hired on a basis of less than eight hours per day and less than 40 hours per week.
  17. Performance Report: The periodic evaluation of an employee's work reflected on forms prescribed by the Personnel Manager.
  18. Permanent Employee: An employee who has successfully completed the probationary period and has been retained as hereafter provided in these rules.
  19. Personnel Officer: The Mayor of the Town of Pima shall be the Personnel Officer.
  20. Town Manager: The Town Manager shall be the Personnel Manager. He shall be responsible for the administration of the system. This includes, but is not limited to interpreting personnel rules and regulations; possessing authority in hiring, firing, transferring, promoting, demoting, and reinstating full-time employees, and maintaining employee records.
  21. Personnel Ordinance: Ordinance Number 73 which creates a Personnel System for the Town of Pima or other Ordinances and Resolutions passed since that time.
  22. Position: An aggregation of tasks and responsibilities requiring the services of one person.
  23. Probationary Period: A working test period during which employees are required to demonstrate their fitness for the duties to which they are appointed by actual performance of the duties of the position.
  24. Promotion: the movement of an employee from a position in one class to a position in another class having a higher maximum rate of pay.

25. Provisional Appointment: An appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class subject to successful completion of the probationary period.
26. Reinstatement: The re-employment of a former permanent or probationary employee.
27. Salary Advancement: A salary increase, based upon satisfactory performance recommended to the Council by the Town manager.
28. Sick Leave: Time off with pay granted by the Town of Pima to all permanent, full-time employees in the event of illness of employee.
29. Termination: The separation of an employee from the Town of Pima's service by any means other than lay-off or retirement whether it be voluntary or involuntary.
30. Transfer: A change of an employee from one position to another position in the same class or in a comparable class.

## **Rule II            General Provisions**

1. Fair Employment: No person shall be appointed or promoted to, or demoted or dismissed from, any position or in any way favored or discriminated against with respect to employment because of his political or religious opinions or affiliations; nor shall there be any discrimination in favor of, or against any applicant or employee because of age, race, color, sex, physical handicap or national origin.
2. Violation of Rules: Violation of the provisions of these rules shall be grounds for rejection, suspension, demotion or dismissal.
3. Amendment and Revision of Rules: Proposed amendments and revisions to these rules may be suggested to the Town Council through the Mayor or Town Manager by an interested person. The Council may, by Resolution, change or modify these rules as may, from time to time, be necessary. Amendments and revisions to these rules shall become effective upon adoption of an appropriate resolution by the Town Council.
4. Eligible Employees: The rules and regulations of this Personnel/Policy Manual shall apply to all employees of the Town of Pima except elected officials, members of boards and commissions, persons engaged under contract to supply professional or technical services, volunteer firemen and volunteer personnel who receive no regular compensation from the Town of



## **Rule IV**

### **Applications and Applicants**

1. Announcement: All positions available in the classified service, which cannot be filled by use of a certification list, shall be publicized by publishing an advertisement in a newspaper of local circulation, and by posting announcements at the Town Hall on bulletin boards or by such other methods as the Town Manager deems advisable. The announcements shall specify the title and pay of the class for which the position is announced, the nature of the work to be performed, preparation desirable for the performance of the work of the class, the manner of making applications and other pertinent information.
2. Application Forms: Application shall be made as prescribed on the position announcements. Application forms shall require information covering training experience and other pertinent information, and may include certificates of one or more examining physicians, references, fingerprinting, and signing of waivers for a background search. All applications must be signed by the person submitting the application.
3. Disqualification: The Town Manager may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications shall be rejected if the applicant is physically unfit for the performance of duties of the position to which the applicant seeks appointment, is addicted to the habitual excessive use of drugs or intoxicating liquor; has been convicted of a crime involving moral turpitude; has made any false statement of any material fact or practiced any deception or fraud in the applicants application. When an application is rejected for cause, notice of such rejection with statement of reason shall be mailed to the applicant by the Town Manager. Effective applications may be returned to the applicant by the Town Manager, with notice to amend the same, providing the time limit for receiving applications has not expired.

## **Rule V**

### **Classification**

1. Preparation of Plan: The Mayor or a person or agency employed for that purpose shall ascertain and record the duties and responsibilities of all positions in the classified service and shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions in the classified service defined by class specifications, including job titles. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class.

2. Adoption, Amendment, and Revision of Plan: The classification plan shall be adopted and may be amended from time to time by resolution of the Pima Town Council. At the time of consideration, any interested party may appear to be heard. Amendments and revisions of the plan may be suggested to the Pima Town Council by any interested party and shall be submitted to the Pima Town Council through the Mayor.
3. Allocation of Positions: Following the adoption of the classification plan, the Town Manager, with the advice of Department Heads concerned, shall allocate every position in the classified service to one of the classes established by the plan.
4. New Positions: When a new position is created, the classification plan shall be amended to provide therefore, and an appropriate employment list shall be established for such position.

#### **Rule VI                      Method of Filling Vacancies**

1. Types of Appointment: All vacancies in the classified service shall be filled by transfer, promotion, demotion, re-employment, reinstatement, or from eligibles certified by the Town Manager from appropriate employment list, if available. In the absence of persons eligible for appointment in these ways, provisional appointments may be made by the Town Council.
2. Provisional Appointment: In the absence of there being an individual on appropriate employment lists who is willing to accept appointment, a provisional appointment may be made by the Town Council of a person meeting the minimum training and experience qualifications for the position. Upon satisfactory completion of probation, the provisional appointee may become a permanent employee.

#### **Rule VII                      Probationary Period**

1. Regular Appointment Following Probationary Period: All original appointments shall be tentative and subject to a probationary period of not less than six months actual service. The Mayor may establish a longer probationary period for specified cases as he deems necessary.
2. Objective of Probationary Period: The probationary period shall be regarded as a part of the testing process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to the position. During the probationary period, the employee shall be evaluated every thirty days. At the end of each 30-day period the Evaluator will discuss the evaluation with the employee, at which time the

employee will sign the evaluation. The employee has the right to answer any item on the evaluation and have the Evaluator sign the answer to the evaluation. In most instances the Department Head will evaluate the employee. The Town Manager may designate an alternate Evaluator if he deems appropriate. Department Heads will be evaluated by the Town Manager. Forms for evaluations will be provided by the Town Manager. The Town Manager will be charged with keeping all evaluations in the Personnel Jackets located in the Town Hall.

3. Rejection of Probationer: During the probationary period, an employee may be rejected at any time by the Town Manager without cause. The Town Manager may be rejected by the Town Council.

### **Rule VIII                      Attendance and Leaves**

There shall be established three areas of employees; these are: Administrative (inside office workers); Emergency services; and Construction, supervisory and Maintenance (outside workers). To insure that the Town of Pima is properly staffed, to a minimum degree at all times, the following policy shall be followed. No more than 50% of the total workers in each of the above mentioned areas shall be granted leaves at the same time. Holidays that are legally declared holidays shall be the only exception. Floating holidays shall follow the rule with the exception that if the floating holidays are shorter than two days in length.

1. Attendance: Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves. Each employee shall keep daily attendance records and turn them into the Clerk 48 hours before receiving their paychecks. Failure on the part of the employee, absent without leave, to return to duty within 48 hours after written notice to return has been sent to the employee's last known address shall be cause to discharge said employee immediately and such employee automatically waives all appeal rights under these rules. Failure to notify the Town Hall within 2 hours of their reporting time, of the reason of their absence, shall constitute an "absence without leave".
2. Annual Leave Policy: There shall be an annual leave for the purpose to enable each eligible employee to return to his work mentally and physically refreshed. All employees shall be entitled to annual leave with pay except the following:
  - A. Probationary employees
  - B. Part-time employees
  - C. Seasonal employees
  - D. Temporary employees

Annual Leave shall accrue at the rate stated below. Eligible employees with the consent of the Department Head and Town Manager may defer twenty-four (24) days of his annual leave to the succeeding calendar year; however, no more than twenty-four (24) unused days may be carried over. Exceptions to this rule must be cleared in writing through the Town Manager.

The annual leave policy is as follows:

- A. Less than 6 year's employment: 1 day per month or 12 days per year.
  - B. Six years employment but less than 12 years employment: 1 ¼ day per month or 15 days per year.
  - C. Twelve (12) years employment but less than 20 years employment, 1 ¾ day per month or 21 days per year.
  - D. Twenty (20) years employment or more-2 days per month or 24 days per year.
  - E. Employee annual leave shall be issued in minimum units of ½ day.
  - F. Annual leave may be taken only after written request approved by the Department Head and the Town Manager. Employees shall give a minimum of twenty-four (24) hours notice of Annual Leave to be taken.
  - G. No employee shall take more than 2 consecutive weeks annual leave without the Town Council's approval.
  - H. The needs of the Town shall be the controlling factor in scheduling annual leave, however, Department Heads and the Town Manager are directed to give as much consideration as possible to employees desires.
3. Sick Leave Policy: Full-time employees who become ill or are injured away from work are entitled to sick leave with full pay for varying amounts of time, depending on the employees length of service, status and previous use of sick leave. Sick leave is a privilege granted by the Town so that an illness or injury will not impose an undue hardship on the employee. Sick leave will not be granted for illness to family members. It is not a form of additional leave and will not be paid in cash upon separation. Misuse of sick leave is cause for disciplinary action or dismissal from employment. Full-time employees accrue sick leave at the rate of 1 day per month or 12 days per year up to a maximum of 120 days. There shall be no accrual or sick leave days in excess of 120 days. The following policy shall govern sick leave:

- A. No sick leave shall be granted until an employee has been a full-time employee for 30 consecutive days.
  - B. When an employee is sick or injured and unable to work he shall report to the Town Manager as soon as practical, preferably within 2 hours from their normal report time, the fact that he will not be able to work and the length of time which he expects to be off. Failure to report may be grounds for withholding sick pay, and disciplinary action.
  - C. The Town may request an employee to provide a doctor's certificate at the employees own expense, to support sick leave after the third consecutive day of absence. If any employee is injured, whether on Town business or on their personal time a doctor's certificate at the employees own expense must be obtained stating that they are at capacity to practice and perform their required duties. If there is reason to suspect injury or disability the Town can still request a note from a doctor at the individual's expense. The employee may expect and be subject to a call or visit from his supervisor or other employee of the Town of Pima to verify a sickness or injury.
  - D. For an extended confinement, sick leave shall be requested as much in advance as the condition and circumstances permit and shall be submitted in writing to the Town Manager.
  - E. Sick leave shall be taken in units of ½ days.
4. Maternity Leave: Maternity leave shall be granted for maternity purposes to female employees on the following basis:
- A. An employee who applies for maternity leave must submit her request in writing, as soon as she is aware she is pregnant, indicating whether or not she intends to return to her duties after delivery. She should attach thereto her physicians written certificates stating the approximate date she will be incapacitated for the full performance of her duties because of pregnancy, and stating the delivery date.
  - B. An employee will be expected to work before delivery until she cannot adequately perform the duties of her job, or it is no longer safe for her to do so as certified by her attending physician. An employee who intends to return to duty after delivery will be expected to do so as soon as she is physically fit as certified by her physician.
  - C. The use of paid sick leave for maternity shall be only for the period of time which the employee, herself, is physically disabled, and only to the extent that the employee has sick leave accumulated. Paid sick

leave solely for the purpose of providing child care shall not be allowed.

- D. The employee shall be responsible for providing any physician's statements as required by the Town to determine the commencement and termination period of physical disability.
  - E. An employee who has indicated that she does not intend to return to duty after delivery will be granted the use of any sick leave to her credit during the periods before and immediately after the actual delivery which can be supported by her physician's certificate. She will submit her resignation at the time she begins her maternity leave. When she has used the sick leave approved, she will be separated from the rolls.
5. Military Leave: Military leave shall be granted in accordance with the provisions of State law. All employees entitled to military leave shall give their supervisors an opportunity, within the limits of military regulations, to determine when such leave shall be taken.
  6. Leave of Absence Without Pay: The Town Council may grant a permanent or probationary employee a leave of absence without pay for not more than three months. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request, and the approval will be in writing. Upon expiration of a regularly approved leave or within 10 calendar days after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report upon expiration of the leave, or within 10 calendar days after notice to return to duty, shall be cause for discharge.
  7. Leave With Pay: Leave with pay for sufficient cause (including illness) may be granted to permanent employees of the Town of Pima upon determination by the Town Manager, up to and including five consecutive working days or ten total working days in any twelve month period. More extended periods of leave with pay may not be granted except by express approval of the Council.
  8. Jury Leave: All full-time, non-seasonal employees of the Town of Pima who are called or required to serve as a trial juror shall be entitled to be exempt from their duties with the Town of Pima during the period of such service or while necessarily being present in court as a result of such call. Under such circumstances, the employee shall be paid the difference between the full salary and any payment received, except travel pay, for such duty. A copy of the Certification and proof of pay shall be submitted to the Town Manager before pay may be received.

9. Subpoena Leave: All employees of the Town of Pima shall be entitled to be exempt from their duties with the Town of Pima when required to appear in court as a witness under a subpoena. If the court appearance is on Town of Pima business, the employee will be reimbursed at full salary for work hours missed. At the Town Council’s discretion, the employee will be reimbursed for any court appearance on matters unrelated to Town of Pima business. Such a decision shall be fully documented by the Town Manager and inserted in the employee’s personnel file.

10. Funeral Leave: Full-time employees of the Town of Pima are granted time off with pay up to three days if necessary to make arrangement for or attend the funeral of the following close relations:

Husband	Mother	Brother
Wife	Father	Sister
Son	Mother-in-law	Grandfather
Daughter	Father-in-law	Grandmother

Any relative (blood or in-law) who died while living in the home of the employee.

Employees are allowed to take Funeral Leave time, not to exceed one-day, to attend the funeral of any other relative, blood or in-law. Additional time off must be counted as Annual Leave or leave without pay. Employees attending funerals of individuals other than relatives must obtain approval in advance from the Town Manager. Time taken off to attend such funerals must be counted as Annual Leave or leave without pay.

11. Training Leave: Absence to attend an authorized course of instruction directly related to the employee’s duties may be allowed at full pay. All such leaves are a privilege, granted solely at the discretion of the Department Head and the Town Manager and the approval or denial of a request for such leave is not subject to appeal.

12. Holidays: The holidays to be observed in the Town of Pima shall be as follows:

New Year’s Day	Labor Day
Memorial Day	Thanksgiving Day
Independence Day	Friday after Thanksgiving Day
Christmas Day	President’s Day
Martin Luther King Day	

Plus 4 Floating Holidays to be agreed upon between the employee and the Town Manager and/or Mayor.



## **Rule XI**

### **Overtime**

It is the Town's policy to avoid the necessity of overtime whenever possible. Overtime work sometimes may be necessary to meet emergency situations, seasonal, or peak workload requirements and Department Heads are responsible for the advance planning required to minimize the need for overtime. No employee shall receive credit for any overtime unless authorized. Therefore, if in the judgment of the Department Head and the Town Manager work beyond a normal day or work week is required, the Town Manager may authorize such work and the employee shall receive credit for each 30-minutes work.

1. Overtime Accrual Limitation: No overtime credit shall be given or allowed for any period of less than one-half hour unless at least one-half hour of overtime has been worked. Fraction of overtime shall not be accumulated to total the first half-hour of overtime in a pay period. Credit may be given or allowed for increments of thirty minutes or half hours.
2. Overtime Compensation: Whenever any person employed by the Town of Pima is required to render overtime service, that person may be compensated for such excess time at the rate of one and on-half (1 ½) times their "regular pay" with the exception of Supervisory & Administrative Employees.
3. Supervisory and Administrative Employees: The overtime provisions of this rule shall not apply to employees in a Supervisory or Administrative capacity with the Town of Pima. The Town Council shall designate through a resolution the Supervisory and Administrative positions in the Town of Pima.
4. Time Card Requirements: All employees of the Town of Pima with the exception of salaried personnel and the Town Attorney shall keep time cards as distributed by the Town Clerk and turn them in to the Town Clerk every two weeks. The Town of Pima's "work period" shall be 14 days. The beginning of the work period shall be 4:31 p.m. on Wednesday and end at 4:30 p.m. 14 days later. Time cards are required to be submitted to the Town Clerk by 4:30 p.m. the Wednesday prior to pay day in order to be paid on Friday.

## **Rule XII**

### **Insurance**

1. Hospitalization Insurance: Full-time employees and their dependents are covered under the Town of Pima's group insurance plan at no cost to the employee, provided that it is financially possible to do so. The plan provides health, accident, life and dental insurance coverage. This is considered a benefit and may be changed or altered by the Town Council.

2. Workmen's Compensation Insurance: Workmen's compensation provides medical and hospitalization expense benefits as well as partial payments in lieu of salary for workers injured on the job. All employees are covered by this form of insurance at no cost to the employee. Employees qualifying for and receiving workmen's compensation will continue to receive their normal rate of pay less the amount received from workmen's compensation payments, for a period of six months unless extended by the Town Council.

**Rule XIII                      Transfer, Promotion, Demotion, Suspension, and Reinstatement**

1. Transfer: No person shall be transferred to a position for which the person does not possess the minimum qualifications. If the transfer involves a change from one department to another, both Department Heads and the Town Manager must consent thereto unless the Town Council orders the transfer for purposes of economy or efficiency. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in these rules.
2. Promotion: Insofar as consistent with the best interests of the Town, vacancies shall be filled by promotion from existing employees. If, in the opinion of the Town Council, a vacancy in the position could be filled better by an open recruitment instead of promotion, then the Town Manager shall arrange for such recruitment and examination for the preparation of an employment list.
3. Demotion: The Town Manager may demote an employee whose ability to perform required duties falls below standard; or for disciplinary purposes. Written notice of the demotion shall be given the employee within three days before the effective date of the demotion.
4. Suspension: The Town Manager may suspend an employee from any position at any time for a disciplinary purpose. Suspension without pay shall not exceed 30 calendar days in any fiscal year. Department Heads may suspend a subordinate employee for not more than 3 working days at any one time, and not more than once in a 30-calendar day period. Suspensions shall be reported immediately to the Mayor and Town Manager.
5. Reinstatement: With the approval of the Town Council, Town Manager and Department Head concerned, a permanent or probationary employee who has resigned with a good record may be reinstated within two years of the effective date of resignation to a vacant position in the same or comparable class. Upon reinstatement, the employee, for all purposes, shall be considered as though he had received an original appointment.

## **Rule XIV**

### **Separation from the Service**

1. Discharge: An employee in the classified service may be discharged for cause at any time by the Town Manager. The Town Manager may be discharged by the Town Council. Any employee who has been discharged shall be furnished with a written statement of the reasons for such actions and shall be entitled to a hearing if the employee so requests, as provided in these rules.
2. Lay-Off: The Town Manager may lay off an employee in the classified service because of material change in duties or organization or shortage of work or funds.
3. Resignation: An employee wishing to leave the classified service in good standing shall file with the Mayor and Town Manager, through the employee's Department Head, a written resignation stating the effective date and reasons for leaving at least 2 weeks (managerial position preferably 30 days) before leaving the service, unless such time limit is waived by the Town Manager. Failure to give notice as required by this rule may be cause for denying future employment by the Town of Pima. An "exit interview" should be arranged with the Town Manager or Mayor to be held before the last day of employment.

## **Rule XV**

### **Grievance Procedures**

1. Matters Subject to Grievance Procedure: Employees of the Town of Pima shall have the right to appeal, under this rule, a decision affecting their employment over which the Town Manager has partial or complete jurisdiction, with the exception of suspensions, demotions, or dismissals, which shall be appealed directly to the Town Council. This appeal must be submitted in writing to the Town Manager stating the reasons for the appeal and a complete description of the circumstances that caused the disciplinary action within 2 working days of the disciplinary action.
2. Informal Grievance Procedures: An employee who has a problem or complaint should first try to settle it through discussion with the employee's immediate supervisor without undue delay. If after this discussion, the employee does not believe the problem has been satisfactorily resolved, the employee shall have the right to discuss it with the Mayor. Every effort should be made to find an acceptable solution by informal means at the lowest possible lever of supervision.
3. Formal Grievance Procedure: Levels of review through the chain of command are listed below:

- A. Appeal: The appeal shall be presented in writing to the Town Manager within 2 working days of the alleged incident, who shall render a recommendation and comments in writing and refer them to the Mayor within 2 days after receiving the appeal and deliver a copy of his ruling to the employee.
- B. If the employee is not satisfied with the Town Manager's findings and recommendations he may submit his position in writing within 2 working days after receiving the written comment from the Town Manager to the Mayor who shall hear the appeal and deliver a copy of their ruling to the Town Manager and Employee.
- C. If the employee is still not satisfied with the Mayor's findings and recommendations, he may submit his position in writing and appeal the Mayor's decision to the Town Council within 2 working days from receiving the Mayor's findings. The Town Council shall be the final level of appeal.

## **Rule XVI**

### **Training of Employees**

- 1. Responsibility for Training: The Pima Town Council encourages the training of employees. Responsibility for developing training programs for employees shall be assumed jointly by the Mayor, Town Manager and Department Heads. Such training programs may include lecture courses; demonstrations, assignment of reading matter, or such other devices as may be available for the purpose of improving the effectiveness and broadening the knowledge of municipal officers and employees in the performance of their respective duties.
- 2. Credit for Training: Participation in and successful completion of special training courses including college extension or correspondence courses may be considered in making advancements and promotions. Evidence of such activity shall be filed by the employee with the Town Manager. Employees participating in a training or college course, approved by the Town Manager or Mayor, shall receive time off with pay. All tuition and book fees for training and/or college courses will be reimbursed at the successful completion of an approved course as long as written approval has been obtained from the Town Manager or Mayor.

## **Rule XVII**

### **Reports and Records**

- 1. Roster Cards: The Town Manager shall maintain a service or roster card for each employee in the service of the Town of Pima showing the name, title of position held, the Department to which assigned, salary, changes in

employment status, annual leave accumulated and/or used, sick leave accumulated and/or used, funeral leave used, and such other information as may be considered pertinent. If the employee moves or changes marital status, number of dependents, telephone number or name, the employee should contact immediate supervisor or the Town Manager at once.

2. Performance Evaluation: All employees of the Town of Pima except the Attorney and Magistrate are subject to performance evaluations on forms prepared by the Town Manager. These evaluations will be done annually, but may be semi-annually at the Town Manager's discretion. Town Manager will be subject to annual evaluation by the Mayor. The Department Heads and Town Manager shall evaluate all employees. Probationary employees shall be evaluated every 30 days of employment and at the end of the probationary period. Each employee performance evaluation report shall be reviewed with the employee, at which time he shall sign his evaluation and it shall be filed with the Town Manager not later than five days after each anniversary date. Employees shall be allowed to submit a written response to their performance evaluation report. These reports shall remain a part of each employee's personnel record for a period not to exceed five years and may be used in consideration for determining transfers, promotions, demotions, dismissals or lay-offs.
  
3. Employee Records: It is the policy of the Town of Pima to keep employee personnel records confidential in the best interest of each employee. Employee records that are considered to be public records are available to anyone with an appropriate appointment and request. These records include such information as an employee's name, date of hire, classification, grade, present rate of pay and duties performed. Information obtained for business use and contained in the personnel files is not a matter of public record and should not be generally accessible to everyone. Employee personnel records maintained by the Town Manager and shall be accessible to the following:
  - A. Town personnel as specifically designated in writing by the Mayor to have a need for such information.
  - B. The employee for review of his or her own individual personnel file; (this should be by prearranged time and would NOT include removing records from the office or making copies of any records.)
  - C. Town Council Members only when reviewing an employee grievance.
  - D. Personnel records that are subpoenaed.
  - E. Any person or organization that receives a signed written release statement from the employee whose records are in question.

## **Rule XVIII**

### **Affirmative Action**

For the purposes of the Town of Pima an affirmative action program shall mean analyzing the methods, procedures and results of the personnel actions to determine whether otherwise qualified workers have been excluded for reasons of race, religion, age, sex, physical handicap, color, national origin or political or religious opinion or affiliation. In doing so, it means taking every appropriate corrective action to bring about equal opportunity in employment.

1. **Responsibilities:** The Town of Pima shall initiate the following responsibilities necessary to facilitate implementation of the affirmative action program.
  - A. The Mayor shall maintain a continuing review of all rules and regulations of the Town of Pima personnel system so as to detect any illegal or improper impediments to the employment or advancement of minority groups or women.
  - B. Review and evaluate operations periodically and obtain reports as necessary to determine the overall status of the Town of Pima's equal employment program.
  - C. Develop and implement a system for gathering statistical information on minority groups and women, showing their progress in moving into middle and upper level positions in this agency.
  - D. Promote the grievance procedure in these rules and regulations which provide for promptness, fairness and impartial consideration of the complaint of discrimination.
  - E. Develop and implement an information program designed to inform the general public, minority group organizations and women organizations of the equal employment policy and program effort.

## **RULE XIX Supplemental Benefits Plan For Full Time Law Enforcement Officers.**

1. **Purpose:** The purpose of this Town of Pima Supplemental Benefits Plan for Full Time Law Enforcement Officers who are employees of the Town of Pima is to meet the requirements of A.R. S. §38-961 and to provide economic benefits to police officers who experience a work related injury and who are deemed eligible for specific worker's compensation benefits.

2. **Eligibility:** The Town of Pima has sole discretion to determine eligibility of an employee to participate or to continue to participate in this Plan. To be eligible for benefits under this Plan initially and to continue in the Plan as described, the employee must meet all of the following criteria:
- A. Be a full-time AZ POST certified Police Department employee who is a member of the Arizona Public Safety Personnel Retirement System or the Arizona State Retirement System; and
  - B. Be injured as a result of such employment and be eligible for worker's compensation benefits pursuant to A.R. S. §23-1041; and
  - C. Be receiving worker's compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1041, §38-961, and related statutes; and
  - D. Submit a request for the Supplemental Benefits Plan in writing to the Town Manager as described in this policy, within 30 days of receiving first payment of worker's compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1041, §38-961, and related statutes; and,
  - E. Comply with all Town requirements, including evaluation for alternate-duty options and rehabilitation programs, and direction to participate in these programs; and,
  - F. Be physically unable to return to work for the Town of Pima in any capacity, including alternative duty assignments as determined by the Town and as supported by the employee's physician or through an independent medical examination (IME) ordered by the Town and /or its worker's compensation insurance carrier. The employee's inability to perform his/her normal duties or any other capacity assigned by the Town, including the inability to perform alternate-duty assignments, must be supported by appropriate medical documentation in order for the employee to remain eligible under this Plan. When an alternative duty assignment is available, that meets the employee's medical restrictions as identified by their treating physician, the employee must work the light duty assignment(s) or the employee's participation in the supplemental benefits plan will be terminated. The actual availability of alternate-duty assignments is at the sole discretion of the Town; and,
  - G. Remain a full-time Town employee during the period the employee is receiving the supplemental benefits.

An employee will be ineligible for any and all benefits under this Plan, regardless of any other determination under worker's compensation or any other benefit, if the employee's injury results from or is worsened in whole or in part by:

- a. Gross negligence
- b. Horseplay
- c. Unapproved physical activities including physical fitness activities whether or not during work hours
- d. Misuse of tools or equipment
- e. Any form of dishonesty surrounding the cause of injury

All benefits of this Plan will be provided while the employee meets all eligibility criteria, for a period of up to six months from the date the employee becomes eligible for the payment of workers compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1041, §38-961, and related statutes. Acceptance of an employee into this Plan is at the sole discretion of the Town.

**3. Plan Benefits:** Benefits under this Plan include:

- A. Payment by the Town for the difference in compensation between the employees base compensation pre-injury, less applicable taxes, and the workers compensation benefit paid to the employee under Arizona law. The employee shall not be charged any accrued leave time for this benefit.
- B. Continued payment of the Town's (employer) portion of premium for the health insurance benefit package as is paid for other similarly enrolled employees. The employee remains responsible for paying the same portion of his/her health insurance benefit package as was paid pre-injury and/or as is paid by similarly enrolled employees, and remains responsible for any elective health care plan deductions, health-related optional deductions or optional life insurance deductions.
- C. Payment of both employer and employee contributions to the Arizona Public Safety Personnel Retirement System (PSPRS) only, as based on employee contributions for the Arizona State Retirement System.
- D. Credit for service in the PSPRS at the same accrual rate as pre-injury.
- E. Maintenance of accrued leave balances at pre-injury level, including sick and vacation leave. Employee accrual of sick and vacation leave,

however, shall be suspended during the time of eligibility and participation in this Plan.

F. To the extent the employee is eligible for pay or benefit changes while eligible and receiving benefits under this Plan, the Plan benefits will be adjusted accordingly.

4. **Procedure:** The Town Manager will receive all requests for plan benefits, in writing from the employee outlining the request and any relevant information needed for decision making by the Town. Such request must be made within 30 days of the employee's receipt of his or her first loss-time wage replacement benefit paid under worker's compensation. The Town Manager will provide the request to the Supplemental Benefit Plan Review Committee. Failure of the employee to make a request within the timeframe established herein shall be construed as a waiver of any rights under A.R.S. §38-961. In the event the employee is physically unable to make the request for the Supplemental Benefits Plan Benefits it is acceptable for the request to come from a family member or caregiver.

The Town Supplemental Benefits Plan Review Committee consists of the Public Works Director, the Town Council Member assigned to Emergency Services, and the Police Chief. This committee will review the written request, the circumstances surrounding the injury, the employee's eligibility for worker's compensation, and any other relevant factors. Within 30 days of receipt of request for benefits under this Plan, the Supplemental Benefits Plan Review Committee shall provide the employee with written determination of benefits eligibility under this Plan.

Supplemental benefits under the Plan will be provided from the date of an employee's injury for a period not to exceed six months, as long as the employee continues to meet all eligibility criteria.

Employees granted benefits under this plan will cooperate fully with the Town, Supplemental Benefits Plan Review Committee, and others working to coordinate benefits.

5. **Appeal Process:** If an employee is denied participation in the Plan for any reason, he or she has a right to appeal such denial. The process for doing so is, exclusively, the following:

- A. Within 10 working days from receipt of a denial letter, the individual is to file a written appeal with the Town Manager stating the reason for the appeal and the facts the employee wishes to have considered.
- B. Within five (5) working days the Town Manager will render a written opinion affirming or denying eligibility based upon the information provided.
- C. If the employee is not satisfied with the Town Manager's written findings, he/she shall submit his/her position in writing and appeal to the Town Council within 2 working days after receiving the Town Manager's written findings. The Town Council shall either affirm or deny the issues raised in the appeal.

6. **Miscellaneous:** Worker's compensation and Family Medical Leave (FMLA) run concurrently any time an employee is on worker's compensation. Employees on worker's compensation will be eligible for 12 weeks, or 480 hours of FMLA. Town policies allow for an employee to accrue vacation and sick leave while on FMLA, however, employees who opt for the Supplemental Benefits Plan will not accrue vacation and sick leave during their FMLA time.

An employee who is accepted into this Plan is not precluded from disciplinary action under the provisions of the Town of Pima Personnel Policy Manual or any policies of the employee's assigned department.

## CHAPTER 4- POLICE AND FIRE DEPARTMENTS

### Article 4-1 POLICE DEPARTMENT

- 4-1-1 Created; Composition
- 4-1-2 Appointment of Officers
- 4-1-3 Compensation of Officers
- 4-1-4 Departmental Rules and Regulations
- 4-1-5 Duties of Police Department
- 4-1-6 Answering Calls Outside the Town

#### Section 4-1-1 Created; Composition (Sec. 4-101)

There is hereby created a police department for the town which shall consist of a Chief of Police, and as many policemen as may from time to time be deemed necessary by the Council for the safety and good order of the town.

#### Section 4-1-2 Appointment of Officers (Sec. 4-103 & 4-104)

The Chief of Police shall be appointed by the council and shall serve at the pleasure of the council. The Chief of Police shall appoint as many policemen as may from time to time be deemed necessary for the safety and good order of the town.

#### Section 4-1-3 Compensation of Officers (Sec. 4-105)

The Chief of Police and the policemen of the town shall be compensated as determined by the council. The Chief of Police shall not receive any perquisites, commissions or compensations for his services as Chief of Police or tax collector, except as the Council may prescribe.

#### Section 4-1-4 Departmental Rules and Regulations (Sec. 4-102)

The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the Council.

**Section 4-1-5**

**Duties of Police Department**

**(Sec. 4-103& M.C.)**

It is the duty of the police department, under the direction of the Chief of Police, to:

- A. Enforce this code or the statues of the State of Arizona within jurisdictional limits as conferred by law and to arrest and charge the violators thereof.
- B. **DELETED**
- C. **DELETED**
- D. **DELETED**
- E. Direct traffic and ensure the orderly flow thereof and investigating amid reports of traffic incidents.
- F. Inspect and ascertain the condition of traffic control devices of every description which have been erected within the town on the authority of the Council and to notify the Manager of any defects found therein.
- G. **DELETED**
- H. Perform such additional duties as may be required by the Council.

**Section 4-1-6**

**Answering Calls Outside the Town**

**(Sec. 4-106)**

The members of the police department are duly authorized to answer calls for aid and assistance beyond the corporate limits of the town whenever the Chief of Police in his discretion shall deem it necessary to protect lives and property.



**THE CONSTITUTION AND BYLAWS  
OF THE  
PIMA VOLUNTEER FIRE DEPARTMENT**

**ARTICLE I**

Section 1. The name of this organization shall be the Pima Volunteer Fire Department.

**ARTICLE II**

Section 1. The objective of this organization shall be preservation of Life, and property at fires that may occur in the Town of Pima and/or in the designated Fire District.

**ARTICLE III**

**OFFICERS**

Section 1 The officers of the Department shall consist of Chief, Assistant Chief, Captain, Secretary - Treasurer, Quartermaster, Engineer, and Training Officer.

Section 2 All the officers of the Department shall be elected at a special meeting after the regular meeting in January of each year, and shall hold office for one year, or until their successors are qualified. Should any office become vacant for any reason, an election shall be called to fill said vacancy. All officers shall be elected by secret ballot. One exception to this rule will be the selection of a Training Officer. The Training Officer will be selected by the elected officers. Before selection of this position a summary of the person's aptitudes, abilities, and his desire to serve should be looked into. This officer will serve and function the same as all the other officers.

Section 3 The Chief shall call all regular and special meetings, and shall preside and keep order over same. He shall decide all points of order that may arise, subject to an appeal from his decisions to the members of the Department. He shall see that all fines and penalties are promptly paid, and shall countersign all checks drawn by the Treasurer; and in all the affairs of the Department, he shall exercise the general supervision. He shall see that each subordinate Officer performs his duty. He shall cast the deciding vote in the case of a tie, and shall see that the Constitution and By-laws are properly enforced. He shall be present at all fires if possible, and shall plan the attack and direct the subordinate officers. He shall make a complete record of all fires in detail,

giving location of fires, time, cause, approximate estimate of property involved, approximate damage from fire, feet of hose laid, source of water supply, damage to equipment of personnel, if any, number of officers and members present, and length of time Department is out of station. In the absence of the Chief, the Assistant Chief shall assume his duties.

- Section 4      ASSISTANT CHIEF-The Assistant Chief shall assist the chief in the discharge of his several duties and shall officiate in his absence. The Assistant Chief will also be in charge of the EMT Program in the Department but does not have to be an EMT to do so. In the absence of the Assistant Chief, the Captain shall assume his duties.
- Section 5      CAPTAIN- The captain shall appoint nozzle men, plug men, and hose men at fires or practices. He shall receive his orders direct from the Chief and shall give all orders for the laying and handling of hose, and shall instruct the Quartermaster as to cleaning same. In the absence of the Chief and Assistant Chief, he shall assume their duties.
- Section 6      SECRETARY-TREASURER- The Secretary-Treasurer shall keep all records, call the roll, receive all funds for the department and keep the Town notified of all money received and expended, making a monthly demise report of the same to the department and a summary report of all money received and expended for the year at the expiration of his term of office. He shall conduct all correspondence for the department. He shall contact all members at least two days prior to all special meetings and practices. He shall submit his books and official documents for examination by the finance committee and shall render all assistance to enable them to make an accurate accounting at the expiration of his term of office.
- Section 7      ENGINEER- The Engineer shall have complete charge of the engines and shall see that the same are in perfect condition at all times. He shall appoint three (3) assistants and as many others of the department as he deems necessary to properly handle the engines in the absence of himself and his assistants. The engineers shall inspect the engines on a monthly basis and keep written records of these inspections, and will work with the Quartermaster to keep the Engines ready to go.
- Section 8      ASSISTANT ENGINEERS- The Assistant Engineer shall help with the engines subject to orders from the Engineer and shall officiate for him when notified by the Chief of his absence.

- Section 9            QUARTERMASTER -- The Quartermaster shall see that all apparatus and equipment of the department is in good condition and in its proper place at all times. He shall see that all hose and equipment is properly cleaned after each fire or practice and shall employ such assistance as is necessary to do this work. He shall keep the fire hall clean and in good order. He shall report at semiannual meetings the amount of serviceable and discarded hose on hand and other miscellaneous equipment.
- Section 10           TRAINING OFFICER -- The Training Officer will be responsible for all training of the department, whether it be formal classroom type work or in the field. He may use all facilities, personnel and officers in the department to accomplish the training. All efforts are to be coordinated with the Chief and other officers.
- Section 11           EMTs-EMT members of the department are directly responsible to the Assistant Chief. The Assistant Chief shall have the option to have the EMT's vote an EMT Captain in or he shall assume the care and responsibilities of the EMT program himself. The Assistant Chief will also take it upon himself or may appoint a person or persons to fill out the ADHS Grant Request and all paperwork involved therein. If the Assistant Chief decides to run the EMT Program, then a Secretary shall be voted in by the EMT's to take minutes of the EMT meetings and other paperwork that needs to be kept. The EMT Captain, if needed, and Secretary, shall be voted on the 2<sup>nd</sup> Monday of January of every year. He will hold officer status in the Department itself. The EMT's shall hold EMT meetings of practices on the 2<sup>nd</sup> Monday of every month, when it does not interfere with Fire practice. The Assistant Chief and Chief shall have the final say in all of the above. EMT personnel are to be used whenever possible in connection with all medical problems or any other problem relative to their expertise.

## **Article IV**

### **RULES**

- Section 1. The rules and procedures at all meetings of the department shall be those set forth in Robert Rules of Order.

## **ARTICLE V.**

### **MEMBERSHIP**

- Section 1. Any person of good character, between the ages of eighteen (18) and fifty (50) residing within the city limits of the Town of Pima, is eligible to become a member of the Pima Volunteer Fire Department. In addition to this there could be a maximum of three (3) members chosen out of the Pima Fire District if they live no more than 2.5 miles of travel by roadway from the Fire Station and meet all other requirements for membership in the Department. The new member shall agree to go through one (1) Recruit School in a period of 1 year or be subject to dismissal from the Department.
- Section 2. Any member shall have the privilege of presenting the name of a candidate for membership in the Department or any individual may apply in writing to the Chief, an application for membership. The Chief shall appoint 3 members to a Membership Committee to meet and interview new applicants. For an election to take place, at least 15 of the Firemen must be present at the meeting. The Candidate shall be elected to membership by a simple majority of the firemen present. All applicant names will be kept on a list of selection, whereby the Department can choose the names they feel could best give the required service to the Department. Each new member will receive pay starting the next meeting they attend after being selected as a member.
- Section 3. All members of the Department must obey the commands of their superior officers while on duty.
- Section 4. Any member who misses five (5) consecutive meetings or practices will automatically be dropped from the Department unless a legal and acceptable excuse is given to the Chief. No member will be paid for meetings that they have been excused from. Presence at a meeting or practice will not be counted unless at least one half (1/2) of the meeting or practice is attended. No member shall be excused from attending regular meetings, unless

that member is absent from town, sick, or for other unavoidable reasons.

Section 5. Any officer or member of the department for the abuse of their authority or misconduct shall be removed from their office or expelled from the department, this shall be by two-thirds (2/3) vote of the Members voting thereon. The charges against a person shall be made in writing and filed with the Department Secretary at least one month before any vote is taken.

Section 6. The membership of the department shall consist of not more than twenty-five (25) persons, including officers.

Section 7. Any member of the Department may retire at 60 years of age or 20 years of service. Retirement from the Department will be mandatory at age 65.

## **ARTICLE VI**

### **MEETINGS**

Section 1. The regular practices in meetings of the Department shall be held on the first and third Monday of each month, excluding legal holidays, including both state and national holidays. In such cases make-up practices and meetings will be held the following Monday. Each regular meeting or practice will begin at 6:00 p.m.

Section 2. A special meeting of the Department shall be called by the Chief at the written request of five (5) or more members of the Department.

## **ARTICLE VII**

### **FINES**

Section 1. Penalty for a member absenting himself from duty while at a fire without permission from the Chief shall be a forfeit of pay for same fire.

Section 2. Any member confiscating or authorizing anyone to confiscate from any building or property on fire or in danger of fire without permission from the officer in charge, shall forfeit the Department his pay for attending such fire and may be subject to criminal action if any confiscated material is converted to personal use.

## **ARTICLE VIII**

### **PROPERTY**

- Section 1. Any member purchasing apparatus or supplies for the Department must have an order from the Chief.
- Section 2. All hose or other equipment shall be inspected by the Chief, Assistant Chief, and Captain and if found unfit for further service, shall be retired surplus and sold to highest bidder.

## **ARTICLE IX**

### **ORDER OF BUSINESS**

- Section 1.
1. Roll Call.
  2. Reading the minutes of previous meeting at discretion of the Chief.
  3. Communications read and disposed of.
  4. Financial report of the department.
  5. Report of Committees.
  6. Report of Officers.
  7. Reading of application for membership.
  8. Election of Officers and Members.
  9. Unfinished Business.
  10. New Business.
  11. Good of the Department.
  12. Adjournment.

## **ARTICLE X.**

- Section 1. The members shall have the power to make, amend, and repeal the Constitution and By-Laws of the Department, and by a vote of a quorum (two thirds of the membership of the department) at any regular meeting of the department, provided notice of intention to make, amend, or repeal the Constitution and By-Laws shall have been given in writing and signed by three (3) members in good standing, at the previous meeting.

**ARTICLE XI.**

**RELIEF & PENSION FUNDS**

- Section 1. The Pima Volunteer Fire Department adopts the Pension and Relief fund as outlined in A.R.S. 9-951 and 9-967.
- Section 2. Pension Board -- the Mayor, Fire Chief, four firemen and Town Manager, will make up the Pension Board. They will meet as needed but not less than once each year to determine pension payments decide where the pension fund is to be kept in order to receive the best interest on the money.
- Section 3. The widow of a firemen may draw out of the fireman's portion of the relief and pension fund along with any matching fund that would legally be available to her in the event the firemen dies before drawing any pension.

**Section 4-2-4                    Entry Upon Adjacent Property                    (Sec. 5-105)**

Any firemen acting under the direction of the Chief or another officer in command may enter upon the premises adjacent to or in the vicinity of any building or other property that is on fire for the purpose of extinguishing such fire, and no person shall hinder, resist or obstruct any firemen in the discharge of his duty as provided in this section.

**Section 4-2-5                    Equipment                    (Sec. 5-106)**

The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire. Recommendations concerning apparatus and equipment needed shall be made by the Chief, and after approval by the Council, such apparatus equipment shall be purchased in such manner as may be designated by the Council. All equipment of the department shall be safely and conveniently housed in such place or places as may be designated by the Council. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully take away or conceal any article used in any way by the department. No person shall enter any place with a fire apparatus hose or handle any apparatus or equipment belonging to department unless accompanied by or having special permission of, an officer or authorized member of the Department. No fire apparatus or equipment shall be hired out or permitted to leave the fire station except in response to a call for aid at a fire within the corporate limits of the Town or in response to a call for aid at a fire in an area authorized for fire protection service or mutual aid under the provisions of section 4-2-7 or for practice drills by the Department.



**Article 4-3**

**ADOPTION OF THE UNIFORM FIRE CODE**

That certain code entitled “Uniform Fire Code”, 1973 Edition, copyrighted by the International Conference of Building Officials and the Western Fire Chiefs’ Association, is hereby adopted as the “Fire Code of the Town of Pima” and made a part of this chapter the same as though said code was specifically set forth in full herein; and at least three copies of said code shall be filed in the office of the clerk and kept available for public use and inspection.

**PIMA FIRE DEPARTMENT/RESCUE  
POLICY AND PROCEDURES MANUAL**

**INDEX**

**SECTION 100      COMMAND PROCEDURES**

**SECTION 200      STANDARD COMPANY OPERATION**

**SECTION 300      SAFETY AND USE OF EQUIPMENT**

**SECTION 400      INVESTIGATIONS**

**RESPONDING TO A FIRE**

**HAZ-MAT PROCEDURES**

**PIMA FIRE DEPARTMENT/GRAHAM COUNTY SHERIFF'S OFFICE**

## SECTION 100      COMMAND PROCEDURES

**Date:**      **July 1991**

**100.1:**      The effective functioning of Pima Fire Department units and personnel at operating incidents requires clear, decisive action on the part of the Incident Commander. This procedure identifies the Standard Operating Procedures to be employed in establishing command and operating a command post.

**100.2:**      The Incident Commander is responsible for the Command function at all times.

**100.3:**      Command Procedures are designed to accomplish the following:

1.      Ensure that strong, direct and visible command will be established as early as possible at the incident site.
2.      Provide a system for the orderly transfer of Command to subsequent arriving officers.

**100.4:**      Responsibilities assigned to Command include the following specific outcomes:

1.      Remove endangered occupants and treat the injured.
2.      Stop the fire where it is found.
3.      Conserve property after fire control is achieved.
4.      Provide for the safety and survival of personnel.

**101:**      Establishing Command

**101.1:**      The first Pima Fire Department Unit or officer to arrive at the scene of an incident shall assume command and remain in command until relieved by a higher ranking officer or until the incident is terminated.

**101.2:**      Initial Report

The person assuming Command shall transmit a brief initial radio report including:

Unit identification on the scene and confirming assumption of Command.

**101.3:**      Radio Designation

- 101.3.1:** The radio designation “COMMAND” will be used.
- 102:** Command Responsibilities.
- 102.1:** Command is responsible for the following tasks as required by the circumstances of the situation; within sound judgment.
- 102.2:** INITIAL
1. Assume an effective command position.
  2. Rapidly size-up the situation.
  3. Develop a plan of attack.
  4. Assign units as required.
- 102.3:** The continuing responsibilities stay with Command whether the initial officer remains in Command or if Command is transferred to subsequent arriving officers.
- 103:** Command Options
- 103.1:** Nothing Showing Mode  
These situations generally require investigation by the first arriving engine, secondary engines and Rescue vehicles are held in readiness while the officer goes with Engine 1 to investigate, while using the portable radio to continue Command.
- 103.2:** Fast Attack Mode  
Situations which require immediate action to stabilize the situation, such as interior fires in residences, apartment buildings, or small commercial occupancies, require the officer to quickly decide how to commit the company. Where the fast interior attack is critical, Command can take advantage of the portable radio to permit the necessary involvement in the attack without neglecting Command responsibilities. This mode should not last more than a few moments and will end with one of the following:
1. Situation is stabilized
  2. A Chief arrives and Command is transferred.
  3. Situation is NOT stabilized, and the officer must move from the attack position to the normal Command position.

- 103.3:** Command Mode  
Situations that require principal Command, by virtue of the size of the fire, the complexity/potential of the occupancy, or the possibility of extension. Such cases require strong, direct overall Command from the Outset. In such cases, the officer will initially assume a Command position and maintain that position until relieved by a ranking Officer.
- 103.4:** The Officer being relieved will brief the officer assuming Command and indicate the following:
1. General situation status.
    - a. Fire location, extent, condition, extension
    - b. Effectiveness of control efforts.
  2. Deployment and assignment of operating companies.
  3. Appraisal of needs for additional resources at that time.
- 103.5:** Command officers should eliminate all unnecessary radio traffic while responding, unless communications are required to assure that Command functions are initiated and completed.
- 103.6:** The arrival of a ranking officer on the fireground does NOT mean that command has been transferred to that ranking officer. Command is transferred only when the outlined communication functions have been completed.
- 103.7:** The response and arrival of ranking officers on the fireground strengthens the overall Command function. All officers will exercise their Command prerogatives in a supportive manner that will assure a smooth transition and the effective on-going function of Command.
- 103.8:** The officer relieved of Command will be utilized to the best advantage by the officer assuming command.
- 103.9:** In cases where Command is effectively handling a tactical situation and is completely aware of the location and function of operating companies, as well as the general status of the situation, it may be desirable for that officer to continue in an active Command role. In these cases, the ranking officer may assume a supportive role in the overall Command function. Command will be considered transferred within this context by virtue of the ranking officer being involved in the Command process.

**104:** Command Structures

**104.1:** It will be the responsibility of Command to develop an organizational structure utilizing standard operating procedures as soon as possible after arrival and implementation of initial tactical control measures. The size and complexity of the organizational structure will be determined by the dimensions of the tactical situation.

**SECTION 200      STANDARD COMPANY OPERATIONS**

**Date:**      **July 1991**

**201:**      Engine

**201.1:**      The following items represent the standard operations that will normally be performed by a Pima Volunteer Fire Department Engine crew:

1.      Gain entry to fire area.
2.      Begin rescue of victims.
3.      Establish a water supply. Begin beforehand, by learning where the standpipes, hydrants and other water supplies are.
4.      Stretch the hose lines.
5.      Ventilate only if commanded to do so. Horizontal, vertical, Positive Pressure Ventilation.
6.      Pump hose lines. (Utilize water supply to best advantage)
7.      Operate the nozzles.
8.      Utility control.
9.      Perform salvage operation.
10.     Perform overhaul.
11.     Extrication as needed.
12.     General firefighting duties as assigned by Command.
13.     Lighting of scene to aid in suppression of fire.

**201.2:**      The Engineers shall:

1.      Drive the Engine to the scene, use good common sense during response.
2.      Operate the Engine/Pump equipment.
3.      Perform other duties as assigned by Command.

## **SECTION 300 SAFETY AND USE OF EQUIPMENT**

**DATE: JULY 1991**

**301:** Protective Clothing

**301.1:** The following are the Pima Fire Department regulations regarding the wearing of protective clothing. These apply to ALL members of the Department.

**301.2:** Full Protective Clothing shall be defined as:

1. Helmet with face shield.
2. Nomex Hood
3. Nomex Turnout Coat
4. Nomex Bunker Pants with Suspenders
5. Approved boots
6. Approved gloves or choppers
7. Properly uses SCBA (Self Contained Breathing Apparatus)

**301.3:** Full protective clothing shall be worn by firefighting personnel while responding to all fire alarms. This is optional for the driver.

**301.4:** Full protective clothing shall be worn at all times when operating on the fireground.

**301.5:** The use of turnout coats during overhaul will be at the discretion of each officer.

**301.6:** Full protective clothing shall be worn when operating forcible entry equipment and tools, such as EMS incidents on the street.

**301.7:** The faceshield shall be utilized at any time the need for eye protection seems apparent.

**301.8:** Approved gloves shall be worn when engaged in firefighting, overhaul, training with hose and ladders, when using hand or power tools, and any other situation where injuries to the hand are likely to occur.

**301.9:** In specific situations for which no guidelines have been provided, the proper protective clothing to protect against all reasonably foreseeable hazards shall be worn.

**302:** Fireground Safety

**302.1:** TACTICAL POSITIONING

**302.1.1:** Positioning of operating companies can severely affect their safety and survival. Personnel must use caution when placed in the following positions:

1. Above the fire (floors or roof).
2. Where the fire can move in behind them.
3. When involved with opposing fire streams.
4. Combining interior and exterior attack.
5. Where sector cannot control position/retreat.
6. With limited access—one way in/out.
7. Operating under involved roof structures.
8. In areas containing hazardous materials.
9. Below grade fires (Example: in Basements).
10. In areas where backdraft potential exists.

**302.1.2:** The safety of firefighting personnel represents the major reason for an effective and well-timed offensive/defensive decision and the associate write-off by Command.

When the rescue of saveable victims has been completed, Command must ask the question, “Is the risk to my personnel worth the property I can save?”

**302.1.3:** DEFFENSIVE FIREFIGHTING

When operating in a defensive mode, your operating position should be as far from the involved area as possible and still maintain effective operations. Position and operate from behind barriers, if available.

The intent is for personnel to utilize safe positioning where possible and/or available, in an effort to safeguard against sudden hazardous developments, such as a backdraft explosion, structural collapse, etc.

**302.1.4: OFFENSIVE FIRE ATTACK**

When operating in an offensive mode, be aggressively offensive. Effective interior attack operations directed toward knocking down the fire eliminates most eventual safety problems.

**302.1.5:** When laddering a roof, the ladder selected shall be one which will extend 2' to 3' above the roof line. This shall be done in an effort to provide personnel operating from the roof with a visible means of an exit.

**302.1.6:** When laddering buildings under fire conditions, place ladders near building corners or fire walls, if possible. These areas are generally more stable in the event of structural failure.

**302.1.7:** When operating above or below ground level, establish at least two separate escape routes whenever possible. Such exits shall be at opposite ends of the building, if possible. Such exits shall be separated by considerable distance, if possible. Exits may consist of stairways, if protected, or ladders.

**302.1.8:** All personnel entering the fireground shall:

- a. Wear COMPLETE set of protective clothing.
- b. Have your crew intact and together.
- c. Be assigned to a specific area to work.

ALL OTHER PERSONNEL ARE TO STAY OUTSIDE UNTIL ASSIGNED TO WORK BY COMMAND.

**302.4 EVACUATION**

**302.4.1:** If any firefighter sees a dangerous situation he shall let an officer know immediately. Interior firefighting operations should be abandoned when the extent of the fire prohibits or the structure becomes unsafe to operate within. When such conditions become untenable...EVACUATE, regroup, recommunicate, and redeploy.

**302.4.2:** The primary concern of the Pima Fire Department when a hazard which may affect the safety of fire personnel becomes apparent is the welfare of those personnel. In an effort to protect personnel which may suffer the

adverse effects of such hazards, such as structural collapse, explosion, backdraft, etc. a structured method of area evacuation will be utilized. This method will provide for the rapid and effective notification of those personnel involved. It will also permit accurate accounting for those same personnel.

**302.4.3:** The method of evacuation selected will vary, depending on the following circumstances:

- a. Immanency of the hazard.
- b. Type and extent of the hazard.
- c. Perception of the area affected by the hazard.

**302.4.4:** Officers shall account for all evacuated crews as soon as possible. When all personnel are accounted for, the evacuation process is complete.

**302.4.5:** Structures of other than fire resistive/heavy timber construction are not designated to withstand the effects of fire. They can be expected to fail after twenty minutes of heavy fire involvement. If, after ten to fifteen minutes of interior operations, heavy fire conditions still exist, Command should initiate a careful evaluation of structural conditions. Command should be fully prepared to withdraw interior crews and resort to a defensive position.

**302.4.6:** Crews retreating from interior operations often require hose line protection. The personnel protection afforded to firefighting personnel in such situations represent a major function of back-up hose lines.

## **302.5** SEARCH AND RESCUE

**302.5.1:** Search and Rescue should be performed according to an efficient, well planned procedure which has included the safety of search crew personnel.

**302.5.2:** The object of the search effort is to locate possible victims, not create additional victims by neglecting the safety of the Search Crew.

**302.5.3:** Prior to entering the search area, all search team members should be familiar with a specific search plan. Such familiarization shall include:

- a. The overall Search objective.
- b. A designation of the Search area.
- c. Individual assignments for Search Team Members.

**303:** VEHICLE OPERATIONS

- 303.1:** When responding to the fire station, all personnel are encouraged to use their safety restraints. You are responsible for your own actions while responding to an Emergency call. Use good, common sense during response.
- 303.2:** When responding to emergency calls under lights and siren, Pima Fire Department vehicles may exceed the posted speed limits but shall be regulated at all times by existing road and traffic conditions. At no time may a Pima Fire Department vehicle exceed the reasonable speed limit by more than 10 miles per hour under any conditions.
- 303.3:** Under wet, icy, foggy, or any other hazardous weather or road conditions, PFD vehicles should react carefully to the conditions encountered. In no case under these conditions shall vehicles exceed the posted speed limit.
- 303.4:** When approaching a red light on a traffic signal or stop sign during an emergency response, all PFD vehicles shall:
1. Approach the intersection slowly, entering the intersection in a lower gear range, prepared to completely stop.
  2. Account for all lanes of opposing and cross-traffic.
  3. Bring vehicle to a complete stop if in doubt about the intersection remaining clear.
- 303.5** Avoid backing where possible. Where it isn't possible to avoid backing, use guides. If guides are not available, dismount and walk completely around the apparatus before backing.
- 303.6:** During an emergency response, PFD vehicles must avoid passing other emergency vehicles also responding on the call, Code 3. If it cannot be avoided, passing arrangements must be conducted through conversing on the unit radio.
- 303.7:** The unique hazards of driving on or adjacent to the fireground require the driver to use extreme caution and alertness. The driver shall use a prudent speed for the conditions encountered so that the unexpected event will not result in a collision.

- 303.8:** When driving apparatus on the fireground, drivers must resist the tendency to drive hastily or imprudently. This tendency is mostly due to the urgent nature of fireground operations.
- 303.9:** Drivers must consider the danger their moving vehicle poses to fireground personnel who may be preoccupied with the emergency and inadvertently step in front of or behind a moving vehicle.
- 303.10:** Drivers must also be aware of the potential that exists for vehicle accidents on or near the fireground due to the distractions that are caused by the emergency.
- 304:** USE OF THE CHAIN SAW
- 304.1:** The chain saw will be used only by PFD personnel during a PFD operation.
- 304.2:** The chain saw shall not be available for personal use.
- 304.3:** All PFD personnel utilizing the chain saw, shall be trained and tested in its proper use.
- 304.4:** Always use the chain saw with a partner.
- 304.5:** Complete turn-out gear, including face/eye protection, shall be worn when using the chain saw.
- 304.6:** Maintain a 3 foot working radius clear of personnel when working with the chain saw.
- 304.7:** Have firm footing when starting the saw.
- 304.8:** When engine is running, always hold the saw with BOTH hands.
- 304.9:** When engine is running, keep all parts of the body away from the cutter arm.
- 304.10:** Operation in a flammable atmosphere is prohibited.
- 304.11:** Use an SCBA when operating saw in places without adequate ventilation.
- 304.12:** Turn the saw engine off when the saw is being carried to another place.

## SECTION 400      INVESTIGATIONS

**DATE:**      **JULY 1991**

**400:**      FIRE

**400.1:**      All fires occurring within the town limits of Pima, and to which the Pima Fire Department has been dispatched, will be investigated to determine cause and origin.

**400.2:**      If the cause and origin of a fire is not easily determinable by the company officer, the State Fire Marshall's Office will be notified.

**400.3:**      The results of all cause and origin investigations will be noted and filed in the Department Office—in the call log.

**400.4:**      In all fires involving a fatality, the State Fire Marshall's Office will be notified.

**400.5:**      If any investigation becomes an arson investigation, it shall be directed by the Fire Marshall, in accordance with standard policy of the Pima Fire and Police Departments.

**400.6:**      Any and all inquiries from anyone regarding an on-going State Fire Marshall investigation will be directed to the Office of the State Fire Marshall. Any inquiries from anyone regarding an on-going Pima Fire investigation will be directed to the Pima Fire Department and/or Pima Police Department.

**401:**      Any and all accidents of any kind involving Pima Fire Department Personnel and/or apparatus, shall be reported to an Officer.

## **RESPONDING TO A FIRE**

### 301.1—Our First Priorities

1. There shall be a least 2 Firefighters in the Truck before leaving the Station.
2. There shall absolutely be NO riders on the back of the Engines.
3. The First responding Engine shall be noted as Engine 1
4. The Second responding Engine shall be noted as Engine 2
5. The Third responding Engine shall be noted as Engine 3
6. The Fourth responding Engine shall be noted as Engine 4
7. The EMT/Rescue Truck shall be noted as EMT Truck. This vehicle will also be used for transporting firefighters to incidents.
8. The Pima Fire Department shall be noted as 353 on the Sheriff's Office Channel.
9. The EMT/Rescue Truck shall be noted as 354 on the Sheriff's Office Channel.
10. The Fire Chief shall have the call number of 355 on the Sheriff's Office Channel.
11. The Pima Fire Station will be called "BASE" when someone is talking on the radio from there.
12. The Officer in Charge of scene at Fire or any incident shall be called "Command". If other personnel are at the scene with hand radios, they will be called by last name.
13. When speaking on Pima Fire Channel, use clear and simple language so that communication can be made.
14. When arriving at a scene, if no officer is present, someone has to establish command.
15. Listen for communications from whoever is in charge. Do not "Free Lance" in fighting fires. Make sure Command knows where you are at all times, for your own safety. This rule must be followed in any structure fire.
16. If you come to the incident scene in your personal vehicle, make sure you report to an officer or to Command for an assignment. You must have full turn-out gear.

17. Protect property!! Find the fire before destroying any property. Try to protect rather than destroy.
18. Think before you act at any Fire Scene.
19. If you see something that is wrong or something bad about to occur, do not hesitate to tell someone IMMEDIATELY!!
20. The Engineer shall be in charge only when manpower is short and there is no one to take charge.
21. The Engineer must remain at his engine at all times.
22. ALWAYS REMEMBER, every time the Fire Department is called, it is usually a bad situation. Step back and remember you did not cause the problem. Always make informed decisions in any situation. It is not worth your life or the pain and loss to your family to make a mistake.
23. Contact COMMAND on scene to discuss with you what to do when you first get to the call.
24. If you have been drinking when the pager goes off, do not respond. You will endanger your own life as well as the life of your fellow firemen. If it is found that you responded under the influence, action will be taken by the Department Administration.

## **PROCEDURES FOR HAZARDOUS**

### **MATERIALS INCIDENTS**

#### **(Truck Trailer, Train Car, Farm Chemicals)**

1. If there is risk to life, stay at a very safe distance. Make sure you use extreme care and judgment. Be sure and check with COMMAND before any action is taken.
2. Chemicals involved needs to be identified by placard or any other means available to you. Gather all information possible. HAZ-MAT books are in each Engine.
3. Evacuation of Homes, Schools or businesses is a very high priority. Records show that explosions have happened as far as 1500 feet from accident scene.
4. The accident scene must be cleared of all spectators. There should be no lights, fires, lighted pipes, cigars or cigarettes.
5. If it is possible and you are told to do so, build dikes to keep the Chemical from spreading or going down sewer drains. This should be done only when the Chemical has been identified and declared it is safe to work around.
6. The Pima Fire Department is not equipped to stop leaks on Train Cars, Tanker Trucks or any other means of transporting chemicals. Do not try to do this!!
7. Another point to remember, when fire does not occur immediately in a wreck, the hazards involved in handling the situation are greater than when the fire does immediately occur. Vapors given off by a liquid leaking from tank cars that are placarded "Dangerous" will spread over a greater area than the liquid, will travel faster with the wind factor than will the liquid, and it cannot be confined. Vapors will ignite with any spark or flame and burn with great rapidity, violence, and intense heat back to the liquid surface where the fumes originated. After such a flash of fire, the vapor burns above the surface of the liquid thus confining the hazard to a visible area.
8. In some chemicals, due to extreme heat when ignited, your turnout gear is not sufficient to handle the heat.
9. If officers in charge and with the help of other agencies decide the chemical can be worked and dammed off by Pima Fire Personnel, full turnouts shall be worn, including SCBA's—this HAS to be.

10. There are many different phone numbers to use, depending on the situation:

DPS Haz Mat Team:

223-2212      24 hour number

262-8212      Duty Officer

262-8190      Duty Officer

262-8191      Duty Officer

11. Just remember, a Hazardous Materials situation requires that we evacuate and save lives. This does not apply if it is going to endanger one of our firefighters. Think before you make a move. Be sure and check with Command. They should be in contact with an agency that can tell us exactly what we are dealing with. Let's keep US safe.

PIMA FIRE DEPARTMENT RADIO CALL SHEET

PIMA FIRE STATION -- BASE

OFFICER IN CHARGE -- COMMAND THEN STATE FIRST NAME

1<sup>ST</sup> TRUCK OUT -- ENGINE 1

2<sup>ND</sup> TRUCK OUT -- ENGINE 2

3<sup>RD</sup> TRUCK OUT -- ENGINE 3

4<sup>TH</sup> TRUCK OUT -- ENGINE 4

EMT/RESCUE TRUCK -- EMT TRUCK

PIMA TOWN HALL -- 320

PIMA EMT TRUCK (EMSCOM) -- 3949

DENNIS LINES -- 322

DENNIS LUNT -- 323

MT. GRAHAM HOSPITAL -- 3940

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GRAHAM COUNTY SHERIFF'S OFFICE RADIO CALL SHEET

GRAHAM COUNTY SHERIFF'S OFFICE -- 722

THATCHER -- 234

PIMA FIRE DEPARTMENT -- 353

SAFFORD -- 134

PIMA EMT/RESCUE TRUCK -- 354

FT. THOMAS -- 409

PIMA FIRE CHIEF -- 355

OFFICER CAUTHEN -- 301

OFFICER SHUPE -- 304

OFFICER HURSTON -- 302

OFFICER CLONTS -- 305

OFFICER PALMA -- 303

OFFICER MAGBY -- 306

ARIZONA POISON CONTROL

1-800-362-0101

DPS RANGER, UMC AIR CARE CAN BE REACHED BY CONTACTING GRAHAM COUNTY SHERIFF'S OFFICE AND ASK THEM TO CONTACT THE AGENCY.

10/7 = OUT OF SERVICE

10/8 = IN SERVICE

10/97 = ARRIVING ON THE SCENE

10/98 = FINISHED THE CALL/DEPARTING FOR BASE

IF YOU ARE NOT COMFORTABLE IN USING THESE CODES, JUST SPEAK  
PLAIN AND CLEAR LANGUAGE.

**CHAPTER 5 – POLICE COURT**

**ARTICLE 5-1 POLICE COURT ESTABLISHED; JURISDICTION**  
**ARTICLE 5-2 PRESIDING OFFICER**  
**ARTICLE 5-3 SCHEDULE AND FEES**  
**ARTICLE 5-4 PROCEEDINGS OF COURT**

**ARTICLE 5-1 POLICE COURT ESTABLISHED; JURISDICTION**

There is hereby established in the town a police court which shall have jurisdiction of all violations of this code, and jurisdiction concurrently with justices of the peace of precincts in which the town is located of violation of state laws committed within the limits of the town.

**ARTICLE 5-2 PRESIDING OFFICER**

**5-2-1 Town Police Justice**

**5-2-2 Powers and Duties of Town Police Justice**

**Section 5-2-1 Town Police Justice**

The presiding officer of the police court shall be the town magistrate, who shall be appointed by and shall serve at the pleasure of the council. He shall receive such compensation as the council may from time to time direct by resolution.

**Section 5-2-2 Powers and Duties of Town Police Justice**

The powers and duties of the police justice shall include:

- A. The powers and duties set forth and conferred upon him under the provisions of the state constitution and statutes, this code and the ordinances and resolutions of the town.
- B. The keeping of a docket in which shall be entered each action and the proceedings of the court therein.
- C. The responsibility for fixing and receiving all bonds and bails and receiving all fines, penalties, fees and other monies as provided by law.
- D. Payment of all fees, fines, penalties and other monies collected by the court to the treasurer.
- E. Submitting a monthly report upon request to the council summarizing court activities for that month.

- F. Preparation of a schedule of traffic violations, not involving the death of a person, listing specific bail for each violation.

**ARTICLE 5-3            SCHEDULE AND FEES**

- 5-3-1 Authority and Scope**
- 5-3-2 Title**
- 5-3-3 Fees**
- 5-3-4 Establishment of a Fund**
- 5-3-5 Procedures**
- 5-3-6 Effective Date**

**Section 5-3-1            Authority and Scope**

This Ordinance is adopted pursuant to A.R.S. 22-404(E), which authorizes a city or town to establish and assess fees for court programs and services, and in reliance on Op.Att.Gen. No 195-18, which states that even though the Legislature has enacted some statutes which impose court fines, those statutes do not preempt cities from establishing additional court fees and surcharges as long as the additional fees are authorized by a city charter and are not contrary to state law. The Town Charter authorizes the Council to conduct business for the benefit of the Town under 2-1-2, which includes Ordinances under 2-5, and police courts under 5-2-2 to collect fees, fines, penalties and other monies as provided by law, and deliver them to the town Treasurer. The Municipal Court is established pursuant to the Arizona Constitution and A.R.S. 22-402

**Section 5-3-2            Title**

This Ordinance may be referred to as the Municipal Court Recovery Fund Ordinance.

**Section 5-3-3            Fees**

- A. A fee schedule shall be adopted by the Council to cover expenses for traditional Court services provided to defendants in misdemeanor criminal and criminal traffic cases.
- B. Such fee schedule will be identified as the Municipal Court Recovery Fund Schedule.
- C. The Council may revise the fee schedule as needed to keep current with rising expenses to perform such Municipal Court Services.

- D. The adoption or revision of a fee schedule shall not effect any change in the Ordinance itself.
- E. In addition to all other fines, assessments and surcharges levied against a defendant who has been found guilty or pleaded guilty, responsible or no contest on a criminal case, the Municipal Court shall assess and collect from such defendant, a Municipal Court Enhancement Fee.
- F. The Court will only accept cash or a cashier's check for payment of fines, assessments and surcharges.
- G. A fee assessed pursuant to the authority of this Ordinance shall constitute a lien in the manner as a judgment for money rendered in a civil action.

**Section 5-3-4                      Establishment of a Fund**

The Council hereby establishes the Municipal Court Recovery Fund, hereinafter referred to as the "Recovery Fund" administered by the Town of Pima solely for the purposes provided by this Ordinance. Separate revenue and expense cost center will be established for the Municipal Court within the Recovery Fund.

All fees collected pursuant to this Ordinance, except non-sufficient funds fees, shall be deposited to the Recovery Fund. All non-sufficient funds fees that are collected shall be tendered to the General Fund.

Monies in the Recovery Fund established by this Ordinance shall be subject to a continuing appropriation and shall not lapse.

Monies in the Recovery Fund shall be expended only for the benefit of the Municipal Court to modernize, streamline, automate and secure the Municipal Court as approved by the Town Manager and Town Council.

**Section 5-3-5                      Procedures**

In order to expend Recovery Fund monies, the Municipal Court shall direct a requisition for the use of the funds to the Town Manager, who shall approve or disapprove the requisition and, if approved, forward it to the Town Council for approval. Upon approval, the requisition shall be forwarded for procurement and upon receipt, payment by town warrant.

**Section 5-3-6                      Effective Date**

This ordinance shall become effective August 1<sup>st</sup>, 2006 after adoption by the Town

Council.

**ARTICLE 5-4      PROCEEDINGS OF COURT**

- A.     The council shall provide a suitable place for the police court. The court shall be open for transaction of business on such days and during such hours as the council may from time to time direct by resolution.
  
- B.     The proceedings shall be conducted in accordance with the state constitution, the applicable state statutes and rules of the state supreme court pertaining to police courts. The proceedings shall also be conducted in accordance with the rules of criminal procedure for the superior court, unless otherwise prescribed, and providing this code and resolutions of the town are not in conflict therewith.
  
- C.     The magistrate court proceedings shall be commenced by complaint under oath and in the name of the state setting forth the offense charged with and such particulars of time, place, person and property as to enable the defendant to understand distinctly the character of the offense complained of and to answer the complaint.
  
- D.     If the magistrate is satisfied that the offense complained of has been committed by the person charged, he shall issue a summons or a warrant of arrest. Before issuing a summons or warrant of arrest on a complaint, the magistrate may subpoena and examine witnesses as to the truth of the complaint.

## CHAPTER 6 ANIMALS

### Article 6-1 RULES AND REGULATIONS

6-1-1	Dangerous Animals
6-1-2	Noises
6-1-3	Strays; Housing
6-1-4	Swine Prohibited
6-1-5	Diseased Animals

#### **Section 6-1-1**                      **Dangerous Animals**                      **(Sec. 7-102 & 7-105 & M.C.)**

- A. It is unlawful to permit any dangerous, vicious animal of any kind to run at large within the town. Exhibitions or parades of animals which are *ferae naturae* in the eyes of the law may be conducted only upon securing a permit from the town marshal.
- B. The members of the police department are authorized to destroy any dangerous animals of any kind when it is necessary for the protection of any person or property.

#### **Section 6-1-2**                      **Noises**                      **(Sec 7-103)**

It is unlawful to harbor or keep any animals which habitually disturb the peace by loud noises, at any time of the day or night.

#### **Section 6-1-3**                      **Strays; Housing**                      **(Sec 7-104 & M.C.)**

Any person who keeps or causes to be kept any horses, mules, cattle, burros, goats, sheep or other livestock or poultry shall keep such livestock or poultry in a pen or similar enclosure to prevent their roaming at large within the corporate limits of the town. Any such livestock or poultry running at large shall be impounded as provided in this chapter. It is unlawful to cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome. The Town, its animal agent or Police, reserve the right to enter upon private property at reasonable times for the purpose of inspection and enforcement. All enclosures for animals shall be kept in good repair and sanitary condition to control the breeding of flies and other insects, and so that no offensive, disagreeable or noxious smells or odors shall arise therefrom to the injury, annoyance, or inconvenience of any inhabitant of the Town, within reason.

#### **Section 6-1-4**                      **Swine Prohibited**                      **(Sec 7-107 & 7-212)**

It is unlawful to keep any live swine or pigs within the corporate limits of the town. The keeping of all other animals within the town shall be subject to the provisions of the zoning ordinance.

**Section 6-1-5**

**Diseased Animals**

**(Sec 7-106)**

A. DELETED

B. It is hereby the duty of the owner to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the state health officer or state veterinarian is empowered to act. Upon failure of the owner to perform above, the pound master may secure such disposition. In such event, the owner is responsible for all direct costs.

**Article 6-2**

**IMPOUNDING GENERALLY**

- 6-2-1 Scope of Article
- 6-2-2 Pound Master
- 6-2-3 Impounding of Animals at Large
- 6-2-4 Notice to Owners of Impoundment
- 6-2-5 Report of Impounded Animals
- 6-2-6 Conditions and Duration of Impoundment
- 6-2-7 Redemption of Impounded Animals
- 6-2-8 Sale of Unredeemed Animals
- 6-2-9 Impounding Fees
- 6-2-10 Impeding Poundmaster
- 6-2-11 Biting Animals

**Section 6-2-1**

**Scope of Article**

The provisions of this article shall apply to the impoundment of any and all animals, except dogs. The provisions of Article 6-3 apply to the impoundment of dogs.

**Section 6-2-2**

**Pound Master**

**(Sec. 7-201 & 7-202)**

- A. The Chief of Police or his designee is hereby constituted pound master for the town.
- B. The pound master shall have the right, subject to the approval of the council, to appoint such designee as he may deem necessary for the proper carrying on and performance of the work and duties of the pound master, and any such designee so appointed is hereby empowered to perform any of the duties of the pound master set forth in this chapter.

**Section 6-2-3**                      **Impounding of Animals at Large**                      (Sec. 7-203)

It shall be the duty of the pound master or his designee to impound all animals found at large, or not under the charge, care or control of some person in the streets, alleys or other public places or vacant or unenclosed lots in the town.

**Section 6-2-4**                      **Notice to Owners of Impoundment**                      (Sec. 7-204)

If the owner of any impounded animal shall be known to the pound master or his designee pound master or his designee shall notify the owner of such animal personally or by letter through the post office within twenty-four hours after such animal has been taken up and impounded. The notice shall contain a description of the animal and shall state that unless reclaimed, such animal will be dealt with as allowed by law. Copies of the notice shall be posted at the place of impoundment and at the Town Hall, or alternatively, the pound master or his designee may turn control over to any acting state officer to deal with animals.

**Section 6-2-5**                      **Report of Impounded Animals**                      (Sec. 7-205)

The pound master or his designee shall, within twenty-four hours after taking up and impounding any animal make a report to the clerk stating the kind of animal and describing it by color, marks or brands or other wise and when the animal was taken up and impounded.

**Section 6-2-6**                      **Conditions and Duration of Impoundment**                      (Sec. 7-206)

The pound master or his designee shall keep all animals taken up and impounded by him or his designee in a safe, convenient and comfortable place within or conveniently near the town limits and shall feed such animals at least once every twenty-four hours and treat them in a humane manner during the time they are impounded. The duration of impoundment shall not be less than five days, unless sooner claimed by the owner.

**Section 6-2-7**                      **Redemption of Impounded Animals**                      (Sec. 7-207)

If the owner of any animal shall, within five days after such animal has been taken up and impounded, apply to the pound master or his designee and pay the fees and charges provided by this chapter, the pound master or his designee shall release any such animal to the owner unless the animal's condition falls under Section 6-1-5 B.

**Section 6-2-8**                      **Sale of Unredeemed Animals**                      (Sec. 7-208)

All animals, taken up and impounded under the provisions of this article which have not been claimed and for which the fees and charges have not been paid to the pound master or his designee by the owner within five days, shall at the time provided in the notice of sale be sold by the pound master or his designee at public auction at the

place of impoundment to the highest cash bidder. The pound master or his designee shall immediately pay to the clerk the proceeds of the sale of any such animal, which proceeds, after deducting therefrom the fees and charges, shall be paid to the owner of the animal if he appears and claims the same within thirty days after the sale, and if not, then the proceeds shall be paid into the general fund of the town. The pound master or his designee shall execute a bill of sale over his official signature in favor of the purchaser of such animal and upon payment of the amount bid shall deliver the bill of sale to the purchaser.

**Section 6-2-9                      Impounding Fees                      (Sec. 7-209)**

The pound master or his designee shall collect from the owner of animals taken up and impounded and duly claimed by the owner, before delivering any such animals, a sum of fifteen dollars for every animal so taken up for the care, watering and feeding of any impounded animal. All fees collected shall be transmitted by the pound master or his designee to the clerk who shall deposit the fees into the general fund of the town.

**Section 6-2-10      Impeding Pound Master                      (Sec. 7-210)**

It is unlawful for any person to in any manner intervene, impede, prevent, obstruct or intimidate the pound master or any of his designees in the discharge of their duties in taking up or attempting to take up and impound any and all animals which it shall be their duty to impound under the provisions of this chapter, or who shall rescue or attempt to rescue any animal so taken up or to release any animal so impounded.

**Section 6-2-11      Biting Animals                      (Sec. 7-211)**

Whenever any animal bites a person, the person so bitten and the owner of the animal shall immediately notify the Town of Pima police department, who shall cause an impoundment and examination of the animal to be made by a duly licensed physician or a duly licensed veterinarian and shall order the animal held on the owner's premises or shall have it impounded as long as necessary for a complete examination. It is determined that the animal is infected with rabies or other dangerous, contagious and infectious disease, it shall be the duty of the Chief of Police or his designee to destroy such animal in as humane manner as is reasonably possible. It at the end of the quarantine or impoundment, a veterinarian is convinced that the animal is free from such diseases, the animal shall be released. If the animal dies during the period of quarantine or impoundment, its head shall be sent to the laboratory at the department of health services for examination. If an owner of the animal can be established, all costs incurred shall be deferred to the owner of the animal.

**Article 6-3      DOGS AND OTHER BITING ANIMALS      (Ord. 60)**

- 6-3-1      Definitions
- 6-3-2      License Required
- 6-3-3      Tags and Collar
- 6-3-4      Restrictions on Dogs Running at Large and limiting Number kept on a Single Premises
- 6-3-5      Impounding and Redemption
- 6-3-6      Disposing of Unclaimed Dogs or Infected Dogs
- 6-3-7      Barking dogs
- 6-3-8      Disposition of Biting dogs or Other Animals
- 6-3-9      Interference with Officers
- 6-3-10      Muzzling Proclamation
- 6-3-11      Kennels
- 6-3-12      Liability for Dog Bites and Property Damagers

**Section 6-3-1      Definitions**

In this article unless the context otherwise requires:

- A. “At large” means off the premises of the owner, and not the control of the owner or a member of his immediate family whether by leash, cord, chain or otherwise.
- B. “Dog” means a member of the canis familiaris family and includes both male and female dogs.
- C. “Nuisance” means a dog or other biting animal that harms, injures or annoys any person by any means.
- D. “Other biting animal” means any animal capable of carrying or transferring rabies.
- E. “Owner” means any person, firm, association or corporation owning, keeping or harboring a dog or other biting animal.
- F. “Vicious Dog” means any dog that has a known propensity to bite (know to bite on prior occasion); any dog that stalks people without being attacked first such as tracks to the back and approaches from behind in an “attack” posture; any dog that appears to want to attack even though it is restrained or confined, such that if the dog managed to get loose, it would appear likely to attack people (this may include biting at a fence or tugging on a restraint in an effort to get access to people or etc.); or, any dog that is trained to fight other animals.

**Section 6-3-2                      License Required**

The owners of all dogs four months of age or older kept, harbored or maintained within the corporate limits of the town shall be required to obtain a license from the town clerk. These licenses shall be issued by the clerk upon the payment of a license fee of five dollars for spayed or neutered dogs or twenty-five dollars license for all others. To be paid on or after the first day of the year and said license shall expire on the last day of the year. Before a license is issued, the owner shall provide proof that the dog has been vaccinated against rabies for the period for which the license is to be issued. This provision shall not apply to non-residents temporarily within the town and a license shall be issued without charge to properly trained “seeing-eye” dogs actually being used by blind persons for the purpose of aiding them in getting from place to place.

**Section 6-3-3                      Tags and Collar**

Upon payment of the license tax, the town clerk shall issue to the owner a license tag and a receipt for each dog. The tag shall be stamped thereon with the year for which it was issued and the number corresponding with the receipt. Every owner shall be required to provide each dog with a collar to which the license tag may be affixed. In case a dog tag is lost or destroyed, a duplicate will be issued by the town clerk upon presentation of a receipt showing payment of the license tax for the current year and a payment of fifty cents for each duplicate. Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license tag because of the death of the dog or the owner leaving town before expiration of the license period.

**Section 6-3-4                      Restriction on Dogs Running at Large and Limiting Number kept on a Single Premises.**

- A. No dog shall be allowed to run at large that is:
  - 1. Not properly trained.
  - 2. A female during mating season.
  - 3. A nuisance.
  - 4. Dangerous, vicious or fierce.
  
- B. No household shall keep more than two dogs and two cats, four months of age or older, on a single premise.
  
- C. Any dog in violation of the aforesaid restrictions in the judgment of any law enforcement officer or upon complaint by any person shall be impounded.

**Section 6-3-5                      Impounding and Redemption**

It shall be the duty of every law enforcement officer under the jurisdiction of the town to apprehend any dog running at large under the conditions as set forth in Section 6-3-4 and to impound such dog in a suitable pound as may be designated by the council.

The pound master or his designee will record the breed, color and sex of each dog and license number if licensed and shall notify the owner if known by telephone or by mail of the impoundment. The owner of any dog impounded may reclaim, such dog upon payment of license fee and will be assessed the following fees: fifty dollars no license, ten dollars not vaccinated and ten dollars no collar. Plus all fees to bring animal current and all normal charges for impounding and maintaining the dog.

**Section 6-3-6                      Disposing of Unclaimed Dogs or Infected Dogs**

It shall be the duty of the pound master or designee to keep all dogs so impounded for a period of three days and if at the expiration of three days from the date of notice if applicable, it shall be destroyed, if not redeemed. Any unlicensed dog required by law to be licensed or any dog which appears to be suffering from rabies or any other infectious disease or is of a dangerous or vicious nature shall not be released but shall be destroyed.

**Section 6-3-7                      Barking Dogs**

No person shall keep or harbor a dog which habitually barks or cries.

**Section 6-3-8                      Disposition of Biting Dogs or Other Animals**

It is unlawful for any person to destroy or dispose of any dog or other biting animal which has bitten any person for a period of seven days if the animal has been vaccinated against rabies and ten days for animals not having been vaccinated after such biting. When any dog or other biting animal bites any person it shall be impounded and quarantined in the designated town pound for a period of seven days if the animal has been vaccinated and ten if the animal has not been vaccinated for observation for rabies. The owner shall be responsible for any and all expenses incurred for such impoundment and quarantine.

**Section 6-3-9                      Interference with Officers**

It is unlawful for any unauthorized person to break open the pound or to attempt to do so or to take or let out any dogs therefrom, or to take or attempt to take from any officer any dog taken up by him in compliance with this article or in any manner to interfere with or hinder such officer in the discharge of his duties under this article.

**Section 6-3-10                    Muzzling Proclamation**

Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the mayor 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 in such proclamation shall be killed by the police without notice to the owner.

**Section 6-3-11 Kennels**

Kennel, shall be a site for the use of harboring, keeping or maintaining dogs for any of the following purposes:

- a. To breed and/or promote for sale more than an aggregate of five (5) litters or twenty (20) dogs per year;
- b. To use more than two (2) dogs, two (2) cats or other household pets for remuneration;
- c. To train and/or breed more than two (2) dogs and two (2) cats;
- d. Veterinary hospitals that board pets not being treated at the facilities.

Kennels will not be allowed within the Town Limits. At no time shall any person or corporation maintain a facility for the purpose of sale or boarding of dogs or any other biting animal within the Town Limits.

**Section 6-3-12 Liability for Dog Bites and Property Damages**

- A. The owner of any dog which bites a person when the person is in or on a public place or lawfully in or on a private place including the property of the owner of the dog is liable for damages suffered by the person.
- B. That owner of a dog shall be liable for damages to real and personal property caused by actions of said dog.

## Chapter 7- Building

<b>ARTICLE 7-1</b>	<b>BUILDING CODE</b>
<b>ARTICLE 7-2</b>	<b>ELECTRICAL CODE</b>
<b>ARTICLE 7-3</b>	<b>MECHANICAL CODE</b>
<b>ARTICLE 7-4</b>	<b>PLUMBING CODE</b>
<b>ARTICLE 7-5</b>	<b>BUILDING OFFICIALS</b>
<b>ARTICLE 7-6</b>	<b>UTILITY HOOK-UPS</b>
<b>ARTICLE 7-7</b>	<b>BUILDING INSPECTIONS</b>
<b>ARTICLE 7-8</b>	<b>RESIDENTIAL CODE</b>
<b>ARTICLE 7-9</b>	<b>UNIFORM FIRE CODE</b>
<b>ARTICLE 7-10</b>	<b>FUEL GAS CODE</b>
<b>ARTICLE 7-11</b>	<b>EXISTING BUILDING CODE</b>
<b>ARTICLE 7-12</b>	<b>SEWER SERVICE TAPS</b>

### **ARTICLE 7-1     BUILDING CODE**

#### **Section 7-1-1                   Adoption of the International Building Code; Amendments**

That certain code entitled International Building Code, 2009 edition is hereby adopted as the Building Code of the Town of Pima and made a part of this chapter, the same as though said code was specifically set forth in full herein; and at least one copy of said code, shall be filed in the office of the Town Clerk and kept available for public use and inspection.

#### **Section 7-1-2                   Must Conform to Zoning Ordinance**

Prior to a building permit being issued and or a building inspection performed, such Plans or building must conform to the provisions of the Zoning Ordinance of the Town of Pima in addition to the provisions of this chapter.

### **ARTICLE 7-2     ELECTRICAL CODE**

That certain code entitled International Electrical Code (70), 2011 Edition, published by the National Fire Protection Association, is hereby adopted as the Electrical Code of the Town of Pima, and made a part of this chapter, the same as though said code was specifically set forth in full herein; and at least one copy of said code, shall be filed in the office of the Town Clerk, and kept available for public use and inspection.

### **ARTICLE 7-3     MECHANICAL CODE**

That certain code entitled International Mechanical Code, 2009 Edition, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, is hereby adopted as Mechanical Code of the Town of Pima, and made a part of this chapter, the same as though said code was specifically

set forth in full herein; and at least one copy of the said code, shall be filed in office Town Clerk, and kept available for public use and inspection.

#### **ARTICLE 7-4 PLUMBING CODE**

That certain code entitled International Plumbing Code, 2009 Edition published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, is hereby adopted as the Plumbing Code of the Town of Pima, and made a part of this chapter, the same as though said code was specifically set forth in full herein; and at least one copy of said code, shall be filed in the office of the Town Clerk, and kept available for public use and inspection.

#### **ARTICLE 7-5 BUILDING OFFICIALS**

The Building Official's administrative and oversight authority may be referenced in any section of this chapter for all matters pertaining to construction or inspections, and is vested and authorized by the Council in the office of the Town Manager. The Council shall authorize such deputies, as required, to assist the Town Manager in these specific responsibilities. The Council shall have final authority in variances to the Town of Pima Building Codes.

#### **ARTICLE 7-6 UTILITY HOOKUPS**

It is unlawful for any person or firm to apply for or provide utility service to any new building or any mobile home, remodeled or relocated structure in the town without first applying for and receiving a valid building permit for the building structure, mobile home, or remodeled or relocated structure to which the utility hook-ups is to be provided.

#### **ARTICLE 7-7 BUILDING INSPECTIONS**

Building inspection shall be conducted to determine compliance with the Building codes, a minimum of:

1. Footings/foundations/slabs
2. Mechanical
3. Electrical
4. Plumbing
5. Final

Any such inspection shall be performed by the Building Administrator or his deputies and shall be subject to such fees and enforcement provisions as provided by Chapter 12 of this code. (Added Ordinance. #64, Aug.7, 1979) and amended by Resolution No. 2013-1, dated and passed on February 5, 2013.

#### **ARTICLE 7-8 RESIDENTIAL CODE**

That certain code entitled International Residential Code, 2009 Edition published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, is hereby adopted as Residential Code of the Town of Pima, the same as though said code was specifically set forth in full herein; and at least one copy of said code, shall be filed in the office of the Town Clerk, and kept available for public use and inspection.

**ARTICLE 7-9 UNIFORM FIRE CODE**

The 2009 Edition of that certain code and standards known as International Fire Code and International Fire Code Standards published by the National Fire Protection Association (NFPA) and the International Conference of Building Officials, is hereby adopted and made a part of this chapter for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, and made a part of this chapter, the same as though said code was specifically set forth in full herein; and at least one copy of said code, shall be filed in the office of the Town Clerk, and kept available for public use and inspection.

**ARTICLE 7-10 FUEL GAS CODE**

That certain code entitled International Fuel Gas Code, 2009 Edition published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials (IAPMO), is hereby adopted as Fuel Gas Code of the Town of Pima, and made a part of this chapter, the same as though said code was specifically set forth in full herein; and at least one copy of said code, shall be filed in the office of the Town Clerk, and kept available for public use and inspection.

**ARTICLE 7-11 EXISTING BUILDING CODE**

That certain code entitled International Existing Building Code, 2009 Edition published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, is hereby adopted as the Existing Building Code of the Town of Pima, and made a part of this chapter, the same as though said code was specifically set forth in full herein; and at least one copy of said code, shall be filed in the office of the Town Clerk, and kept available for public use and inspection.

**ARTICLE 7-12 SEWER SERVICE TAPS**

1. All projects requiring only a sewer tap require an application form for a permit.
2. All tie-ins to the active sanitary sewer system shall be made only after the completion of the new work and specific approval has been received from the Public Works Director or designee.
3. The minimum tap sizes shall be set based on the land use being served by the lateral as shown in Table 7-12-1.

**Table 7-12-1 Minimum Sewer Tap Sizes**

<b>Tap Function</b>	<b>Tap Size (inches)</b>
<b>Residential Lot</b>	<b>4</b>
<b>Commercial Lot</b>	<b>6</b>
<b>Multi Family Lot</b>	<b>6</b>

**CHAPTER 8 – BUSINESS**

**ARTICLE 8-1 BUSINESS LICENSE TAX**

**ARTICLE 8-1 BUSINESS LICENSE TAX**

- 8-1-1 License required**
- 8-1-2 Issuance of License**
- 8-1-3 Payment**
- 8-1-4 Posting of License**
- 8-1-5 Inspection of Licenses**
- 8-1-6 Duties of Inspection of Licenses**
- 8-1-7 License Not Transferable**
- 8-1-8 License for Agents**
- 8-1-9 Deliveries Within Town**
- 8-1-10 Exemption**
- 8-1-11 Business License Fee**

**Section 8-1-1 License Required (Sec. 9-101 (1) )**

It is unlawful for any person to carry on any trade, calling, profession, occupation or business specified in this article without having procured a license from the Town of Pima and without complying with any and all regulations of such trade, calling, profession, business or occupation specified in this article.

**Section 8-1-2 Issuance of License (Sec. 9-101 (2) & Sec. 9-102 (1) )**

- A. It shall be the duty of the Town Clerk to prepare and to issue a license under this article for every person, firm, company, or corporation liable to pay a license hereunder and to state in each license the amount thereof, the period of time covered, the name of the person, firm or corporation for whom issued, the trade, calling, profession, occupation or business licensed and the location or place of business of said trade, calling, profession, occupation or business.
- B. In no case shall any mistake of the clerk in stating the amount of a license prevent or prejudice the collection for the town of what shall be actually due from anyone carrying on a trade, calling, profession, occupation or business, subject to license under this article.

**Section 8-1-3 Payment (Sec. 9-102 (2), Sec. 9-103 & Sec. 9-105)**

- A. All business license taxes shall be paid in advance at the office of the clerk or in such a manner as may be specified by the clerk. Payment of the annual license fee is due on the first day of January. Such licenses shall expire on the last day of December of each year.
- B. Every person engaged in more than one business in the same location for which

license fees are provided in this article shall pay the highest fee which is established for any of the businesses in which he is engaged at such location, except that a grocery store selling alcoholic beverages shall pay fees both as a grocery store and a liquor sales establishment.

- C. No greater or less amount of money shall be charged or received for any license than is provided for in this article, and no license shall be issued for any period of time other than as provided in this article.

**Section 8-1-4            Posting of License**

- A. Every person, firm, company or corporation having a license under the provisions of this article and carrying on a trade, calling, profession, occupation or business at a fixed place of business shall keep such license posted and exhibited, while in force, in some conspicuous part of the place of business.
- B. Every person having such a license and not having a fixed place of business shall carry such license with him at all times while carrying on the trade, calling, profession, occupation or business for which the same was granted.
- C. Every person, firm, company or corporation having a license under the provisions of this article shall produce and exhibit the same when applying for a renewal thereof and whenever requested to do so by any police officer or by any other officer authorized to issue, inspect or collect licenses.

**Section 8-1-5            Inspection of Licenses                            (Sec. 9-107)**

- A. The town treasurer shall be inspector of licenses for the town, and all police officers of the town are hereby appointed assistant inspectors of licenses, and in addition to their several duties as police officers, are hereby required to see that such licenses are obtained.
- B. Each police officer, as such assistant inspector of licenses, shall report to the Town Clerk the name of all such person, firms, companies, or corporations doing business without a license, immediately upon the facts coming to his knowledge.

**Section 8-1-6            Duties of Inspector                            (Sec. 9-108)**

- A. The Town Clerk in the discharge and performance of his official duties and all regular police officers shall have and exercise the power:
  - 1. To make arrests and to cause complaints to be filed against all persons violating the provisions of this article.
  - 2. To enter free of charge at any time any place of business for which a license is required by this article and to demand the exhibition of such

license for the current term from any person engaged or employed in the transaction of any such business. It is unlawful for such person to fail to exhibit such license when requested to do so.

- B. It is hereby made the duty of the Town Clerk or of the town police to cause complaints to be filed against all persons violating any of the provisions of this chapter.
- C. When any license fee provided for herein shall become delinquent, the Town Clerk shall, on the day the same becomes delinquent, add thereto an amount equal to twenty five percent of the total amount of said delinquent fee as a penalty, and no receipts shall be issued by said town treasurer until the fee so delinquent and the penalty added thereto have been paid in full.

**Section 8-1-7                      License Not Transferable                      (Sec. 9-109)**

No license granted or issued under the provisions of this article shall be in any manner assignable or transferable to any other person, firm, company or corporation, other than is therein mentioned or named, without permission from the council.

**Section 8-1-8                      License for Agents                      (Sec. 9-110 & Sec. 9-112)**

- A. Where the person, firm, company, or corporation above (employer) does not obtain a license as described herein because their office or location is not present within the jurisdictional limits of the Town of Pima, agrees with any other person/business/agent/salesman/solicitor/peddler/drummer, (employee), to act as their agent whether by wage, commission, or otherwise, and the employee attempts to do any commercial activity within the town limits of the Town of Pima, the agent/employee is required to obtain their own license as described herein.
- B. Commercial Activity, means – but not limited to; contact homes, businesses, individuals or purchasers by any means, to engage them in buying, selling, soliciting, servicing, giving away, raffling, etc., and includes profit, non-profit, charity, donations, and other organizations.
- C. The agent/employee shall provide a letter of reference and good-standing from the employer, dated within 30 days prior to the application as an attachment to their license application.
- D. The employee shall provide a letter/statement that their status with the employer has not changed since the date of the reference letter and that if/when the status of employment does change, an update will be provided by the employee to the Town of Pima within 10 days.

- E. EXCEPTION: Where the applicant is known to reside locally (so contact can be made later if needed), and the purpose of the commercial activity is strictly fundraising for local non-profit causes, and no wages, commissions, or gifts are paid to any individual, and all funds raised go either to purchase the product or to the local organization, and the activity/public contact is limited in time and duration, this Section does not apply, except that a letter of reference and good-standing from the organization, containing the names of each agent is still required, along with the dates of the public contact. Further, exceptions of 8-1-8 (5) extend to licensing and fees otherwise required by Article 8.

**Section 8-1-9                      Deliveries Within Town                      (Sec. 9-111)**

For the purposes of this chapter, making deliveries within the town from a plant or establishment located outside the town limits shall constitute doing business within the town.

**Section 8-1-10                      Exemption**

Any person wishing to sell any form of agricultural product produced by himself within the town shall be exempt from paying any license tax under this article for the privilege of selling such products only. Before receiving the exemption, an affidavit of the facts entitling the seller to an exemption must be filed with the clerk.

**Section 8-1-11                      Business License Fees**

- A. All businesses, occupations, professions, trades or callings shall pay a license tax annually of fifty dollars, unless otherwise specified in this section. All in-home businesses shall pay a license tax annually of twenty-five dollars, unless otherwise specified in this section.
- B. Any temporary business will be charged \$10.00 per day with the exception of the following specified businesses, occupations, trades or callings listed below.

Carnivals	\$100.00 per day
Circus	\$100.00 per day
Junk Dealers	\$10.00 per day

**Section 8-1-12                      Sales Tax**

- A. All applicable sales tax will be paid to Arizona Department of Revenue per state law and regulations.
- B. The transactions taxable and exempt from taxation shall be according to the schedule set forth in the Arizona Revised Statutes except that the sale of food shall not be exempt.

## CHAPTER 9 - HEALTH AND SANITATION

### Article 9-1 GARBAGE AND TRASH COLLECTION

#### 9-1-1 Definitions

#### 9-1-2 Collection Hours

#### 9-1-3 Rates

#### 9-1-4 Non-Use of Town Service

#### 9-1-5 Twice Weekly Collection Required

#### Section 9-1-1 Definitions

In this chapter unless the context requires otherwise:

- A. "Garbage" means all putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- B. "Refuse" means all garbage and trash.
- C. "Trash" means all nonputrescible solid wastes.

#### Section 9-1-2 Collection Hours

The hours of collection of refuse shall be designated by the Council.

#### Section 9-1-3 Rates

The Council may from time to time fix rates and classifications for garbage and trash collection within the town and shall make such other rules and regulations as may be necessary to properly administer and enforce this chapter. All monies collected by the town for garbage and trash service shall be deposited in the general fund.

#### Section 9-1-4 Mandatory Environmentally Safe Collection (Ord. 97)

All residents of the town shall pay the contractor with whom the Town has contracted for environmentally safe collection the fees as set forth in the agreement of the Contractor with Town as the same may be adjusted from time to time. A resident who wishes to provide for the collection of refuse by a means other than the utilization of the Contractor may do so, but must nonetheless pay the fee to the contractor and shall make provision for collection in a manner that shall meet or exceed the standards established by the Town Code, Federal Law and Arizona Law. Failure to pay collection fee shall be a Class Three Misdemeanor and each month for which fees are not paid shall constitute a separate offense. The Town has a duty to provide for the collection and disposal of garbage and refuse; it has contracted with and intends to fulfill its duty through

this means and has provided the manner of paying for the same through the collection of a fee and the imposition of penalties as provided herein.

**Section 9-1-5 Twice Weekly Collection Required (Ord. 55)**

It is unlawful for any owner, tenant, lessee, occupant or person in possession of any building, structure or premises within the town to fail to provide for the disposal of his garbage not less than two times weekly, either by the town or by means other than provided by the town.

**Article 9-2                      Preparation of Refuse for Collection**

- 9-2-1 Preparation of Refuse**
- 9-2-2 Location for Pick Up**
- 9-2-3 Lids and Covers**
- 9-2-4 Use of Containers**
- 9-2-5 Prohibited Substance**

**Section 9-2-1 Preparation of Refuse**

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

- A. Garbage. The contractor with whom the town has made an agreement for collection (“the contractor”) shall furnish 90-gallon capacity containers for the accumulation, storage and collection of all garbage. Such containers shall be tightly covered and be of rust-resistant metal or plastic and shall have handles on the outside. Any additional container used by the resident shall not exceed a maximum capacity of 30-gallons and when loaded for collection shall not exceed 50 pounds in weight. Such containers found to be no longer serviceable through disrepair or maintained in an unsanitary condition may be condemned by the town for further use. Notice of such condemnation shall consist of a tag not less than five inches by eight inches in size affixed to the container, which tag shall contain the following wording: “The container to which this label is attached is no longer serviceable through disrepair or is maintained in an unsanitary condition, and for that reason it is condemned for further use. This label is notice that it is condemned for further use. This label is notice that the receptacle will be removed and destroyed by the town unless replaced or placed in a satisfactory condition within fifteen days from its date. You may request a hearing as to the condition of the receptacle by calling telephone # \_\_\_\_\_, or by writing to \_\_\_\_\_ at the following address. If you request a hearing, the receptacle will not be destroyed until completion of the hearing and a determination by the hearing officer. If you do not request a hearing, the receptacle will be destroyed after fifteen days from the date of this notice. Date this \_\_\_ day

of \_\_\_\_\_, 20\_\_\_. Town of \_\_\_\_\_, by authorized signature.”

All garbage must be wrapped in paper or placed in paper or plastic bags and sealed, which will prevent flies from laying eggs, or if eggs are laid, will keep the maggots from migrating out of the garbage and will also keep garbage from accumulating in the bottom of cans, thereby reducing odors and additional fly breeding material. The bags, as above described, must then be stored in containers with lids, which will prevent dogs and cats from ripping open the bags and scattering the contents and will also prevent the bags from breaking during collection. The containers must meet the requirements as set forth in the Arizona Administrative Code R18-8-508.B.

- B. Trash. Trash shall be placed in containers or tied in bundles by the customer and set out for collection. Containers may be garbage containers as described above or boxes not exceeding three square feet by four feet deep. In any event, the weight of a loaded container or bundle shall not exceed fifty pounds. Customers wishing to retain disposal boxes should mark the box “SAVE” in a readily seen manner.
- C. Brush. Brush shall be cut into such a size that one person can readily load the individual pieces into a truck or chipper, shall be piled in neat order with all long branches parallel to one another and shall have all metal or foreign materials removed to facilitate chipping.
- D. Building Materials. All owners, contractors and builders of structures shall, upon the completion of any structure, gather up and haul away, at their sole cost and 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 establishment which by the nature of its operations creates an unusual amount of by-product refuse may be required by the town to dispose of its own wastes.
- F. Dangerous Waste. Dangerous wastes shall be placed in a proper container plainly marked “DANGER”. The town 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.

**Section 9-2-2 Location for Pick up**

All refuse prepared for collection shall be placed at the rear of the lot, at the edge of the alley and in an easily accessible manner, providing such alley exists and is used as a refuse collection route. All containers and piled of refuse shall be so located as to not block the alley, sidewalk or gutter or otherwise be a hazard to pedestrian or vehicular traffic. Cans may be on streets and alleys for a reasonable time on the day of pick up.

**Section 9-2-3 Lids and Covers**

The lids or covers of all container 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.

**Section 9-2-4 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.

**Section 9-2-5 Prohibited Substances (Ord. 55)**

No person shall place or cause to be placed in any garbage can or cans any dead animal or any human or animal excrement.

**Article 9-3 DISPOSAL OF GARBAGE AND TRASH**

**9-3-1 Vehicles and Receptacles to be spill proof**

**9-3-2 Spilled Refuse**

**9-3-3 Dumping Refuse**

**Section 9-3-1 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 town any garbage, unless such garbage is contained in strong watertight vehicles with watertight receptacles constructed to prevent any such garbage from falling, leaking or spilling and any odor from escaping.

**Section 9-3-2 Spilled Refuse**

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

### **Section 9-3-3 Dumping Refuse**

It is unlawful for any owner, tenant, lessee, occupant or person in possession of any building, structure or premises within the town to dispose of his garbage and trash at other than a dump approved by the town for such purpose.

## **Article 9-4            REMOVAL OF LITTER**

- 9-4-1 Definitions**
- 9-4-2 Litter on Private Property**
- 9-4-3 Owner to Maintain Premises**
- 9-4-4 Procedure to Compel Removal of Litter**
- 9-4-5 Notice to Remove**
- 9-4-6 Service of Notice**
- 9-4-7 Appeal to Council**
- 9-4-8 Removal by Town**
- 9-4-9 Lien for Removal**
- 9-4-10 Placement of Litter**

### **Section 9-4-1 Definitions**

In this chapter unless the context requires otherwise:

- A. “Litter” means any rubbish, trash, weeds, filth and debris which constitute a hazard to public health and safety and shall include all putrescible and non putrescible solid wastes including garbage, trash, ashes, street cleaning, dead animals, abandoned automobiles and solid market and industrial waste; and deposit, accumulation, pile or heap of brush, grass, debris, weeds, cans, cloth, paper, wood, rubbish or other unsightly or unsanitary matter of any kind whatsoever; and any growth of weeds, brush, grass or other vegetable growth to a height of over six inches.
- B. “Private premises” means any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps or vestibules belonging or appurtenant to such dwelling, house, building or other structures.
- C. “Public place” means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, grounds and buildings.

### **Section 9-4-2 Litter on Private Property**

No person shall throw or deposit litter on any occupied or unoccupied private property within the town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place.

### **Section 9-4-3 Owner to Maintain Premises**

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

### **Section 9-4-4 Procedure to Compel Removal of Litter**

The clerk shall enforce the provisions of Section 9-4-2 and 9-4-3 hereby by prosecuting violators of said section in the Pima Police court pursuant to the criminal provisions of this code. If such prosecution fails to secure compliance with the provisions of said sections or in the event of inability to prosecute violators by reason of failure to secure jurisdiction over their persons, the clerk shall compel the removal of litter by the procedure outlined in Section 9-4-5 through 9-4-9 hereof.

### **Section 9-4-5 Notice to Remove**

To compel the removal of litter through the provisions of this section and of Section 9-4-6, 9-4-7, 9-4-8 and 9-4-9 hereof, if a person owning or controlling any property fails neglects or refuses to remove or properly dispose of litter located on property owned or controlled by such person, he shall be given written notice by the clerk to remove all litter from such property within thirty days from the date the notice was received by him and prior to the date of compliance on the notice. Such date set thereon for compliance and shall contain an estimate of the cost of removal by the town, a statement that unless the person owning or controlling such property complies herewith the town will, at the expense of the person owning or controlling said property. Perform the necessary work at a cost not to exceed the estimate given in the notice, and that such person may appeal in writing to the council within thirty days from the date the notice is received by him and prior to the date of compliance.

### **Section 9-4-6 Service of Notice**

Notice shall be personally served on the owner or person controlling such property by a police officer of the town in the manner provided in Rule 4(d) of the Arizona Rules of Civil Procedure, or mailed by certified or registered mail to the owner or person controlling such property at his last known address 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 or registered mail at his last known address.

#### **Section 9-4-7 Appeal to Council**

Prior to the date set for compliance on the notice, the owner or person controlling such property may appeal in writing to the council from the demand of the clerk. The council shall, at its next regular meeting after receiving the appeal, hear and determine the same and the decision of the council shall be final. The council may either affirm or reverse the decision of the clerk or modify the scope of the work as required in the notice.

#### **Section 9-4-8 Removal by Town**

When any such person to whom notice, as provided in this article, has been given, and on or before the date of compliance on the notice, or within such further time as may have been granted by the Council on appeal, fails, neglects or refuses to move from such property any or all later, and the clerk is authorized and directed to cause same to be removed and disposed of at the expense of the owner or person controlling such property. Upon completion of the work, the clerk shall prepare a verified statement of account of the actual cost of such removal of space or abatement, the date the work was completed and the street address and legal description of the property on which said work was done, including five percent for additional inspection and other incidental costs in connection therewith, and shall serve a duplicate copy of such verified statement upon the person owning or controlling such property in the manner prescribed in section 9-4-6. The owner or person service upon him to appeal in writing to the council from the amount of the assessment is contained in the verified statement. If an appeal is not filed with the clerk within such 30-day period, then the amount of the assessment as determined by the clerk shall become final and binding if an appeal is taken, the council shall, at its next regular meeting, 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 the council shall be final and binding on all persons.

#### **Section 9-4-9 Lien for Removal**

Is no appeal is taken from the amount of the assessment, or if an appeal is taken in the council has affirm or modify 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 liens shall be subject and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. A sale of the property to satisfy lien obtained under the provisions of this section shall be made upon judgment of foreclosure order of sale. The town shall have

the right to bring an action to enforce the lien in the Superior Court at any time after the recording of the assessment, but failure to enforce the lien 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. A prior assessment for the purposes provided in this section shall not be a bar to subsequent assessment or assessments for such purposes, and any number of liens in the same lot or tract of land may be enforced in the same action.

**Section 9-4-10            Placement of Litter**

It is unlawful for any person to place any litter, rubbish, trash, filth or debris upon any private or public property not owned or under the control of said persons. In addition to any fine which may be imposed for violation of any provision of this section, such person shall be liable for all costs which shall be assessed pursuant to this article for the removal of said the rubbish, trash, filth or debris.

**Article 9-5**

**SEWER**

- 9-5-1    Purpose**
- 9-5-2    Rates**
- 9-5-3    Lien**
- 9-5-4    Persons Responsible**
- 9-5-5    Compliance**
- 9-5-6    Tap in Fees**
- 9-5-7    Industrial Waste, Harmful Substances, and  
          Inflow Sources**
- 9-5-8    Required Use**
- 9-5-9    Legal Action**
- 9-5-10   Penalty**
- 9-5-11   Severability**
- 9-5-12   Rules and Regulations**
- 9-5-13   Emergency and Effective Date**

**Section 9-5-1 Purpose**

The purposes of this ordinance are:

- A. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sledge and/or effluent.
- B. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into

receiving waters or the atmosphere or otherwise be incompatible with the system.

- C. To improve the opportunity to recycle and reclaim wastewater and sledge is from the system.

### **Section 9-5-2 Rates**

- A. Sewer User Fee Charging System. The town of Pima, Arizona wastewater treatment works is primarily flow dependent. Therefore, the following formula is used to calculate user charges:

$$C_u = (C_t/V_t) V_u$$

Where  $C_t$  = Total operation and maintenance (O&M) costs per unit of time.

$C_u$  = A user's charge for O&M per unit of time.

$V_u$  = Volume contribution from all users per unit of time.

$V_t$  = Total volume contribution from all users per unit of time.

In the event BOD, suspended solids, or other pollutant concentrations from a user exceeds the range of concentration of these pollutants in normal domestic sewage, a surcharge added to the base charge (above) will be levied. The surcharge will be computed by the formula below:

$$C_s = [B_c(B) + S_c(S) + P_c(P)]V_u$$

Where  $C_s$  = A surcharge for wastewater said excessive strength.

$B_c$  = O&M cost for treatment of a unit of biochemical oxygen demand (BOD).

$B$  = concentration of BOD from a user above a base level.

$S_c$  = O&M cost for treatment of a unit of suspended solids.

$S$  = Concentration of SS from a user above a base level.

$P_c$  = O&M cost for treatment of a unit of any pollutants.

$P$  = Concentration of any pollutants from a user above a base level.

$V_u$  = Volume contribution from a user per unit of time.

- B. Biennial Review

The Town Council will review not less often than every two years the wastewater contribution of users and user classes, the total cost of operation and maintenance of the treatment works, and its approved user charge system. The council shall revise the charges for users or user classes to accomplish the following:

1. Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;

2. Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and
3. Apply excess revenue collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

C. Notification of Users

Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

D. Inconsistent Agreements

The town of Pima, Arizona may have pre-existing agreements which address:

1. The reservation of capacity and the town's treatment works; or
2. The charges to be collected by the town in providing wastewater treatment services or reserving capacity.

The user charge system shall take precedence over any terms or conditions of agreements or contracts between the grantee and users (including industrial users, special districts, other municipalities, or federal agencies or installations) which are inconsistent with requirements of Section 204(b) (1)(A) of the act and these regulations.

E. Sewer User Charges Set by Resolution

The town council, town of Pima, Arizona, shall establish sewer use charges as set forth by this ordinance. Said sewer use charges shall be reviewed on biennial basis as set forth above and can be changed by adoption of the new resolution for the press S.U.C. after each review. The initial rates and classifications are as established by Council resolution #151, adopted on the third day of November, 1981, in which resolution shall by this reference be incorporated herein.

**Section 9-5-3 Lien**

- A. Establishment of Liens. In the event the charges for sewerage service are not paid within 90 days after rendition of the bill for such service such charges shall be deemed and are hereby declared to be to

delinquent and thereafter such delinquency shall constitute a lien upon the real estate for which such service is supplied, pursuant to the requirements of A.R.S. 9-511.01 and 9-511.02, and the town clerk is hereby authorized and directed to file sworn statements of claim of lien showing such delinquencies in the office of the county recorder. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the town claims a lien for this amount, as well as for all charges subsequent to the period covered by the bill. This statement shall be mailed to the occupant of the premises. If the occupant is not the owner of the premises, and the clerk has notice of this, the notice shall also be mailed the owner of the premises, if this address is known to the clerk. The failure of the clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for unpaid bills.

- B. Foreclosure of Lien. Property subject to a lien for unpaid sewer charges shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as in the case of the foreclosure of statutory liens. Such foreclosure shall be by proceedings in the name of the town. The town attorney is authorized and directed to institute such proceedings, in the name of the town, in the court having jurisdiction over such matters, against any property for which a sewer bill has remained unpaid 90 days after it has been rendered pursuant to the requirements of A.R.S. 9-511.01 and 9-511.02 .
- C. Notice. After the effective date of this ordinance, a copy properly certified by the town clerk shall be filed in the office of the County recorder and it shall be deemed notice to all owners of real estate of their liability for sewerage service supplied to their property, and that unpaid charges become a lien upon the property.

#### **Section 9-5-4     Persons Responsible**

The rates and charges herein establish shall be collected from the owners, occupants and users of the premises within the town from and after the effective date of this ordinance.

#### **Section 9-5-5     Compliance**

All sewer pipes and connections to shall comply with envy design, constructed and installed in accordance with the provisions of the applicable statutes regulations, codes and ordinances and be subject to inspection by the town to verify compliance.

**Section 9-5-6     Tap-in Fees**

- A. Setting of fees. From and after the initial period of construction, the tap-in fee for hookups to the property line should be as established by the Town Council. The initial rate effective is fixed at \$1200 plus the cost of any needed supplies. This same rate applies to taps of the property line of vacant lots during initial construction.
- B. Hardship. Despite any provision in any ordinance relating to fees to be paid before connecting the residents to sewer line, such tap-in fees shall be deferred and hardship cases as described in this section as follows:
1. Any person desiring to obtain a connection to a sewer without first pay the fee required by ordinance for such connection shall make a written application for deferral of the fee, or a form to be provided by the clerk. The application shall fully state the resources and income of the applicant and of each person over 18 years of age proposing to live in the premises to be connected.
  2. If the family income is below the level of poverty considering all of the persons in the household and the income of each person in the household, and if there are no other resources available to pay the tap-in fee, payment of the tap-in fee shall be deferred.
  3. Deferral of tap-in fee as provided herein shall not excuse the payment of the fee: Before any connection to the sewer system is made the owner of the premises to be connected shall execute a note secured by a mortgage on the real estate involved. The note shall provide for payment of the charge in installments with 10 percent interest on the unpaid principle. The mortgage shall provide that the amount due shall be paid in full upon the death of the original mortgagor or the sale or transfer of title of the property, whichever happens first. Upon the death of the original mortgagor or the sale, exchange, transfer or forced sale of the real estate, foreclosure action may be brought concerning any amounts remaining unpaid on the note, principle or interest.

**Section 9-5-7     Industrial Waste, Harmful Substances and Inflow Sources**

- A. Prohibited Substances. It shall be unlawful to permit or cause the flow of any of the following substances into the sanitary sewer system of the city:
1. Rainwater, storm water, ground water, street drainage, sub-surface drainage and yard drainage, including evaporative type air cooler discharge water. No inflow sources shall be connected to the sewerage system.

2. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, percolates, bromates, carbides, hydrides and sulfides and any other substances which the Town, State or EPA has notified the User is a fire hazard or a hazard to the system.
3. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing waste.
4. Any waste water having a pH less than 5.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and / or personnel of the system.
5. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the system, or to exceed the limitation set forth in a Categorical Pretreatment Standard.
6. Any noxious or malodorous is liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life are sufficient to prevent entry into the sewers for their maintenance and repair.
7. Any substance which may cause the system's effluent or any other product of the system such as residues, sledges, or scum, to be unsuitable for reclamation or reuse or interfere with the reclamation process.
8. Any wastewater having a temperature which will inhibit biological

activity in the system treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the system which exceeds 150°F unless the system treatment plant is designed to accommodate such temperature.

9. Any pollutants, including oxygen demanding pollutants released a flow and/or polluted concentration which a user knows or has reason to know will cause interference to the system.
10. Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the superintendent in compliance with applicable State or Federal regulations.
11. Any wastewater which causes a hazard to human life or creates a public nuisance.
12. Wastewater containing in excess of:
  - .10 mg / l arsenic
  - .10 mg / l cadmium
  - .10 mg / l copper
  - 1.0 mg / l cyanide
  - 1.5 mg / l lead
  - .01 mg / l mercury
  - 2.0 mg / l nickel
  - .10 mg / l silver
  - 1.5 mg / l total chromium
  - 2.0 mg / l zinc
  - 0.0 mg / l total identifiable chlorinated hydrocarbons
  - 20.0 mg / l phenolic compounds which cannot be removed by the town's wastewater treatment process.
  - 5.0 mg / l sulfides

B. Federal Categorical Pretreatment Standards. Upon the promulgation of the Federal Categorical Pretreatment Standard for particular industrial subcategory, the Federal standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance.

C. State Requirements. The state requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

D. Pretreatment and Interception. Every building or premises used or occupied by any sewer user or operations are conducted or permitted which result in the discharge into the sanitary sewer system of the town of

any of the products, waste products or other substances in this manner and to the extent prohibited in this ordinance, should be equipped with an adequate and suitable catch basin, grease trap, filter or other interceptor, installed in such a manner that the products, waste products or other substances. Set forth will not flow into or be discharged into the sanitary sewer system. Such interceptor to be built and operated at user's expense and to plans and specifications approved by the town. It's unlawful to permit the flow of waste from such building were premises into the sanitary sewer system unless such interceptor is installed and in good working order.

- E. Inspection and Sampling. The town may inspect the facilities of any user to a certain whether the purpose of this ordinance is being met at all requirements are being complied with. Persons or occupants of premises where wastewater is created discharged shall allow the town or its representatives ready access in all the reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties.

**Section 9-5-8**                    **Required Use**

In all areas of the town served by the sewage and wastewater collection facility, the owners of the property all within one year discontinue the use of septic tanks, cesspools, and other methods of disposal of sewage and shall connect to the collection system of the town of Pima to ensure the sanitary disposal of such waste and therefore promote the health and welfare of the inhabitants of the town hereof.

It shall be unlawful one year after the operational date of the sewage treatment plant for any person, occupants, or owner of the property served by the system to fail, refuse or neglect to dispose of sewage waste to the system.

**Section 9-5-9**                    **Legal Action**

If any person fails to comply with any provisions of this ordinance or discharges sewage, industrial wastes or other wastes into the town's wastewater disposal system contrary to the provisions of this ordinance, Federal or State pretreatment requirements or any order of the town, the town attorney may commence an action for appropriate legal or equitable relief to enforce compliance.

**Section 9-5-10**                    **Penalty**

Any violation of sections 9-5-5, 9-5-7, and 9-5-8 of this ordinance be a misdemeanor and punishable by fine of not more than \$300 or jail sentence of not more than 30 days or both.

**Section 9-5-11      Severability**

If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, remaining provisions, paragraphs, words, sections, and chapters should not be affected and shall continue in full force and effect.

**Section 9-5-12      Rules and Regulations**

The town may enact rules and regulations to implement this ordinance.

**Section 9-5-13      Emergency and Effective Date**

Whereas, it is necessary for the preservation of the public health, safety and welfare of the citizens of the town of Pima, an emergency is hereby declared to exist and the provisions of this ordinance shall become effective upon its passage and shall not be subject to the referendum provisions of the constitution and laws of the State of Arizona.

## Chapter 10 – Offenses

Section 10-1-1	Burning of Grass and Trash
10-1-2	Dangerous Construction
10-1-3	
10-1-4	Deposits of Injurious Material on Thoroughfares and Littering
10-1-5	Excavations to be Covered
10-1-6	Explosives
10-1-6a	Fireworks
10-1-7	False or Misleading Reports to Police
10-1-8	Furnishing Weapons and Other Articles to Prisoners
10-1-9	Keeping Bees
10-1-10	Keeping of Junk
10-1-11	
10-1-12	Curfew for Minors
10-1-13	Noise
10-1-14	Obstruction of Streets
10-1-15	Obstruction of View
10-1-16	Offensive Business
10-1-17	Offensive Premises
10-1-18	Offensive Water
10-1-19	Open Privy, Vault Cesspool or Well Prohibited
10-1-20	
10-1-21	Public Nuisances
10-1-22	Register to be Kept by Second Hand Dealers
10-1-23	
10-1-24	Signs and Banners
10-1-25	Spitting
10-1-26	Throwing or Shooting Arrows, Stones and Other Missile
10-1-27	
10-1-28	Water Flows Upon Streets
10-1-29	Weapons
10-1-30	Urinating
10-1-31	Fires
10-1-32	Glass
10-1-33	Alcohol
10-1-34	Unnecessary Squealing of Tires

*Any person in violation of any provision of this ordinance shall be guilty of a Class 1 Misdemeanor and upon conviction shall be sentenced to not more than 6 months in jail and pay a fine not to exceed \$2,500.*

**Section 10-1-1                      Burning of Grass and Trash**

It is unlawful for any person to kindle any grass fire for the purpose of weed abatement within the Town without first securing a written permit from the Arizona Department of Environmental Quality who shall issue such permit subject to any conditions imposed for the protection of life and property.

**Section 10-1-2                      Dangerous Construction**

It is unlawful for any person to maintain or allow any sign, billboard, awning or other similar structure over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as the endanger the public safety.

**Section 10-1-3**

**Section 10-1-4                      Deposits of Injurious Material on Thoroughfares  
And Littering**

It is unlawful for any person, either willfully and maliciously or carelessly and negligently, to drop, throw, place or scatter upon the street, alley, sidewalk or public place in the Town any nails, tacks, broken glass, glass bottles or any instrument or thing whatsoever of such nature as to be capable of injuring persons or property. It is unlawful for any person to throw or deposit any litter in or upon any street, alley, public grounds, school grounds, or church grounds or upon any private property not owned by such person.

**Section 10-1-5                      Excavations to be Covered**

- 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 Town without providing a sufficient light at night and a temporary fence or suitable obstruction around or in front of such excavation during the day.
  
- B. It is unlawful for any person to maintain a well, cellar, pit or other excavation of more than two feet in depth on any unenclosed lot without providing substantial curbing, covering or protection of such excavation.

**Section 10-1-6**

**Explosives**

It is unlawful for any person within the limits of the Town to blast or use powder, fireworks or other explosives without a permit in writing from the Chief of Police.

**Section 10-1-6a**

**Fireworks**

**Definitions:**

- A. The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
1. Consumer firework, means those fireworks defined by Arizona Revised Statutes Section 36-1601.
  2. Display firework, means those fireworks defined by Arizona Revised Statutes Section 36-1601.
  3. Fireworks, means any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, that is a consumer firework, display firework or permissible consumer firework as defined by Arizona Revised Statute Section 36-1601.
  4. Novelty items, means federally deregulated items that are known as snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices, sparklers, and certain toys as defined in Arizona Revised Statute 36-1601.
  5. Permissible consumer, fireworks means those fireworks as defined by Arizona Revised Statute Section 36-1601 that may be sold within the Town even where the use of those items has been prohibited.
  6. Supervised public display, means a monitored performance of display fireworks open to the public.
  7. Any term in the singular, includes plural connotations. Any term of “person” also includes any entity(s).

**Section 10-1-6b**                    **Fireworks prohibited; exceptions**

- A. The use, discharge or ignition of fireworks within the Town is prohibited except in the case of a licensed Pyrotechnic technician for the purpose of entertainment or celebration.
- B. Nothing in this section or article shall be construed to prohibit the use, discharge or ignition of novelty items or the occurrence of a supervised public display of fireworks.
- C. Permits may be acquired at the town hall for those that are licensed and conducting a properly supervised public display of fireworks. Every such display of fireworks shall be of such character and so located, discharged or fired, only after proper inspection and in a manner that does not endanger persons, animals, or property.

**Section 10-1-6c**                    **Sale of Fireworks**

- A. No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person who is under sixteen years of age.
- B. No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law.

**Section 10-1-6d**                    **Authority to enforce violations of this article; means of enforcement**

- A. The Fire Chief or designee, a Pima police officer or the town attorney may issue civil complaints to enforce violations of this article designated as civil offenses.
- B. Any person authorized pursuant to this section to issue a civil complaint may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil or criminal complaint.
- C. A Pima police officer or the Town Attorney may issue criminal complaints to enforce this article.

**Section 10-1-6e**

**Liability for emergency responses related to use of fireworks; definitions**

- A. A person who uses, discharges or ignites permissible consumer fireworks, fireworks or anything that is designed or intended to rise into the air and explode or to denote in the air or to fly above the ground, is liable for the expenses of any emergency response that is required as a result of such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation(s) of this article is prima facie evidence of liability for emergency response under this section.
  
- B. The expenses of an emergency response are chargeable against the persons responsible and/or participating pursuant to subpart A of this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities or not-for-profit entities that incurred an emergency response expense. The person's liability for the expense of an emergency response shall not exceed (\$2,000.00) for a single incident. The liability imposed for emergency response under this section is in addition to and not in limitation of any other liability that may be imposed, civilly or criminally any other party.
  
- C. For the purposes of this section:
  - 1. "Expenses of an emergency response" means reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to an incident.
  - 2. "Reasonable costs" includes the costs of providing police, fire, rescue and emergency medical services to the scene of an incident and the salaries of the persons who respond to the incident.

**Section 10-1-6f**

**Penalty**

The penalty for violating any prohibition or requirement imposed by this article is a class three misdemeanor unless another penalty is specifically provided for.

**Section 10-1-7**

**False or Misleading Reports to Police**

It is unlawful for any person willfully to make or to file with the Police Department of the Town any false, fraudulent, misleading or unfounded report or statement, or willfully to misrepresent any fact for the purpose of interfering with the operation of the Police Department or with the intention of misleading any Police Officer.

**Section 10-1-8**                      **Furnishing Weapons and Other Articles to Prisoners**

It is unlawful for any person to furnish or attempt to furnish or take into jail or to deliver or attempt to deliver to any prisoner therein confined, or in the custody of any officer, any weapon, tool, intoxicating liquors, drug or other article.

**Section 10-1-9**                      **Keeping Bees**

It is unlawful to keep or care for bees or maintain any stands or hives within the corporate limits of the Town.

**Section 10-1-10**                      **Keeping of Junk**

It is unlawful to store or keep any old article of materials which may be classed as junk adjacent to or in close proximity to any school, church, public park, public grounds, business buildings or residence without first providing proper and tight buildings for the storage of the same.

**Section 10-1-11**

**Section 10-1-12**                      **Curfew for Minors**

- A. It is unlawful for any person seventeen years old or under to idle or loiter upon the streets or public places of the Town between the hours of ten o'clock p.m. and six o'clock a.m. unless such person is accompanied by a parent, guardian or some person of lawful age having legal custody of such person.
- B. It is unlawful for any parent, guardian or other adult person having the care and custody of such person to encourage or allow such person to idle or loiter upon the street or public places between the hours of ten o'clock p.m. and six o'clock a.m. unless accompanied by such parent or guardian.
- C. The provisions of this section shall not apply when the person is upon an emergency errand, in the course of employment or legitimate business directed by his or her parent, guardian or other adult person having the care of custody of the person.

**Section 10-1-13**

**Noise**

- A. It is hereby declared to be a public nuisance and it is unlawful for any person, firm or corporation owning or operating or in control of any restaurant, hotel, dance hall, show, store or any place of public amusement, entertainment, accommodation, to play or permit to be played nay music or musical instrument or instruments whether played by individuals orchestra, radio, phonograph, music box or other mechanical device or means in such a loud or unusual manner as to be offensive to the senses, or so as to disturb the slumber, peace and quiet or otherwise interfere with or annoy the comfortable enjoyment of life or property of any person in the neighborhood and is no less a nuisance because the extent of the annoyance inflicted is unequal.
  
- B. It is unlawful to play, operate or use any devise known as a sound truck, loud speaker or sound amplifies, radio phonograph with loud speaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person is charge of such vehicle shall have first applied to and received permission from the chief of police to operate any such vehicle so equipped.
  
- C. It is unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise, and it is unlawful for any person operating any motor vehicle to use a cut-out, by-pass or similar muffler elimination appliance.
  
- D. The use of Jake Brakes or similar devices is prohibited as per Ordinance 122.
  - 1. “Engine Compression” means the action taken by the operator to reduce speed by activating a device on the vehicle in order to secure compression braking of the engine RMP, such as jake-brakes, exhaust brakes or similar devices.
  
  - 2. No person, establishment, corporation, or institution, shall use engine compression braking while operating a vehicle within the Jurisdictional limits of the Town of Pima.
  
  - 3. Any person, together with any owner or lessor of a motor vehicle, which violates any provision of this section shall be guilty of a Class I misdemeanor.
  
  - 4. It is a defense of ordinance 10-1-13.D that the driver was operating under emergency condition or was operating an emergency vehicle in actual emergency conditions.

**Section 10-1-14**                      **Obstruction of Streets**

It is unlawful for any person to obstruct any public street, alley, sidewalk or other public grounds within the Town by committing any act or doing anything which is injurious to the health or indecent or offensive to the senses, or to do in or upon any such streets, alleys, sidewalks, parks or other public grounds, any act or thing which is an obstruction or interference to the free use of property or with any business lawfully conducted by anyone, in or upon, or facing or fronting on any of such streets, alleys, sidewalks, parks or other public grounds in the Town.

**Section 10-1-15**                      **Obstruction of View**

It is unlawful for any person to maintain or allow any trees, hedge, billboard or other obstruction which prevents persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

**Section 10-1-16**                      **Offensive Business**

It is unlawful for any person to establish or maintain any slaughterhouse or make a practice of slaughtering cattle, hogs, sheep or any other kind of animal, or establish or maintain any soap factory, render tallow, or pursue, maintain or carry on any other business or occupation offensive to the senses or prejudicial to the public health within the limits of the Town.

**Section 10-1-17**                      **Offensive Premises**

It is unlawful for any person to suffer or permit any premises belonging to or occupied by him or any cellar, privy, vault, pool, sewer or private drain therein to become nauseous, foul or offensive to the senses or prejudicial to the public health or comfort.

**Section 10-1-18**                      **Offensive Water**

No filthy or offensive water shall at any time be poured, thrown, sprinkled, or put upon any street, ditch, land, court, square, alley, vacant lot or public place within the Town.

**Section 10-1-19**                      **Open Privy, Vault, Cesspool or Well Prohibited**

No open privy, vault, cesspool, or well shall be installed or maintained within the corporate limits of the Town.

**Section 10-1-20**

**Section 10-1-21**                      **Public Nuisances**

- A.     A public nuisance is a thing, act, occupation, condition or use of property which is injurious to safety, health or morals or which is indecent or offensive to the senses or which is an obstruction to the free use of property.
- B.     It is unlawful for any person to reuse or neglect to remove, abate or destroy any public nuisance.

**Section 10-1-22**                      **Register to be Kept by Second Hand Dealers**

Every pawnbroker, secondhand dealer, junk dealer or junk collector within the Town shall keep a well-bound book at his place of business, in which book a complete record of all transactions had by him shall be entered in the English language in a clear and legible manner at the time the transaction takes place. Such book shall contain a description of the items bought or sold, the name of the person buying or selling the item, and the date and time such transaction took place. Such book shall be available at all times for inspection by the Chief of Police or any Police Officer designated by the Chief of Police.

**Section 10-1-23**

**Section 10-1-24**                      **Signs and Banners**

It is unlawful for any person to place any banner or sign upon any street light pole, traffic signal pole or utility pole within the Town without first obtaining authorization from the Council.

**Section 10-1-25**                      **Spitting**

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

**Section 10-1-26**                      **Throwing or Shooting Arrows, Stones and Other Missiles**

It is unlawful for any person to throw or shoot any object, arrow, stone, snowball or other Missile or projectile by hand or by any other means in such a manner as to constitute danger to life, limb or property.

## **Section 10-1-27**

## **Section 10-1-28**

### **Water Flows Upon Streets**

- A. It is unlawful for any person to willfully or negligently permit or cause the escape or flow of water in such quantity as to cause flooding, or to impede vehicular or pedestrian traffic, or to create a hazardous condition to such traffic, or to cause damage to the public streets of the Town.
  
- B. It is unlawful for any person to willfully or negligently 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 Town through 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.

## **Section 10-1-29**

### **Weapons**

- A. It is unlawful for any person within the limits of the Town to fire or discharge any firearm, BB gun, air gun, pellet gun, dart gun, slingshot, gas operated gun or similar instrument.
  
- B. The prohibition of the proceeding subsection shall not apply to the use of any such gun or instrument by:
  - 1. A law enforcement officer or other duly authorized public official or employee in the performance of any official duty.
  - 2. Any person to whom a special permit or authority is issued by the Chief of Police of the Town for the use of such gun or instrument for a valid and proper purpose and for the use in a manner not likely to harm any person, animal or property.
  - 3. Any person when used in necessary self defense, in defense of property or person in a manner authorized by the laws of the State or within rights guaranteed by the constitution of the United States of America.
  - 4. Any person when on a properly supervised range or in an area recommended as a hunting area by the Arizona Game and Fish Department which has been approved and posted by the Chief of Police.

- C. It is unlawful for any minor to carry or possess firearms, providing exceptions, seizure and forfeiture, penalties, and declaring an emergency
1. An unemancipated person who is under eighteen (18) years of age, and who is unaccompanied by a parent, grandparent or guardian, or a certified hunter safety instructor or certified firearms safety instructor acting with the consent of the unemancipated person's parent or guardian shall not knowingly carry or possess on his person, within his immediate control, or in or on a means of transportation a firearm in any place that is open to the public or on any street or highway or on any private property except private property owned or leased by the minor or the minor's parent, grandparent or guardian.
  2. This section does not apply to a person who is fourteen (14), fifteen (15), sixteen (16) or seventeen (17) years of age and is any of the following:
    - a. Engaged in lawful hunting or shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.
    - b. Engaged in lawful transportation of an unloaded firearm for the purpose of lawful hunting.
    - c. Engaged in lawful transportation of an unloaded firearm between the hours of 5:00 a.m. and 10:00 p.m. for the purpose of shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.
  3. If the minor is not exempt under Subsection 2 of this Section and is in possession of a firearm, a peace officer may seize the firearm and hold it until the agency return the firearm to the parent or guardian or initiates forfeiture proceedings pursuant to Chapter 39 of Title 13, Arizona Revised Statutes.
  4. A person who violates Subsection 1 of this Section is an incorrigible child and shall be subject to the following penalties:
    - a. For an offense involving an unloaded firearm, a fine of not more than Two Hundred Fifty Dollars (\$250.00).
    - b. For an offense involving a loaded firearm, a fine of not more than Five Hundred Dollars (\$500.00).
  5. If the firearm is not returned to the parent or guardian pursuant to Subsection 3 of the Section, it shall be held by the law enforcement

agency responsible for the seizure until the charges have been adjudicated or otherwise disposed of and until the conclusion of any forfeiture proceedings. Upon adjudication of a person for a violation of this Section, the Court, in accordance with Chapter 39 of Title 13, Arizona Revised Statutes, shall order the firearm forfeited and sold, destroyed or disposed of otherwise.

6. If the Court finds that the parent or guardian of a minor found responsible for violating this Section knew of the minor's unlawful conduct and made no effort to prohibit it, the parent or guardian is jointly and severally responsible for any fine imposed pursuant to this section.
7. This Section is supplemental to any other law imposing a criminal penalty for the use or exhibition of a deadly weapon. A minor who violates this section may be prosecuted and convicted for any other criminal conduct involving the use or exhibition of the deadly weapon.

D. Possession/Use of a Laser Pointing Device.

1. It shall be unlawful for any person to focus, point, or shine a laser beam directly or indirectly on another person or animal in such a manner as to harass, annoy, or injure said person or animal.
2. It shall be unlawful for any person under the age of eighteen years to possess a laser pointing device. A person shall not be in violation of this section if his possession of a laser pointing device is necessary for his employment, trade or occupation and it is necessary for the pointer to be carried on his person.
3. Violation of this ordinance will be a class one misdemeanor.

**Section 10-1-30**                      **Urinating**

It is unlawful to urinate in any public place, public park or public pool.

**Section 10-1-31**                      **Fires**

No fires are allowed in public parks, except in designated places.

**Section 10-1-32**                      **Glass**

No glass containers are allowed in public parks.

**Section 10-1-33**

**Alcohol**

No alcohol is allowed in any public place, public park or public school.

**Section 10-1-34**

**Unnecessary Squealing of Tires**

No person shall operate any motor vehicle at such a speed on a curve or a turn to accelerate such motor vehicle in such a manner as to create loud and unnecessary noise through the squealing of tires, or acceleration of an engine.

## CHAPTER 11 TRAFFIC

### ARTICLE 11-1 ADMINISTRATION

- 11-1-1 Duty of Police Department
- 11-1-2 Records of Traffic Violation
- 11-1-3 Police Department to Investigate Accidents
- 11-1-4 Traffic Accident Studies
- 11-1-5 Traffic Accident Reports
- 11-1-6 Annual Traffic Safety Report

#### **Section 11-1-1 Duty of Police Department (Section 8-101)**

It shall be the duty of the Police Department under the direction of the chief of police to provide for the enforcement of the street traffic regulations of the town and all of the state vehicle laws applicable to street traffic in the town, to make arrests for traffic violations, to investigate accidents and to assist in developing ways and means to improve traffic conditions and to carry out all duties specifically imposed upon the Police Department by this chapter.

#### **Section 11-1-2 Records of Traffic Violations (Section 8-102)**

- A. The Police Department shall keep a record of all violations of the traffic laws of the town or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.
- B. All forms for records of violations and notices shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.
- C. All records and reports shall be public records.

#### **Section 11-1-3 Police Department to Investigate Accidents (Section 8-103)**

It shall be the duty of the Police Department to investigate traffic accidents and to arrest and assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

**Section 11-1-4**                      **Traffic Accident Studies**

Whenever the accidents at any particular location become numerous the police chief shall conduct studies of such accidents and determine remedial measures.

**Section 11-1-5**                      **Traffic Accident Reports**

- A. The Police Department shall maintain a suitable system of filing traffic accident reports. Accident reports are cards referring to them shall be filed alphabetically by location.
- B. The Police Department shall receive and properly file all accident reports made to it under state law or under any law of the town, but all such accident reports made by drivers shall be for the confidential use of the town. No such report shall be admissible in any civil or criminal proceeding other than upon request of any person making such report or upon request of the court had dangerous jurisdiction, to prove a compliance with the laws requiring the making of any such report.

**Section 11-1-6**                      **Annual Traffic Safety Report**

The Police Department shall annually prepared traffic report would shall be filed with the town clerk. Such report shall contain information on traffic matters in the town as follows:

- A. The number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent traffic accident data.
- B. The number of traffic accidents investigated and other pertinent data on the safety activities of the police.
- C. The plans and recommendations of the Department for future traffic safety activities.

**ARTICLE 11-2**

**TRAFFIC CONTROL**

- 11-2-1 Directing Traffic**
- 11-2-2 Obedience to Traffic Regulations**
- 11-2-3 Use of Coasters, Roller Skates and Similar Devices Restricted**
- 11-2-4 Traffic Control Devices**
- 11-2-5 Authority to Designate Crosswalks, Establish Safety Zones and Mark Traffic Lanes**
- 11-2-6 Authority to Place and Obedience to Turning Makers**
- 11-2-7 Authority to Place and Obedience to Restricted Turns Signs**
- 11-2-8 Limitations on Turning Around**
- 11-2-9 One-way Streets and Alleys**
- 11-2-10 Regulation of Traffic at Intersections**
- 11-2-11 Drivers to Obey Signs**
- 11-2-12 Processions**

**Section 11-2-1 Directing Traffic (Section 8-107 (2) & (3))**

- A. Officers of the Police Department are hereby authorized to direct traffic by voice, handwork signal.
- B. Officers of the fire Department, when at the scene of a fire, may direct or assist police officers in directing traffic thereat or in the immediate vicinity.

**Section 11-2-2 Obedience to Traffic Regulation**

A person shall not do any forbidden or fail to perform any act required by this chapter. Nor shall any person willfully fail or refuse to comply with any lawful order to direction of the police officer or any fire Department official.

AMENDED ORD. #78, 1-3-84

**Section 11-2-3 Use of Coasters, Roller Skates and Similar Devices Restricted**

A person shall not upon roller skates or riding any coaster, toy vehicle or similar device go upon any roadway except while crossing the street onto crosswalk and, when crossing, such person shall be granted all of the rights in be subject to all of the duty is applicable to pedestrians.

AMENDED ORD. #78, 1-3-84

**Section 11-2-4**

**Traffic Control Devices**

- A. The Police Department, with the approval of the council, shall place and maintain traffic control devices, signs and signals when and as required under the traffic regulations of the town to make effective the provisions of said regulations, and may place and maintain such additional traffic control devices as may be deemed necessary to regulate, guide or warn traffic under the traffic laws of the town or under state law.
- B. The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the traffic regulations of the town unless otherwise directed by a police officer, subject to expectations granted in this chapter or by the state law.

**Section 11-2-5**

**Authority to Designate Crosswalks, Establish Safety Zones and Mark Traffic Lanes**

The Police Department is hereby authorized, on approval by the council:

- A. To designate and maintain, by appropriate devices, marks or lying to upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and as such other places as may be deemed necessary.
- B. To establish safety zones of such kind in character and at such places as may be deemed necessary for the protection of pedestrians.
- C. To mark lanes for traffic on street pavements at such places as may be deemed advisable consistent with the traffic laws of the town.

**Section 11-2-6**

**Authority to Place and Obedience to Turning Markers (Section 8-112)**

- A. The Police Department is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by a vehicle's turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law.
- B. When authorized markers, buttons or other indications are placed within or section indicating the course to be traveled by vehicle's turning thereat, no driver of a vehicle shall disobey the directions of such indications.

**Section 11-2-7**

**Authority to Place and Obedience to Restricted  
Turn Signs (Section 8-113)**

- A. The Police Department, on approval by the council, is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or u-turn and shall place proper signs at such intersections. The making of such trends may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or such signs may be removed when such turns are permitted.
  
- B. Whenever authorized signs are erected indicating that no right or left or u-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

**Section 11-2-8  
(Section 8-114)**

**Limitations on Turning Around**

The driver of any vehicle shall not turn such vehicle so as to proceed in opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle on less such move may can be made in safety and without interfering with other traffic.

**Section 11-2-9  
(Section 8-115)**

**One-Way Streets and Alleys**

- A. The council shall, by resolution, designate any streets or alleys which are to be limited to one-way traffic.
- B. When any resolution of the council designates any one-way street or alleys, the Police Department shall place and maintain signs giving notice thereof, and no such regulation shall be effective, such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in opposite direction is prohibited.

**Section 11-2-10  
(Section 8-116)**

**Regulation of Traffic at Intersections**

- A. The council shall by resolution designate through streets, intersections where stops are required, and intersections where vehicles shall yield the right of way.
- B. When any resolution of the council shall designate any thorough street or intersection where vehicles are to stop or yield the right of way, the Police Department shall direct and maintain the appropriate signs at every location where vehicle must stop our yield the right of way.

**Section 11-2-11**

**Drivers to Obey Signs**

**(Section 8-116 (4))**

Whenever traffic signs are erected as provided in this chapter, every driver of the vehicle shall obey such signs some restricted to proceed by a police officer or traffic control signal. No driver shall of upon or through any private property such as oil station, vacant lot, or similar property to avoid obedience to any regulation included in this chapter.

**Section 11-2-12**

**Processions**

**(Section 8-117)**

- A. No procession are arrayed, except funeral processions, shall be held without first security in a permit from the police chief, and all such request for permits shall state the time, place for formation, propose line of march, destination and such other information as the police chief may request.
- B. A funeral processions composed of the recession of vehicles shall be identified by such methods as may be determined and designated by the police chief.

- C. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized processions while they are in motion and when such vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officer.
- D. Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

**ARTICLE 11-3**

**PARKING**

- 11-3-1 Method of Parking**
- 11-3-2 Blocking of Traffic**
- 11-3-3 Parking Adjacent to School**
- 11-3-4 Authority to Erect Signs Restricting Parking**
- 11-3-5 Parking Vehicles on Sidewalks**
- 11-3-6 Abandon Vehicles**

**Section 11-3-1**

**Method of Parking**

**(Section 8-118)**

Except as otherwise provided by resolution of the council, every vehicle stopped or parked upon the roadway where there are adjacent curbs shall be so stopped or parked with the right hand wills of such vehicle parallel to and within 18 in. of the right hand curb.

**Section 11-3-2**

**Blocking Traffic**

- A. No person shall stop, stand or park any motor vehicle or other vehicle upon the street in the town in such manner or under such conditions as to leave available less than twenty feet of the width of the roadway for the free movement of vehicular traffic, except that a person may stopped temporarily, in the actual loading or unloading of passengers or, when necessary, in the observance of traffic signs or signals of a police officer.
- B. No person shall park a motor vehicle or other vehicle within an alley or entrance to private driveway except for the loading or unloading of materials, and not then unless such loading or unloading can be accomplished without blocking the alley to the free movement of vehicular traffic.

**Section 11-3-3**

**Parking Adjacent to Schools**

When signs are erected indicating no parking on that side of the street adjacent to any school property, no person shall part a vehicle in any such designated place for one hour before school opens until one hour after school closes on any school day.

**Section 11-3-4**

**Authority to Erect Signs Restricting Parking**

The Police Department, upon approval by the council, may erect signs requiring parking at an angle to the curb, allowing parking on the left hand curb on one-way streets, notifying drivers that parking is prohibited and restricting parking in any way that may be necessary. When signs have been erected as authorized by this section, it is unlawful for any person to stop or stand a vehicle in disobedience to such parking restrictions.

Specific Areas as per Ordinance #92 are as follows:

1. That pursuant to the Code Of The Town of Pima 11-3-4 the Council does hereby amend this same and does hereby approve, designate and declare that it is unlawful to stop, stand or park in the following areas:

400 West (Cottonwood Drive) going south, from 100 South to end;

100 East going south, from Center (Highway) to 200 South on west side;

Center going east, from 200 East to end on North side;

Main Street heading south from 500 South to end.

2. That the Police Department and other town employees and officials are hereby authorized to erect signs notifying drivers of the above prohibition.

**Section 11-3-5**

**Parking Vehicles on Sidewalks**

No person shall park any vehicle, whether in usable condition or not, nor shall an owner permit his vehicle to be parked upon any sidewalk in the town.

**Section 11-3-6**

**Abandon Vehicles**

- A. No person shall abandon any vehicle on public or private property.
- B. Evidence that a vehicle was left unattended for a period of forty-eight hours shall be the 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 by any abandon vehicle.

- D. Upon removal, the abandon vehicle shall be appraised by a police officer designated by the chief of police and certified to the Arizona Department of Transportation.
- E. After the vehicle is appraised, it shall be disposed of pursuant to Title 28, Chapter 8, Article 5, Arizona Revised Statutes.

**ARTICLE 11-4                      SPEED LIMITS                      (Section 8-120)**

No person shall drive a vehicle within the town limits at a speed in excess of 25 miles per hour, except on Center Street from town limits to town limits, where a speed in excess of 35 miles per hour shall not be permitted, unless otherwise posted and then any speed in excess of the posted speed limit shall be prima facie evidence that the speed is not reasonable or prudent.

**ARTICLE 11-5                      EXCAVATIONS IN THE STREETS**

- A. No excavation shall be permitted in the streets of the Town of Pima without first obtaining a permit, the form of the application for permit, and the permit will be provided by the Town and will include information as to the date and place of the intended excavation, the approximate area to be excavated, and the length of time the traffic will be impaired on the street during such excavation.
- B. There shall be a charge for the permit in the amount of current cost per square foot of area actually excavated, payment to be made in advance, based upon estimated area to be excavated.
- C. The fee is for the Town to replace the asphalt and street to the specifications of the Town, and the permittee shall not be required to replace the street up to standard but shall be required to refill the excavation. However, if the permittee does repair and replace the street to the specifications of the Town of Pima, then the fee charged shall be refunded.
- D. In the event of an emergency requiring excavation during a time the offices of the Town of Pima are closed, the excavation may be done provided a permit is obtained on the next business day in the appropriate fee is paid. Failure to obtain the permit on the next business day will subject the permittee to a double fee per square foot of the area actually excavated.
- E. A permittee, if electing to repair and replace excavation shall have 30 days from the date of the issuance of the permit, unless on the permit an alternate date is fixed by the Town of Pima, to complete the repair or replacement.

**Article 11-6                      VEHICLES AND TRAFFIC**

- 11-6-1                      Unnecessary Squealing Tires**
- 11-6-2                      Damage to Roadway**
- 11-6-3                      Streets under Construction or Repair**
- 11-6-4                      Penalty for Violation**

**11-6-1                      Unnecessary Squealing Tires:**

No person shall operate any motor vehicle at such a speed on a curve or a turn or accelerate such motor vehicle in such a manner as to create loud and unnecessary noise through the squealing of tires upon the streets, or acceleration of an engine.

**11-6-2                      Damage to Roadway:**

No person shall operate a motor vehicle, including farm equipment, in such a manner as to cause damage to any public roadway.

**11-6-3                      Streets Under Construction or Repair:**

No person shall drive a motor vehicle upon a roadway under construction or a roadway under repair when signs and barricades are visibly in place or a flagman is present so designating that the roadway is closed to all vehicular traffic.

**11-6-4                      Penalty for Violation:**

Any person in violation of any provision of this ordinance shall be guilty of a petty offense and upon conviction shall pay a fine not to exceed THREE HUNDRED AND 00/100 DOLLARS (\$300.00)

**11-7                      Authority to Detain Persons to Serve Traffic Complaint:**

Any peace officer or duly authorized agent of the Town of Pima may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of Chapter 11 of this code, and to serve a copy of the traffic complaint for any alleged civil or criminal violation of said articles.

**11-8                      Civil Traffic Violations:**

Any violation of or failure or refusal to do or perform any act required by Chapter 11 of the Town Code constitutes civil traffic violation. Civil traffic violations are subject to the provisions of title 28, Chapter 6, Articles 20 and 21, Arizona Revised Statutes and amendments thereto.



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## CHAPTER 12. ZONING

### Article 12-1      General Provisions

#### Section 12-1-1      Short Title

This chapter may be referred to as the Town of Pima Zoning Code.

#### Section 12-1-2      General Purpose

The provisions of the Town of Pima Zoning Code are established to protect and promote the health, safety, and general welfare of all present and future residents of the Town of Pima, including without limitation the following:

- 12-1-2.A.      To implement the General Plan of the Town of Pima.
- 12-1-2.B.      To guide new growth and redevelopment in accordance with the policies of the General Plan of the Town of Pima.
- 12-1-2.C.      To encourage the most efficient use of land.
- 12-1-2.D.      To reduce potential hazards resulting from incompatible land uses.
- 12-1-2.E.      To promote the economic stability of the community.

## **Article 12-2                    Administration and Enforcement**

### **Section 12-2-1    Zoning Compliance Required**

- 12-2-1.A. The zoning administrator and all town departments, official and employees vested with authority to issue permits of any kind shall determine compliance with this chapter and shall issue no permits of any kind that conflict with the provisions of this chapter.
- 12-2-1.B. Any permit issued in conflict with the provisions of this chapter shall be null and void.
- 12-2-1.C. Any person, firm or corporation desiring to construct, remodel, erect or move a building or structure, or locate a manufactured or mobile home, within the town shall make application for a zoning compliance permit at the town hall before commencing construction.
- 12-2-1.D. No utility hook-up shall be permitted in the town without the utility company first obtaining or viewing a zoning compliance permit for the use which is to be served with the utility hook-up.
- 12-2-1.E. All applications for zoning compliance permits shall be accompanied by plans which have been drawn to scale showing the actual dimensions of the lot to be built on, the size, use and location of existing building(s) to be erected, yard setbacks and location and layout of proposed off street parking areas. A careful record of such applications and plans shall be kept at the town hall—planning and zoning.
- 12-2-1.F. If any construction is not started within one year from the date appearing on the zoning compliance permit, a new permit must be obtained with additional charge.
- 12-2-1.G. The requirement to obtain a zoning compliance permit under this section is in addition to any requirements to obtain a building permit as provided under Article 7-6 of the Code of the Town of Pima (the building code). At the administrative convenience of the town, a building permit and zoning compliance permit may be issued as part of a single document.

### **Section 12-2-2    Zoning Administrator**

- 12-2-2.A. A zoning administrator shall be appointed by the mayor. The mayor may also appoint other officers to assist the administrator in the administration and enforcement of this chapter.

12-2-2.B. In addition to such other duties imposed by this chapter and by law, the zoning administrator shall:

12-2-2.B.1. Issue building and zoning compliance permits.

12-2-2.B.2. Inspect all buildings in the course of construction or repair and enforce the provisions of this chapter and of chapter 7 of the Code of the Town of Pima (the building code).

12-2-2.B.3 Bring actions in the courts when necessary for the enforcement of this chapter.

12-2-2.C. The failure or delay of the zoning administrator to enforce any provision of this chapter shall not legalize any violation nor preclude the town from enforcement of this chapter.

### **Section 12-2-3 Board of Adjustment**

This is hereby created a board of adjustment which shall consist of five members, each to be appointed by the town council for a term of three years, provided that the terms of the members of the first board so appointed shall be such that the term of at least one member shall expire each year. At least one member of the planning and zoning commission shall be a member of the board of adjustment. Any member may be removed for cause by the town council upon written charges and after a public hearing, if such public hearing is requested by the member sought to be removed. Vacancies shall be filled for the unexpired term of any member whose term has not been completed.

#### **12-2-3.A. Organization of the Board**

12-2-3.A.1. The board of adjustment shall organize and elect a chairman and adopt rules in accordance with the provisions of this chapter. Meetings are to be held at the call of the chairman and at such times as the board may determine. The chairman shall conduct all meetings and administer oaths and compel the attendance of witnesses. In the absence of the chairman, the vice chairman shall act in his place.

12-2-3.A.2. All meetings are open to the public.

12-2-3.A.3. The board shall keep minutes of its proceeding showing the vote of each member upon each question and if absent or failing to vote indication the fact and shall keep records of its examinations and other official acts, all of which shall be filed

immediately in the office of the board at the town hall and shall be a public record.

12-2-3.B. Powers and Duties of the Board of Adjustment.

The board of adjustment shall be limited to the following three general powers and duties:

12-2-3.B.1 The power to interpret the Town of Pima Zoning Code and the official zoning map.

A. The power of interpretation provides a means whereby applicants who feel that the zoning administrator has misinterpreted the meaning of this chapter or misapplied its provisions in a particular case, may obtain relief from such errors in an expensive way without having to resort to the courts. The board hears appeals and determines the facts of the case and then applies what is conceived as the proper meaning of the chapter.

B. The board shall also interpret the zone map and the boundaries thereof in cases of dispute or disagreement. The board is also empowered to determine upon appeal in certain zones, whether uses not specifically listed there in are, in fact, similar to those that are listed and thus permissible within the zone. Before the board shall declare a use to be similar to other uses permitted in the zone, it must find that the requested use will be:

(1) Consistent with the objective and characteristics of the zone in which the uses is to be located.

(2) Similar to permitted uses as to function, service and traffic demands and the emission of smoke, dust, vibration, etc.

12-2-3.B.2. The power to grant variances from the strict application of the Town of Pima Zoning Code.

A. The board has the power to grant variances from the terms of this chapter where a literal enforcement of the provisions of this chapter would result in unnecessary hardship upon the applicant:

(1) Due to narrowness, shallowness or shape of a specific piece of property at the enactment of this chapter, or

(2) Due to exceptional topographic conditions of the property.

B. Before the board of adjustment may grant a variance, it shall find the following conditions present:

- (1) Strict adherence to the letter of the chapter will cause difficulties and hardships upon the petitioner which are unnecessary in order to carry out the purposes of this chapter.
- (2) Special circumstances are attached to the property that do not apply to other property in the same zone.
- (3) That because of said special circumstances, the property is deprived of privileges possessed by the other properties in the same zone, and that the granting of the variance is essential to the enjoyment of substantial property right possessed by the other properties in the same zone.
- (4) That the difficulties and hardships were not created by any act of the applicant subsequent to the effective date of the regulation appealed from.

12-2-3.B.3. The power to grant special exceptions, in accordance with the requirements of subsection 12-2-3.C

12-2-3.C. Special Exceptions. The following special exceptions are permitted only with the approval of the board of adjustment, and only in accordance with the following minimum conditions:

12-2-3.C.1. Small lots: Where a parcel of land at the time of the adoption of this chapter is at least one and eight-tenths times as wide and one and eight-tenths times as large in area as required for a lot in the zone, the board may permit the division of a parcel into two lots each of which shall be not less than eight-tenths times as wide and eight-tenths times as large in area as required for a lot in the zone, provided:

- A. Such a division will not cause undue concentration of population.
- B. The characteristics of the zone in which the lot is located will be maintained.
- C. In the opinion of the board, values in the area will be safeguarded adequately.

12-2-3.C.2. Reduced off-street parking requirements: The board of adjustment may approve substitute parking locations and may reduce the amount of off-street parking required, provided:

- A. It can be shown that the time of use of the buildings or uses will be at different hours or days so that each use will have the amount of off-street parking available when the building or use is occupied; or
- B. Sufficient on-street or off-street parking readily available within the vicinity.

12-2-3.C.3. Home occupations: The board of adjustment may authorize home occupations, provided:

- A. The home occupation is conducted entirely within a dwelling or else in an accessory building which contains not more than four hundred square feet.
- B. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.
- C. Not more than the equivalent of twenty-five percent of the floor space area of the dwelling is devoted to the home occupation.
- D. The home occupation is registered with the Town of Pima and a business license is purchased.
- E. The physical appearance, traffic and other activities in connection with the home occupation is not contrary to the objectives and characteristics of the zone in which the home occupation is located and does not depreciate surrounding values as determined by the board of adjustment.

12-2-3.C.4 Moved buildings: The board of adjustment may authorize the moving of any previously used residential, commercial, or industrial site or modular building or manufactured home, from one site within or outside the Town to a site within the Town in accordance with the following requirements:

- A. Application. The following information shall be filed with the zoning administrator at the time the application is made:
  - (1) Location and address of the old and new site.

- (2) Plot plan of the new location, showing adjacent lots on all sides of the property.
  - (3) Plans and specifications for the proposed improvements at the new location, including plans for landscape treatment.
- B. Before the board of adjustment may approve an application for the moving of a building on to a lot within the town, it must find:
- (1) That the building will have no appreciable detrimental effect on the living environment and property values in the area into which the structure is to be moved.
  - (2) That the building and the lot on which the building is to be located will conform to the requirements of the zoning chapter and building code.
  - (3) The building and grounds shall be brought up to the standards required of new buildings before being occupied.
  - (4) If located within the town, the vacated site shall be restored to a safe and sightly condition.
- C. Manufactured homes more than ten years old at the time of application shall not be permitted to be moved into or within the town.

12-2-3.C.5 Frontage on a Public Street: The board of adjustment may grant an exception to the requirement that at least one side of each lot used as dwelling site shall abut upon a public street, subject to the following conditions:

- A. There must be a private driveway not less than twenty-one feet wide for access not to be maintained in any way by the town.
- B. The building is constructed at least twenty feet from the nearest building on the adjoining lot.
- C. The development will not cause undue concentration of population.
- D. In the opinion of the board of adjustment, values in the area will be safeguarded adequately.

12-2-3.C.6. Other special or conditional uses: The board of adjustment may grant other special exceptions which it has been specifically authorized to grant under the terms of the Town of Pima Zoning Code.

12-2-3.C.7. Hardship Cases. Such permits shall be obtained only upon application filed with the Town Clerk and if granted shall not exceed six months at a time. Such permits shall only be granted upon a showing by applicant of some demonstrable hardship where in such mobile home or manufactured home is necessary for the care or treatment of close relations who due to either injury or poor health or sickness are unable to properly care for themselves and other hardship as deemed appropriate by the board. There shall be no more than two occupants to a dwelling.

12-2-3.D. Authorized Actions of the Board of Adjustment. In carrying out the powers and duties set forth above, the board of adjustment is authorized to do any of the following:

12-2-3.D.1 Subject to the provisions and restraints of this chapter, the board of adjustment may attach other reasonable conditions and requirements to the granting of a variance, exception or conditional use which the petitioner must comply with as a condition of the grant or approval. A time limit of one year shall be attached to the exercise or non-exercise of any grant unless specifically extended by action of the board.

12-2-3.D.2 In performing the duties and powers set forth herein, the board is hereby empowered to reverse or affirm, wholly or partly, or may modify the decision of the zoning administrator and may make such order or requirement as ought to be made. In interpreting and applying the provisions of this chapter the requirements contained herein shall be deemed to be the minimum requirements of the purpose set forth.

12-2-3.E. Limitation of Authority. The powers and duties of the board of adjustment are limited to judicial and administrative matters as set forth in this chapter. The board shall not have the authority to amend this chapter nor to correct what it may consider to be an unwise requirement.

12-2-3.F. Voting by the Board. The concurring vote of a majority of the members of the full board of adjustment shall be necessary to decide on any matter upon which it is required to pass under this chapter.

12-2-3.G. Board of Adjustment Hearings and Procedures.

- 12-2-3.G.1. Application: Any citizen or person, or any officer or department of the town may appeal to the Board of Adjustment by filing a request in writing with the zoning administrator and by paying a non-refundable fee in the amount set forth on the fee schedule duly adopted by the Town. The request shall specify the grounds upon which the appeal is being made and shall be submitted within a reasonable time after the decision being appealed. Any appeal submitted within thirty days from the granting or refusal of a building permit by the zoning administrator shall be deemed to have been filed within a reasonable time. The board shall determine whether appeals filed more than thirty days after the decision appealed from were filed within a reasonable time, based on the factual circumstances surrounding the failure to file within thirty days. Any appeal not filed within a reasonable time shall not be considered.
- 12-2-3.G.2. Procedure. Upon receipt of the application, the administrator shall transmit to the board all papers constituting the record upon which action appealed from was taken. The appeal shall stay all proceedings in this matter appealed from unless the officer from whom the appeal is taken certifies to the board that a stay would in his opinion cause imminent peril to life or property.
- 12-2-3.G.3. Hearing. The board of adjustment shall fix a reasonable time for the hearing of the appeal and give public notice thereof as required by law and shall decide the same within a reasonable time.
- a. The intent in requiring a hearing is to enable the board of adjustment to obtain facts surrounding the case which may not be evident, or which may not be shown in the record as submitted to the board. The decision of the board shall be based upon the facts and not upon the expressions of support or protest or lack of support or protest which may be made at the hearing. Any party may appear at the hearing in person or by agent or by attorney.
- 12-2-3.G.4. Action. The board of adjustment shall make determinations in harmony with the provisions of this chapter and shall file its decision in the office of the town clerk.

- 12-2-3.G.5. Appeal. Any person, taxpayer, or municipal officer aggrieved by any decision of the board of adjustment may at any time within thirty days after the filing of the decision in the office of the town clerk, file a complaint for special action in Superior Court, as provided by law.

**Section 12-2-4 Powers and Duties of the Planning and Zoning Commission**

The planning and zoning commission shall hear and decide all requests for amendments to this chapter or to the zoning district maps adopted pursuant to this chapter. The planning and zoning commission may also act on its own initiative in considering and recommending amendments to this chapter. Before a favorable recommendation is given, however, it must be shown that:

- 12-2-4.A.1. The amendment will be consistent with the adopted town land use plan.
- 12-2-4.A.2. The amendment will not decrease nor adversely affect the health, safety, convenience, morals or general welfare of the public.
- 12-2-4.A.3. The amendment will more fully carry out the intent and purpose of this chapter.
- 12-2-4.A.4. Balancing the interest of the petitioner, with the interest of the public, both interests will be served better by adopting such amendment.
- 12-2-4.A.5. Notice and hearing has occurred, as provided by law.

In considering a request for an amendment to the zoning ordinance or map, the planning and zoning commission may submit a recommendation for or against the request or it may recommend an alternate amendment.

**Section 12-2-5 Powers and Duties of the Town Council**

- 12-2-5.A. The town council may amend, change or modify any provisions of this zoning chapter or map, provided:
  - 12-2-5.A.1. The proposed amendment shall be first submitted to the planning and zoning commission for its recommendations.
  - 12-2-5.A.2. A public hearing is held thereon as required by law.
- 12-2-5.B. No substantial change in or departure from the recommendations of the planning and zoning commission can be made after such a public

hearing unless the change or departure be first submitted with comments to the planning and zoning commission for its consideration and recommendations. Upon receiving the reconsidered recommendations from the planning and zoning commission, the town council may overrule the planning and zoning commission.

**Section 12-2-6     Responsibility for Violations**

It shall be the duty of all contractors, subcontractors, builders and other persons having to do with the establishment of any use of land or the erection, altering, changing or remodeling of any building or structure to make sure that proper permits have been obtained before work is begun on any project which a permit is required. Any architect, builder, contractor or other person doing or performing any such work without a permit having been issued shall be deemed guilty of violating this chapter in the same manner and to the same extent as the owner of the premises or the person of whom the use is established, or for whom such buildings are erected or altered and shall be subject to the penalties prescribed for violation of this code.

**Section 12-2-7     Amendments**

This chapter and the official zoning maps adopted pursuant to this chapter may be amended. All proposed amendments shall be submitted first to the planning and zoning commission for its recommendations, and such recommendations shall be submitted to the town council for its consideration within a reasonable time.

12-2-7.A. Any person seeking an amendment of this zoning chapter or any official zoning map shall submit to the planning and zoning commission a written application on forms furnished by the town designating the change desired and the reasons for the change. They shall pay a fee to the town clerk in the amount set forth on the fee schedule duly adopted by the Town. Upon receipt of the application and payment of the filing fee, the planning and zoning commission shall consider the request and shall certify its recommendations to the town council. Failure to certify its recommendations to the town council within sixty days by the zoning commission shall be deemed to constitute a recommendation for approval of the proposal unless a longer period is granted by the town council. The application fee required by this paragraph shall not be returned to the applicant.

12-2-7.B. The planning and zoning commission and the town council may initiate amendments to this chapter without payment of a filing fee.

12-2-7.C. It is hereby declared to be public policy that this chapter shall not be amended unless it can be shown that changed or changing conditions make the proposed amendment reasonably necessary to the promotion of the purposed of this chapter.

12-2-7.D. Amendments to this chapter may be adopted only after public hearings in relation thereto before the planning and zoning commission and town council at which parties in interest and citizens shall have a reasonable opportunity to be heard. A notice of the time and place of such hearing shall be published and posted as required by law.

## **Article 12-3            Establishment of Zones**

### **Section 12-3-1    Division of Zones**

In order to carry out the purposed of this chapter, the Town of Pima, Arizona is hereby divided into zones as follows:

12-3-1.A. AR (Agricultural Residential)    Zone

12-3-1.B. MH (Manufactured Housing)    Zone

12-3-1.C. CC (Central Commercial) Zone

12-3-1.D. AG (Agricultural) Zone

### **Section 12-3-2    AR (Agricultural Residential) Zone**

12-3-2.A. Characteristics. The AR (Agricultural Residential) Zone covers that portion of the town best suited for residential development. Even so, it can be expected that a certain amount of odor and dust will be present in the zone, and people who construct dwelling or live therein should bear this in mind.

12-3-2.B. Permitted used. The following uses are permitted outright in the AR Zone:

12-3-2.B.1. Single family, two-family and multiple-family dwellings, including apartments.

12-3-2.B.2. Accessory buildings, including a private garage for the storage of vehicles owned by persons residing on the premises, greenhouses for private use only, porches on accessory buildings, building for storage of personal effects, provided that they shall not be closer than ten feet to the main building and that they shall not encroach on any required front or side yards.

12-3-2.B.3. Parks, playgrounds, and other community facilities designated to serve the residents of the zone, but not including privately owned amusement parks or recreation grounds.

12-3-2.B.4. Schools, churches, hospitals, clinics, daycare nurseries or rest homes, provided that sufficient open space in the form of front and side yard setbacks, playgrounds, parking areas, etc. has been provided as determined by the board of adjustment.

- 12-3-2.B.5. Swimming pools for private residential use only.
- 12-3-2.B.6. The temporary pasturing of livestock.
- 12-3-2.B.7. Fences, walls and hedges not exceeding six feet in height, except in the front yard or within a triangle measuring thirty feet from the corner of a lot fronting on two streets or within a triangle measuring ten feet from the intersection of a street and alley. Within a front yard or within a triangle measuring thirty feet from the corner of a lot fronting on two streets or within a triangle measuring ten feet in height is permitted and a wire fence or other see-through fence not more than four feet in height is permitted. Fences, walls or hedges shall not at any time interfere with neighboring properties having a clear view of the street.
- 12-3-2.B.8. Signs pertaining to the home occupations or the sale of residential property provided they do not exceed eight square feet in size and provided such signs are constructed and maintained in harmony with residential character of the zone. All signs or parts thereof shall be set back from public streets a minimum distance of ten feet.
- 12-3-2.B.9. Customary household pets.
- 12-3-2.B.10. Agriculture.
- 12-3-2.B.11. The maintenance under dry-lot conditions of a limited number of domestic animals and chickens for purposes of home consumption (family food production) or recreational uses, in numbers not to exceed four animal units for each one acre or forty-three thousand five hundred sixty square feet of fenced (lot) area. All animals shall be kept in an enclosure. No swine shall be permitted. For purposes of this paragraph:
- 1 horse equals 1 unit
  - 1 cow equals 1 unit
  - 2 yearling calves equals 1 unit
  - 2 sheep equals 1 unit
  - 2 dairy goats equals 1 unit (only 1 Billy goat allowed)
  - 1 billy goat equals 1 unit
  - 25 chickens equals 1 unit
  - 25 rabbits equals 1 unit

12-3-2.B.12. Barns, pens coops and feed storage facilities for the care and keeping of permitted domestic animals, provided that all barns, pens, coops and feeding facilities are located in the rear part of the lot and that no barn, corral or coops shall be constructed closer that 50 feet from an inhabitable dwelling. All animals and fowl and facilities for their care and keeping shall be subject to the rules and regulations of the county and town health officers.

12-3-2.B.13. Temporary buildings for a period not to exceed twelve months (except upon board of adjustment approval), for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work. Such buildings shall be no closer to property lines than is allowed a residence in this zone.

12-3-2.B.14. Utility buildings and structures such as water, sewer and electric buildings and structures, upon approval of the board of adjustment. The board of adjustment shall set forth specific conditions for approval, as may be necessary to protect surrounding property values and residential amenities.

12-3-2.B.15. In-Home Occupations shall be allowed in the A/R and Agriculture Zone provided they meet specifications listed in Section 12-2-3.C.3 regarding Home Occupations. Out of Home Businesses shall be allowed at the discretion of the Board of Adjustments. All Business Licenses shall be reviewed on an annual basis for conformity to codes.

12-3-2.C. Development Standards.

12-3-2.C.1. Maximum building height: Two stories (not to exceed thirty feet)

12-3-2.C.2. Lot sizes:

- a. 6000 square feet for a single family dwelling
- b. 7000 square feet for a two-family dwelling
- c. 5000 square feet plus two square feet of lot area for each square foot of building floor space above 500 square feet in the case of a multi-family dwelling.
- d. 10,890 square feet per single family dwelling where domestic animals or chickens (except household pets) are to be

maintained in accordance with the requirements of section 12-3-2.B.11 above.

- 12-3-2.C.3. Minimum lot width (measured at the front building line):
- a. Sixty linear feet for single family dwelling.
  - b. Sixty-five linear feet for a two-family dwelling.
  - c. Sixty linear feet for first unit, plus five linear feet for each additional dwelling in the case of multi-family dwelling.
- 12-3-2.C.4. Minimum front yard setback: Twenty feet, except that the setback for any dwelling located between two existing buildings shall be the average of the setbacks of the two existing buildings, provided the existing buildings are on the side of the street and are located within one hundred fifty feet of each other.
- 12-3-2.C.5. Minimum side yard setbacks: Ten feet, except where lots have a double frontage (corner lots), then the required front yard setback (twenty feet) shall be provided on both streets.
- 12-3-2.C.6. Frontage on a Public Street: At least one side of each lot used as a dwelling site shall abut upon a public street.
- 12-3-2.C.7. Landscaping: At least seventy percent of all front and side yards of dwellings which front on public streets shall be landscaped.
- 12-3-.C.8. Dwelling sizes: All new dwellings shall possess a minimum square footage as follows:
- a. Nine hundred (900) square feet for single family dwellings.
  - b. Five hundred (500) square feet for each dwelling unit in a two family or multi-family dwelling.
  - c. The square footage requirements as set forth in this subsection shall be met as the dwelling was initially constructed; e.g., the dwelling may not be added on to in order to reach these minimum square footage requirements.

### **Section 12-3-3 MH (Manufactured Housing) Zone**

12-3-3.A. Characteristics. The MH (Manufactured Housing) Zone covers those portions of the town where manufactured housing is or will be permitted land use.

12-3-3.B. Permitted Uses. The following uses are permitted in the MH Zone:

12-3-3.B.1. All uses permitted in the AR Zone, subject to compliance with the regulations and restrictions required therein.

12-3-3.B.2. Manufactured homes located on individually owned lots, except that members of the immediate family may have more than one manufactured home on a single lot provided that each manufactured home meets all minimum requirements for area, width, yard setbacks and any other requirement set forth for manufactured homes on individual lots, not manufactured home parks. Any additional dwelling on a single lot shall not be used as commercial or income property. For purposes of this paragraph, immediate family is defined to include, wife, husband, daughter, son, mother, father, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, son-in-law, daughter-in-law.

12-3-3.B.3. Manufactured home parks.

12-3-3.B.4. RV parks.

12-3-3.C. Development standards (individual manufactured homes). The following development standards apply to individual manufactured homes not located within a manufactured home park.

12-3-3.C.1. Minimum Lot Width (measured at the front building line):  
Sixty linear feet

12-3-3.C.2. Minimum lot size: Six thousand (6,000) square feet

12-3-3.C.3. Minimum front yard setback: Twenty (20) feet

12-3-3.C.4. Minimum side yard setbacks: Ten (10) feet

12-3-3.D. Development standards (general). The following development standards shall apply to all manufactured homes, whether located in a manufactured home park or not.

- 12-3-3.D.1. Skirting: All manufactured housing shall be skirted with material similar to that of which the manufactured housing in constructed. Exceptions to the type of skirting material must be approved in writing by the zoning administrator prior to installations; e.g., brick, slump block, colored block, native stone, or pressure treated masonite siding. Skirting material color shall be the same as the original unit color or an “accenting” color. Skirting must be completed and approved in writing by the zoning administrator within sixty days after the permit is issued. Any change or alteration of the skirting shall be approved by the zoning administrator within two (2) working days after the receiving of written request for the same.
- 12-3-3.D.2. Tie-downs: All manufactured homes must be tied down securely.
- 12-3-3.E. Development standards (manufactured home parks. The following development standards shall apply to manufactured home parks and manufactured homes located in them.
- 12-3-3.E.1. Minimum site size: Two acres (87,120 square feet).
- 12-3-3.E.2. Maximum density: Eight manufactured homes per acre; provided, however, that the manufactured homes may be clustered within the manufactured home park as long as the overall density does not exceed eight manufactured homes per acre.
- 12-3-3.E.3. Roads, driveways, and entrances: All streets and driveways shall be of all-weather construction in compliance with town standards. No entrance to a manufactured home park shall be located closer than fifty feet to the intersection of two streets.
- 12-3-3.E.4. Local drainage: The ground surface in all parts of the manufactured home park shall be graded and equipped to drain all surface water in a safe and efficient manner.
- 12-3-3.E.5. Utilities: Major utilities (water, sewage, disposal, gas and electricity) shall be provided to each individual manufactured home space, either through public or private utility companies or provided for and maintained by the park owner.
- 12-3-3.E.6. Appearance of accessory buildings: The outside material of all storage and accessory buildings shall be constructed of

materials which do not distract from the appearance of the manufactured home.

- 12-3-3.E.7. Open storage prohibited: Open storage of materials or belongings other than boats and vehicles is prohibited.
- 12-3-3.E.8. Minimum setbacks for individual manufactured homes within a park (attached accessory structures such as an awning, storage cabinets, carports, etc., which are attached to the manufactured home shall be considered part of the manufactured home):
  - a. Front: (15) Fifteen feet.
  - b. Side: (5) Five feet.
- 12-3-3.E.9. Landscaping: The yard or area between any manufactured home and a public street shall be landscaped.
- 12-3-3.E.10. One home per space or lot: Only one manufactured home shall be permitted on each designated space or lot within a manufactured home park, and each space or lot shall be clearly marked at its corners. Each space or lot shall be accessible from an approved street or road.
- 12-3-3.E.11. Parking: At least one off-street parking space shall be provided on each lot.
- 12-3-3.E.12. Screening: All manufactured home parks located adjacent to industrial or commercial land uses shall be provided with screening, such as fences or natural growth, along the property boundary line separating the park and such adjacent non-residential uses.
- 12-3-3.E.13. County health approval: All manufactured home parks shall first be approved by the county health officer before a permit is issued.
- 12-3-3.E.14. Procedure for approval: A permit issued by the planning and zoning commission is required before work on the manufactured home park can begin. The application for this permit shall include:
  - a. The names and addresses of the applicant, property owner, designer and engineer.

- b. Location and legal description of the manufactured home park;
- c. Area and dimensions of the tract of land;
- d. The number, location and size of all spaces or lots, each of which shall be numbered with all dimensions shown;
- e. The location and width of roadways and walkways;
- f. Plans and specifications of water supply, and refuse and sewage disposal facilities;
- g. The location and detail of lighting and electrical systems.

12-3-3.F. Development standards (RV parks). RV parks shall meet the same development standards and shall be approved using the same procedures as manufactured home parks (see subsection 12-3-3.E), except that the density of RV parks shall not exceed fifteen units per acre.

**Section 12-3-4 CC (Central Commercial) Zone**

12-3-4.A. Characteristics. The CC Zone covers the central commercial and financial section of the Town of Pima and is primarily suited to retail, wholesale and service establishments. Regulations have been set forth with a view to preserving and encouraging the use of land for retail establishments plus certain other uses of a similar nature.

12-3-4.B. Permitted uses. The following uses are permitted in the CC Zone:

- 12-3-4.B.1. Amusement enterprises: Includes bowling alleys, enclosed theaters, pool halls, public dance halls and night clubs.
- 12-3-4.B.2. Bakeries and other confectionery shops.
- 12-3-4.B.3. Bus stations and taxi services.
- 12-3-4.B.4. Poultry, egg and meat stores—not including slaughtering, eviscerating, plucking or dressing.
- 12-3-4.B.5. Financial and personal service establishments and craft shops, including banks and offices, barber shops, tailor, key and gun repair shops, interior decorating, appliance and shoe repair, photographic shops, cleaning and pressing shops (which use

non-flammable cleaning agents) and optical shops and newsstands.

- 12-3-4.B.6. Motels, hotels and day care nurseries which comply with the State board of Health requirements.
- 12-3-4.B.7. Private and public offices, clinics, clubs, museums, churches and public and private schools.
- 12-3-4.B.8. Radio and television stations, printing and publishing and telephone exchanges.
- 12-3-4.B.9. Gasoline stations, for retail sales only, provided gasoline pump islands are set back not less than eighteen feet from the street line to which the pump island is vertical and twelve feet from any street line to which the pump island is parallel. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for services will not extend over the property line. In no case shall pumps be set closer than twelve feet to any property line. Lots from which gasoline is dispensed to customers at retail shall be not less than seventy-five feet in width nor less than seventy-five feet in length. A screen shall be required between all service stations and residentially zoned property.
- 12-3-4.B.10. The fabrication or processing of goods done in connection with the sale of goods on the premises, including bakeries, lumber yards, sign painters, carpenter and upholstery shops, provided such activities do not give rise to dust, odor, noise or smoke, vibration or intermittent light or glare objectionable beyond the zone.
- 12-3-4.B.11. Wholesale distributing houses and warehouses.
- 12-3-4.B.12. Sale of farm machinery, mining machinery, vehicles and similar articles.
- 12-3-4.B.13. Public garages and auto repair, but excluding salvage yards.
- 12-3-4.B.14. Parking lots.
- 12-3-4.B.15. Accessory Signs.
  - a. Identification signs advertising the place of business, which are attached to the flat of the building, are not restricted.

- b. Free standing signs are limited to one double faced sign not to exceed sixty square feet in area per business establishment.
- c. In no case shall any sign be closer than thirty feet to any residential district.
- d. Intermittent for flashing illumination and animated signs shall be subject to approval by the board of adjustment. All lighting shall be deflected away from residential districts.

12-3-4.B.16. Temporary buildings for use in construction work provided such buildings are removed upon completion of the construction work, not to be longer than twelve months without approval of the board of adjustment.

12-3-4.B.17. Other uses ruled by the board of adjustment to be similar to uses specifically permitted in the zone.

12-3-4.B.18. All uses permitted in the AR zone, subject to compliance with the regulations and restrictions required therein.

12-3-4.C. Expressly prohibited uses. The following uses are specifically prohibited in the CC Zone:

12-3-4.C.1. Commercial feed lots, livestock auction houses or slaughter plants.

12-3-4.C.2. Salvage yards.

12-3-4.D. Development standards. The following development standards apply within the CC Zone:

12-3-4.D.1. Outdoor lighting: All outdoor lighting shall be hooded or shielded so as to deflect light away from residential areas.

12-3-4.D.2. Off-street parking and loading requirements:  
See section 12-4-8

**Section 12-3-5 AG (Agricultural) Zone**

12-3-5.A. Characteristics. The agricultural zone covers the portion of the town which is best suited for agriculture and the care and keeping of livestock.

12-3-5.B. Permitted uses. The following uses are permitted in the AG Zone:

- 12-3-5.B.1. Any use permitted in the AR Zone.
  - 12-3-5.B.2. Livestock (excluding hogs) in unlimited numbers provided they are maintained on pasture.
  - 12-3-5.B.3. Barns, corrals, pens, coops, and storage sheds for the care and keeping of animals, fowl, produce, farm machinery and equipment.
  - 12-3-5.B.4. Rodeos, livestock auctions, fairgrounds or riding academies.
  - 12-3-6.B.5. Other uses ruled by the board of adjustment to be similar to the foregoing uses in keeping with the objectives and characteristics of this zone.
- 12-3-5.C. Development standards. Requirements and restrictions pertaining to width of lots, the location of buildings and structures, the size of yards and open spaces and the height and size of buildings and other specifications shall be the same as in the AR Zone.

**Section 12-3-6 Official Zone Map**

- 12-3-6.A. The location and boundaries of each of the zones are shown on the official zoning map at the Town Hall in Pima, Arizona. This map is hereby declared to be an official record and a part of this chapter and said map and all notations, references and other information shown thereon shall be identified by the signature of the mayor and attested to be the town clerk and shall be as much a part of this chapter as if the matters and other information set forth by said may were fully described therein.
- 12-3-6.B. Whenever amendments or changes are made in the zone boundaries, such amendments shall be made on the official zone map promptly. No amendment or change shall become effective until after it has been properly noted and attested to on the official zone map.
- 12-3-6.C. No change of any nature shall be made in the official zone map except in conformity with the procedure set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided in this code.
- 12-3-6.D. Regardless of the existence of purported copies of the official zone map which may from time to time be made or published, the official

zone map which shall be located in the office of the town clerk shall be the final authority in determining current zoning status.

**Section 12-3-7 Boundaries of Zones**

Where uncertainty exists with respect to the boundaries of various zones, the following rules and regulations shall apply.

- 12-3-7.A. Where the intended boundaries on the official zone map are approximately street alley lines, said street and alley shall be construed to be the zone boundary.
- 12-3-7.B. Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the zone boundaries, unless otherwise indicated.
- 12-3-7.C. Where land has not been subdivided into lots, the zone boundary shall be determined by the use of the scale measurement shown on the official zone map.

## **Article 12-4 Supplementary Requirements and General Provisions**

### **Section 12-4-1 Purpose of Article**

The intent and purpose of this Article is to accumulate provisions applying to all land and buildings within the town into one section rather than to repeat them under each zone. It is not the intent of this section to specify uses allowed within a zone but to set forth supplementary and qualifying conditions which must be complied with in connection with such uses.

### **Section 12-4-2 Every Dwelling to be on a Zoning Lot**

Only one building which contains a dwelling shall be located and maintained on a zoning lot as defined in this chapter.

### **Section 12-4-3 Prohibition of Substandard Lots**

The subdivision and sale or lease of lots which do not meet the size requirements of this chapter are prohibited. Likewise, no portion of a lot needed to meet the area, width, yard setback or other requirement of this chapter may be sold, bequeathed or leased apart from the lot unless other space so complying is provided.

### **Section 12-4-4 Mutual Dwellings Across Lot Lines**

In zones in which two family dwellings are permitted, a two-family may be constructed across a common lot line when separated on the line by a dividing wall provided a written agreement between the two adjoining property owners is recorded in the office of the county recorder.

### **Section 12-4-5 Drainage**

Surface water from roof tops shall not be allowed to drain onto adjacent lots except after written agreement between the two parties.

### **Section 12-4-6 Effect of Street Plan**

Wherever a front or side yard is required for a building, which building abuts on a proposed street which has not been constructed but which has been designated by the town council or planning and zoning commission as a future street, the depth of the front yard setback and the side yard setbacks shall be measure from the planned street lines.

### **Section 12-4-7 Concessions in Public Parks and Playgrounds**

Concessions, including but not limited to amusement devices, recreational buildings and refreshment stands, shall be permitted in a public park or playground when approved by the town clerk.

**Section 12-4-8 Off-Street Parking**

The following regulations are established to increase safety and lessen congestion in the public streets, to provide adequately for parking needs associated with the development of land and increased automobile usage, to set standards for off-street parking according to the amount of traffic generated by each use and to reduce on-street storage of vehicles.

12-4-8.A. Number of Spaces. The following required off-street parking spaces for the particular use are minimum requirements:

- 12-4-8.A.1. Residential structures, including manufactured homes, but not including boarding and rooming houses, shall have at least one off-street parking space per dwelling unit.
- 12-4-8.A.2. Hospitals, convalescent and nursing homes, and other such institutions shall have one visitor parking space per three patient beds, plus one parking space for each employee at work in the home during daylight hours.
- 12-4-8.A.3. Hotels, motels and boarding houses shall have one parking space per room or suite, plus one parking space for each employee at work on the premises during daylight hours.
- 12-4-8.A.4. Private clubs and lodge hall, churches, theaters, auditoriums, mortuaries and other places of assembly shall have one parking space per five seating spaces in the main assembly room.
- 12-4-8.A.5. Restaurants, taverns and lounges shall have one parking space for each three seating places.
- 12-4-8.A.6. Professional offices, except clinics, shall have one parking space per four hundred square feet of office floor area.
- 12-4-8.A.7. Retail stores, clinics and personal shops and other business buildings not specifically mentioned elsewhere in this subsection shall have parking space at the rate of three spaces per one thousand square feet of floor area.
- 12-4-8.A.8. Drive-ins (retail) shall have sufficient off-street parking spaces to accommodate all patrons or customers. No patron or

customer may be served in automobiles which are parked on public streets.

- 12-4-8.A.9. Industrial, manufacturing, processing and wholesale establishments shall have one parking space per tow employees based on the largest shift.
- 12-4-8.A.10. Uses not mentioned: The required off-street parking for any building, structure or use of land of a type which is not listed in this part shall be determined by the board of adjustment under its power of interpretation. The board of adjustment shall be guided by comparison with the requirements for similar uses which are listed.
- 12-4-8.B. Location and Control of Parking Facilities. Off-street parking facilities required by this chapter shall be located on the same lot or parcel of land as the use they are intended to serve; provided that the board of adjustment is expressly authorized to grant a variance under appropriate circumstances for the granting of variance.
- 12-4-8.C. Combined Parking Areas. The required off-street parking and loading facilities may be provided collectively for two or more buildings or uses, provided that the total number of parking spaces shall be not less than the sum of the requirements for each of the individual uses.
- 12-4-8.D. Lighting of Parking Areas. Any lighting used to illuminate off-street parking facilities or vehicle scales areas shall be so arranged as to reflect the light away from the adjoining premises in any residential zone.
- 12-4-8.E. Continuing Obligation. The required off-street parking and loading facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or leading space continues. It shall be unlawful for an owner of any building or use to discontinue or dispense with the required vehicle parking or leading space without providing other vehicle parking or loading space which meets the requirements of this chapter.
- 12-4-8.F. Plot Plan Approval Required. At the time a building permit is submitted for a commercial building or structure, or at the time the use of land is changed which requires additional off-street parking space, a plot plan shall be submitted showing the location and layout of such required parking space.
- 12-4-8.G. Off-Street Loading Space Required. For every building having a gross floor area of five thousand square feet or more to which goods,

material, merchandise or supplies are received or distributed by vehicle, there shall be provided at least on off-street loading space. One additional loading space shall also be provided for each additional twenty thousand square feet of gross floor area of such building or for each vehicle which must be loaded or unloaded at the same time, whichever requirement is greater. Each required off-street loading space shall be not less than ten feet in width, twenty-five in length and fourteen feet in height.

**Section 12-4-9 Open Storage of Junk Prohibited**

No front yard or side yard spaces of an existing building shall be used for the storage of junk, debris or unlicensed automobiles.

**Section 12-4-10 Limitation of Junk**

Where otherwise permitted, the storage of unsightly material or junk including unlicensed automobiles, trucks, or other vehicles not in running order, shall be obscured from view from any public right of way or from any neighboring property.

## **Article 12-5            Miscellaneous Requirements**

### **Section 12-5-1    Limitation on Manufactured Homes, Mobile Homes, and Recreational Vehicles**

No occupied manufactured home, mobile home, or recreational vehicle shall be placed on any lot or parcel of land within the town except in compliance with one or more of the following:

- 12-5-1.A. When temporarily located on a lot on which a building is being constructed, but not to exceed one year.
- 12-5-1.B. When located in the MH zone and all the regulations of said zones are complied with.
- 12-5-1.C. An unoccupied recreational vehicle shall be parked off the street in an area where it will not obstruct the view of the neighboring property.

### **Section 12-5-2    Nonconforming Buildings and Uses**

- 12-5-2.A. General. Existing, legal nonconforming uses shall not be increased nor expanded except where a health or safety official, acting in his official capacity, requires such increase or expansion. Such expansion shall be no greater than that which is required to comply with the minimum requirements as set forth by the health or safety official. Nevertheless, a nonconforming building or structure or use of land may be continued to the same extent and character as that which legally existed on the effective date of this chapter or its amendments. Reasonable repairs may also be made to a nonconforming building or to a building housing a nonconforming use. A legal nonconforming owner-occupied mobile home or manufactured home may be replaced with a manufactured home not less than nine hundred (900) square feet in size (subsection 12-7-1.M.1) and not more than ten years in age (subsection 12-2-3.C.4 subparagraph c), and shall meet the requirements of Subsection 12-3-3.D.
- 12-5-2.B. Damaged nonconforming buildings. A nonconforming building or structure and a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood or other calamity or act of nature to the extent of not more than fifty percent of its value may be restored, and the building, structure or part thereof may be continued or resumed, provided that such restoration is started within a period of six months from the date of destruction and is diligently prosecuted to completion. Such restoration shall not increase the floor space devoted to the nonconforming use over that which existed at the

time the building became nonconforming. A nonconforming use which is damaged or destroyed to the extent of more than fifty percent of its value may not be restored, but shall be either discontinued or brought into full conformance with the provisions of the Town of Pima Zoning Code; provided, however, that the board of adjustment may allow the nonconforming use to be restored if it finds that the restoration (1) furthers the Town's interest in preservation of historic or culturally significant used and (2) does not diminish the value of surrounding properties.

- 12-5-2.C. Discontinuance or abandonment. A nonconforming building or structure or portion thereof or a lot occupied by a nonconforming use which is, or hereafter becomes, abandoned or is discontinued for a continuous period of six months or more shall not thereafter be occupied, except by a use which conforms to the regulations of the zone in which it is located.
- 12-5-2.D. Change to a conforming use. Any nonconforming use or nonconforming building which has been changed to a conforming use or building shall not thereafter be changed back to a nonconforming building.
- 12-5-2.E. Change to another nonconforming use prohibited. A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use.
- 12-5-2.F. Reclassification of land. The provision pertaining to nonconforming uses of land and buildings shall also apply to land and buildings which hereafter become nonconforming due to an amendment in the zoning chapter or the official zoning map.
- 12-5-2.G. Permits granted prior to passage of this chapter or amendments thereto. No building which becomes nonconforming upon the passage of this chapter or which becomes nonconforming due to an amendment to this chapter shall be built unless construction has taken place thereon to the extent of at least five hundred dollars in replaceable value by the date on which this chapter or said amendment becomes effective. Replaceable value shall be construed to mean the expenditure necessary to duplicate the materials and labor at market prices.

## **Article 12-6**

## **Swimming Pools**

### **Section 12-6-1 Regulations**

All private or semi-private permanent swimming pools shall meet the following standards for safety:

- 12-6-1.A. The pool and all structures housing apparatus shall not be less than ten feet from the nearest property line.
- 12-6-1.B. The pool shall be equipped with a protection barrier at least six feet high, which shall be sufficient to protect persons or animals from trespassing to assure they are not subject to danger. All openings in the barrier shall be equipped with gates or doors which may be locked.
- 12-6-1.C. The pool and mechanical equipment shall be located so as to minimize the noise and lessen the nuisance to nearby occupants of homes and apartments.
- 12-6-1.D. All pools shall meet the minimum safety standards for the State Department of Health Services.
- 12-6-1.E. All plans for safety devices proposed to be built or erected in conjunction with a swimming pool shall first be presented to the Town of Pima Building Inspector.

## **Article 12-7            Definitions**

### **Section 12-7-1    Applicability**

The definitions set forth below shall apply in this chapter unless the context otherwise requires.

#### 12-7-1.A. Definitions “A”

- 12-7-1.A.1. “Agriculture” means the growing of a garden and commercial crops in the customary open field manner, and the pasturing of cattle, horses, sheep in numbers not to exceed four animal per acre of pasture.
- 12-7-1.A.2. “Apartment house (multiple dwelling)” means any building or portion thereof to be occupied by three or more families living independently of each other and doing their own cooking on the premises.

#### 12-7-1.B. Definitions “B”

- 12-7-1.B.1. “Building” means any structure built for the support, shelter or enclosure of persons, animals, or property of any kind.
- 12-7-1.B.2. “Building, accessory” means a subordinate building, the use of which is incidental to that of the main building.

#### 12-7-1.C. Definitions “C”

- 12-7-1.C.1. “Clinic” means a building used for the diagnosis and treatment of ill or injured persons, but which building does not provide board, room or regular hospital care and services.
- 12-7-1.C.2. “Commercial feedlot”—See Livestock Feed Yard.
- 12-7-1.C.3. “Conditional use” means a use which requires approval of the board of adjustment before the zoning administrator may issue a permit therefore. Generally, uses which require individual consideration of surrounding conditions and circumstances to carry out the intent and purpose of this chapter.

#### 12-7-1.D. Definitions “D”

- 12-7-1.D.1. “Drive-in retail” means any form of merchandising in which customers are served while in their automobiles.

12-7-1.D.2. “Dry lot feeding” means the maintenance of livestock under conditions where over fifty percent of the feed consumed is provided through supplementary feeding.

12-7-1.D.3. Dwelling

- a. “Dwelling unit” means one or more rooms in a building designed for living purpose (bathing, eating, and sleeping) and occupied by one family.
- b. “Dwelling, single family” means a detached residence designed for or occupied by one family.
- c. “Dwelling, two-family” means a building containing two or more dwelling units.
- d. “Dwelling, multiple-family” means a building containing three or more dwelling units.

12-7-1.E. Definitions “E” (Reserved)

12-7-1.F. Definitions “F”

12-7-1.F.1. “Fence, sight-obscuring” means a fence having a height of at least six feet above grade, which permits vision through not more than ten percent of each square foot of the fence.

12-7-1.F.2. “Floor area” means the gross floor area, measure from the exterior walls of the building.

12-7-1.G. Definitions “G”

12-7-1.G.1. “Grade” means the average elevation of finished ground surface adjacent to the exterior walls of a building.

12-7-1.H. Definitions “H”

12-7-1.H.1. “Height of building” means the vertical distance from the natural grade to the highest point of the roof.

12-7-1.H.2. “Home occupation” means any occupation conducted within a dwelling and carried on by persons residing in the dwelling.

12-7-1.H.3. “Hospital” means a building in which ten or more ill or injured human beings are offered board and room while being treated

for such illness or injury by persons registered to practice the healing arts in the State of Arizona.

12-7-1.I. Definitions “I”

12-7-1.I.1. “Immediate Family” is defined as wife, husband, daughter, son, grandchild, mother, father, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, son-in-law, daughter-in-law.

12-7-1.J. Definitions “J”

12-7-1.J.1 “Junk” includes, but is not necessarily limited to, scrap metals or other scrap materials, or dismantled, demolished, or abandoned automobiles or vehicles or machines or parts thereof.

12-7-1.K. Definitions “H” (Reserved)

12-7-1.L. Definitions “L”

12-7-1.L.1. “Landscaping” means the application or use of some combination of planted trees, shrubs, vines ground cover, flowers or lawns. In addition, the combination or design may include rocks and such structural features as fountains, pools, art works, screens, walls, fences or benches.

12-7-1.L.2. “Livestock corral” means a place or pen where a limited number of livestock are kept for agricultural or recreational purposes but distinguished from a livestock feed yard.

12-7-1.L.3. “Livestock feed yard—commercial feed lot” means a feeding operation on a parcel of land where livestock are kept or exchanged in corrals or yards on a sustained basis and where the feed is brought to the yard, as contrasted to feed obtained through grazing the animals on the premises.

12-7-1.L.4. “Lot” means a single parcel or tract of land.

- a. “Lot, corner” means a lot situated at a junction of two or more public streets.
- b. “Lot, interior” means a lot other than a corner lot.
- c. “Lot of record” means a lot designated on a subdivision plat or shown by deed, duly recorded pursuant to statute in the county

recorder's office. A lot of record may or may not coincide with a zoning lot.

- d. "Lot, zoning" means a parcel of land, composed of one or more recorded lots, occupied by a principal building or principal use or uses, along with permitted accessory buildings or uses, meeting all of the requirements for area, width, yards, setbacks, and any other requirements set forth in this chapter.

#### 12-7-1.M. Definitions "M"

12-7-1.M.1. "Manufactured home" means a structure transportable in one or more sections which:

- a. When assembled, is at least twelve feet in width and seventy – five feet in length; that is at least nine hundred (900) or more square feet, and
- b. Is built on a permanent chassis, and
- c. Is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, which include the plumbing, heating, cooling, and electrical systems contained in the manufactured home.

12-7-1.M.2. "Manufactured home park" means a development comprised of manufactured homes designed to function as a residential community and restricted to manufactured homes use by covenant or deed restrictions. The entire development may be owned by a single entity and rented to individual users or have multiple ownership with each manufactured home space sold to individual property owners.

12-7-1.M.3. "Mobile home" means any transportable structure suitable for year-round single-family occupancy and having water, electrical, and sewage connections similar to those of conventional dwellings, that does not meet the definition of "manufactured home".

#### 12-7-1.N. Definitions "N"

12-7-1.N.1. "Nonconforming building" means a building, structure or portion thereof which does not conform to the regulations of this chapter applicable to the zone or district in which such

building is situated, but which legally existed prior to the effective date of this chapter.

12-7-1.N.2. “Nonconforming use” means a use of premise which does not conform to the regulations of this chapter but which existed at the effective date of this chapter.

12-7-1.O. Definitions “O” (Reserved)

12-7-1.P. Definitions “P”

12-7-1.P.1. “Parking space” means a space, not less than twenty feet in length and not less than eight and five-tenths feet in width for the parking of an automobile exclusive of access ways and ramps.

12-7-1.P.2. “Pasture” means grass and other field crops harvested through the grazing of livestock. Also includes the gleaning of fields after harvest. To qualify as pasture, over fifty percent of the feed consumed by the animals must be derived from the pasture alone.

12-7-1.P.3. “Premises” means a zoning lot together with buildings and structures located thereon.

12-7-1.P.4. “Public parks and playgrounds” means a tract of land which is owned by a public agency and which has been partially or totally developed or designated for recreational purposes.

12-7-1.Q. Definitions “Q” (Reserved)

12-7-1.R. Definitions “R”

12-7-1.R.1. “Recreational vehicle” means a travel trailer, camper, motor home, trailer house or camper, used or maintained primarily as temporary dwelling for travel, vacation or recreation purposes.

12-7-1.R.2. “RV Park” means an area or tract of land used to accommodate two or more recreational vehicles for living or sleeping purposes for seasonal or temporary occupancy, and for accessory convenience services.

12-7-1.R.3. “Rest home—nursing home” means a building for the care and keeping of the elderly and people afflicted with prolonged illness or injuries.

12-7-1.S. Definitions “S”

- 12-7-1.S.1. “Salvage yard” means the use of more than five hundred square feet of the area of any lot for the storage, keeping, or abandonment of junk.
- 12-7-1.S.2. “Seating places” means in churches, stadiums, and other places of assembly in which benches or pews are used in place of seats, each eighteen inches of such benches or pews shall be counted as one seat.
- 12-7-1.S.3. “Set back” means the shortest distance between the property line and the foundation, wall or main frame of the building.
- 12-7-1.S.4. “Sign” means any device for visual communication that is used for the purpose of bringing the subject shown thereon to the attention of the public.
- a. “Sign, accessory” means a sign which directs attention to a business or profession conducted on the premises.
  - b. “Sign, non-accessory—billboard” means a sign which directs attention to a business, commodity or service offered elsewhere than at the location of the sign.
  - c. “Sign, free-standing” means a sign which is not attached to or part of a building.
- 12-7-1.S.5. “Special exception” means a use which is not specifically permitted in a zone, but which may be permitted by the board of adjustment in accordance with section 12-2-3.C.
- 12-7-1.S.6. “Structure” means anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including a tent, vehicle, recreational vehicle, mobile home, or manufactured home.

12-7-1.T. Definitions “T”

- 12-7-1.T.1. “Travel trailer, camper or motor home”—see recreational vehicle

12-7-1.U. Definitions “U” (Reserved)

12-7-1.V. Definitions “V”

12-7-1.V.1. “Variance” means a waiver or reduction in required area of lot or yard dimension below the requirements set forth in the zoning chapter.

12-7-1.W. Definitions “W” (Reserved)

12-7-1.X. Definitions “X” (Reserved)

12-7-1.Y. Definitions “Y”

12-7-1.Y.1. “Yard” means an open space on the same lot with a building, unoccupied or unobstructed by structures.

- a. “Yard, front” means the horizontal distance between the street line and the front line of the building, excluding non-enclosed steps.
- b. “Yard, required” means the open space around buildings which is required by the terms of this chapter.
- c. “Yard, side” means a yard between the buildings and the side line of the lot and extending from the front yard to the rear yard.

12-7-1.Z. Definitions “Z”

12-7-1.Z.1. “Zone” means a section or sections within the municipal limits in which the same zoning regulations apply.

12-7-1.Z.2. “Zoning lot”—see “Lot, zoning”

**Article 12-8                      Reserved**

**Article 12-9                      Sexually Oriented Businesses**

**Section 12-9-1      Purpose**

It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Town. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented material. Similarly, it is not the intent nor effect of this ordinance 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 ordinance to condone or legitimize the distribution of obscene material.

**Section 12-9-2      Definitions**

- 12-9-2.A. “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.”
  
- 12-9-2.B. “Adult bookstore”, “adult novelty store” or “adult video store” means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:
  - a. books, magazines, periodical 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.”

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as “adult bookstore”, “adult novelty store”, or “adult video store”. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an “adult bookstore”, “adult novelty store”, or “adult video store” so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

- 12-9-2.C. “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.”
- 12-9-2.D. “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 subrent the room for a period of time that is less than ten (10) hours.
- 12-9-2.E. “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.

- 12-9-2.F. “Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment which regularly features person 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.”
- 12-9-2.G. “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 any 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 good to the premises.
- 12-9-2.H. “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.
- 12-9-2.I. “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.
- 12-9-2.J. “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.
- 12-9-2.K. “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.

12-9-2.L. “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 person 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 a 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.

12-9-2.M. “Nudity” or a “state of nudity” means the showing of the human male or female genital, 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 full opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

12-9-2.N. “Person” means an individual, proprietorship, partnership, corporation, association, or other legal entity.

12-9-2.O. “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.

12-9-2.P. “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 person of the opposite sex; or

- b. activities between male and female person and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

12-9-2.Q. “Sexually oriented business” means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult model, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

12-9-2.R. “Specified anatomical areas” means:

- a. the human male genital in a discernibly turgid state, even if completely and opaquely covered; or
- b. less than completely and opaquely covered human genital, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

12-9-2.S. “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; or 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.

12-9-2.T. “Specified sexual activities” means any of the following:

- a. the fondling of other erotic touching of human genital, 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 (a) through (b) above.

12-9-2.U. “Substantial enlargement” of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent(25%), as the floor areas exist on the date this ordinance takes effect.

12-9-2.V. “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.

### **Section 12-9-3 Classification**

Sexually oriented businesses are classified as follows:

- (1) adult arcades;
- (2) adult bookstores, adult novelty stores, or adult video stores;
- (3) adult cabarets;

- (4) adult motels;
- (5) adult motion picture theaters;
- (6) adult theaters;
- (7) escort agencies;
- (8) nude model studios; and
- (9) sexual encounter centers.

**Section 12-9-4 License Required**

12-9-4.A. It is unlawful:

12-9-4.A.1. For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the Town pursuant to this ordinance.

12-9-4.A.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 Town pursuant to this ordinance.

12-9-4.A.3. For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this ordinance.

12-9-4.B. An application for a license must be made on a form provided by the Town.

12-9-4.C. All applicants must be qualified according to the provision of this ordinance. The application may request and the applicant shall provide such information (including fingerprints) as to enable the Town to determine whether the applicant meets the qualifications established in this ordinance.

12-9-4.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 20 percent or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the

following Article and each applicant shall be considered a licensee if a license is grants.

12-9-4.E. The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:

12-9-4.E.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 yeas 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 capa Town 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.

12-9-4.E.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 (1) the sexually oriented business's fictitious name and (2) submit the required registration documents.

12-9-4.E.3. Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this ordinance, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each.

12-9-4.E.4. Whether the applicant, or a person residing with the applicant, has had a previous license under this ordinance or other similar sexually oriented business ordinances from another Town 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 ordinance 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.

- 12-9-4.E.5. Whether the applicant or a person residing with the applicant holds any other licenses under this ordinance or other sexually oriented business ordinance from another Town or county and, if so, the names and locations of such other licensed businesses.
- 12-9-4.E.6. The single classification of license for which the applicant is filing.
- 12-9-4.E.7. The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s), if any.
- 12-9-4.E.8. The applicant's mailing address and residential address.
- 12-9-4.E.9. A recent photograph of the applicant(s).
- 12-9-4.E.10. The applicant's driver's license number, Social Security number, and/or his/her state or federally issued tax identification number.
- 12-9-4.E.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.
- 12-9-4.E.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 500 feet of the property to be certified; the property lines of any established religious institution/synagogue, school, or public park or recreation area within 500 feet of the property to be certified. For purposes of this Chapter, a use shall be considered existing or established if it is in existence at the time an application is submitted.
- 12-9-4.E.13. If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a Viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, other

video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in Section 12-9-14.

12-9-4.F. Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form to be provided by the Town the following information:

12-9-4.F.1. The applicant's name or any other name (including "stage" names) or aliases used by the individual;

12-9-4.F.2. Age, date, and place of birth;

12-9-4.F.3. Height, weight, hair and eye color;

12-9-4.F.4. Present residence address and telephone number;

12-9-4.F.5. Present business address and telephone number;

12-9-4.F.6. Date, issuing state and number of driver's permit or other identification card information;

12-9-4.F.7. Social Security number; and

12-9-4.F.8. Proof that the individual is at least eighteen (18) years of age.

12-9-4.G. Attached to the application form for a sexually oriented business employee license as provided above, shall be the following:

12-9-4.G.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.

12-9-4.G.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, Town, state, or country has ever had a license, permit, or authorization to do business 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.

12-9-4.G.3. A statement whether the applicant has been convicted of a specified criminal activity as defined in this ordinance and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

**Section 12-9-5 Issuance of License**

12-9-5.A. Upon the filing of said application for a sexually oriented business employee license, the Town shall issue a temporary license to said applicant. The application shall then be referred to the appropriate Town 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 Town shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

12-9-5.A.1. The applicant has failed to provide information reasonable necessary for issuance of the license or has falsely answered a question or request for information on the application form;

12-9-5.A.2. The applicant is under the age of eighteen (18) years;

12-9-5.A.3. The applicant has been convicted of a “specified criminal activity” as defined in this ordinance;

12-9-5.A.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 ordinance; or

12-9-5.A.5. The applicant has had a sexually oriented business employee license revoked by the Town 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 in Section 12-9-10.D.

12-9-5.B. A license granted pursuant to this Chapter shall be subject to annual renewal upon the written application of the applicant and a finding by the Town that the applicant has not been convicted of any specified criminal activity as defined in this ordinance 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 in Section 12-9-6

12-9-5.C. Within 30 days after receipt of a completed sexually oriented business application, the Town shall approve or deny the issuance of a license to an applicant. The Town 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:

12-9-5.C.1. An applicant is under eighteen (18) years of age.

12-9-5.C.2. An applicant or a person with whom applicant is residing is overdue in payment to the Town of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business.

12-9-5.C.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.

12-9-5.C.4. An applicant or a person with whom the applicant is residing has been denied a license by the Town 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.

12-9-5.C.5. An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity defined in this ordinance.

12-9-5.C.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.

12-9-5.C.7. The license fee required by this ordinance has not been paid.

12-9-5.C.8. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.

12-9-5.D. 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 pursuant to Section 12-9-3. 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.

- 12-9-5.E. The health department, fire department, and the building official shall complete their certification that the premises is in compliance or not in compliance within twenty (20) days of receipt of the application by the Town.
- 12-9-5.F. A sexually oriented business license shall issue for only one classification as found in Section 12-9-3.

**Section 12-9-6    Fees**

- 12-9-6.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 \$50.00 non-refundable application and investigation fee.
- 12-9-6.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 Town an annual non-refundable license fee of \$25.00 within thirty (30) days of license issuance or renewal.
- 12-9-6.C. Every application for a sexually oriented business employee license (whether for a new license or for a renewal of an existing license) shall be accompanied by an annual \$25.00 non-refundable application, investigation, and license fee.
- 12-9-6.D. All license applications and fees shall be submitted to the Town Clerk/Manager of the Town of Pima.

**Section 12-9-7    Inspection**

- 12-9-7.A. An applicant or licensee shall permit representatives of the Police Department, Health Department, Fire Department, Zoning Department, or other Town 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.
- 12-9-7.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.

**Section 12-9-8 Expiration of License**

12-9-8.A. Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 12-9-4. Application for renewal shall be made at least thirty (30) days before the expiration date, the expiration of the license will not be affected.

12-9-8.B. When the Town 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 Town finds that the basis for denial of the newel license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final.

**Section 12-9-9 Suspension**

12-9-9.A. The Town shall suspend a license for a period not to exceed thirty (30) days if it determines that a license or an employee of a licensee has:

12-9-9.A.1. violated or is not in compliance with any chapter of this ordinance, or;

12-9-9.A.2. refused to allow an inspection of the sexually oriented business premises as authorized by this Article.

**Section 12-9-10 Revocation**

12-9-10.A. The Town shall revoke a license if a cause of suspension in Section 12-9-9 occurs and the license has been suspended within the preceding twelve (12) months.

12-9-10.B. The Town shall revoke a license if it determines that:

12-9-10.B.1. a licensee gave false or misleading information in the material submitted during the application process;

12-9-10.B.2. a licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;

12-9-10.B.3. a licensee has knowingly allowed prostitution on the premises;

12-9-10.B.4. a licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

12-9-10.B.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; or

12-9-10.B.6. a licensee is delinquent in payment to the Town, County, or State for any taxes or fees past due.

12-9-10.C. When the Town 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 Town 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.

12-9-10.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 review by the court.

#### **Section 12-9-11 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.

#### **Section 12-9-12 Location of Sexually Oriented Businesses**

12-9-12.A. A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district other than L-1, as defined and described in the Town of Pima Zoning Code.

12-9-12.B. A person commits as offense if the person operates or causes to be operated a sexually oriented business within 500 feet of:

12-9-12.B.1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

12-9-12.B.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;

- 12-9-12.B.3. A boundary of a residential district as defined in the Town of Pima Zoning code.
- 12-9-12.B.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 Town which is under the control, operation, or management of the Town park and recreation authorities;
- 12-9-12.B.5. The property line of a lot devoted to a residential use as defined in the Town of Pima Zoning Code;
- 12-9-12.B.6. An entertainment business which is oriented primarily towards children or family entertainment; or
- 12-9-12.B.7. A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State.
- 12-9-12.C. A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 500 feet of another sexually oriented business.
- 12-9-12.D. A person commits a misdemeanor if that person causes or permits 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.
- 12-9-12.E. For the purpose of Subsection 12-9-12.B. of this Section, measurement shall be made in a straight line, without regard to the intervening structure 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 in Subsection 12-9-12.B. Presence of a Town, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
- 12-9-12.F. For purposes of Subsection 12-9-12.C. of this Section, 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.

12-9-12.G. Any sexually oriented business lawfully operating on June 5<sup>th</sup>, 1998, that is in violation of Subsection 12-9-12.B. through Subsection 12-9-12.F. of this Section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period no to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarge, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business(es) is/are nonconforming.

12-9-12.H. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in Subsection 12-9-12.C. of this Section within 1000 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

### **Section 12-9-13 Additional Regulations for Adult Motels**

12-9-13.A. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishments 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 Article.

12-9-13.B. A person commits a misdemeanor 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, he rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or subrents the same sleeping room again.

12-9-13.C. For purposes of subchapter (b) of this Chapter, the terms “rent” or “subrent” mean the act of permitting a room to be occupied for any form of consideration.

**Section 12-9-14 Regulation Pertaining to Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms**

12-9-14.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:

12-9-14.A.1. Upon application for a sexually oriented license, 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 and 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 Town 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.

12-9-14.A.2. The application shall be sworn to be true and correct by the applicant.

12-9-14.A.3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Town.

12-9-14.A.4. It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

12-9-14.A.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 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 paragraph must be by direct line of sight from the manager's station.

12-9-14.A.6. It shall be the duty of the licensee to ensure that the view area specified in Subsection 12-9-14.A.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 patron will not be permitted in the application filed pursuant to Subsection 12-9-14.A.1.

12-9-14.A.7. No viewing room may be occupied by more than one person at any time.

12-9-14.A.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 (5.0) foot-candles as measured at the floor level.

12-9-14.A.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.

12-9-14.A.10. No licensee shall allow openings of any kind to exist between viewing rooms or booths.

12-9-14.A.11. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

12-9-14.A.12. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

12-9-14.A.13. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

12-9-14.A.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.

12-9-14.B. A person having a duty under subsection 12-9-14.a.1 through 12-9-14.A.14 commits a misdemeanor if he knowingly fails to fulfill that duty.

**Section 12-9-15 Additional Regulations for Escort Agencies**

12-9-15.A. An escort agency shall not employ any person under the age of 18 years.

12-9-15.B. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

**Section 12-9-16 Additional Regulations for Nude Model Agencies**

12-6-16.A. A nude model studio shall not employ any person under the age of 18 years.

12-6-16.B. A person under the age of 18 years commits an offense if the person appears 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 Section if the person under 18 years was in a restroom not open to public view or visible to any other person.

12-6-16.C. A person commits an offense if the person appears in a state of nudity, or knowingly allows another 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.

12-9-16.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.

**Section 12-9-17 Additional Regulation Concerning Public Nudity**

12-9-17.A. It shall be a misdemeanor for a person who knowingly and intentionally, in a sexually oriented business, appears in a state of nudity or depicts specified sexually activities.

12-9-17.B. It shall be a misdemeanor for a person who knowingly or intentionally in a sexually oriented business appears 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.

12-9-17.C. It shall be a misdemeanor for an employee, while semi-nude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in a sexually oriented business.

**Section 12-9-18 Prohibition Against Children in a Sexually Oriented Business**

A person commits a misdemeanor if the person knowingly allows a person under the age of 18 years on the premises of a sexually oriented business.

**Section 12-9-19 Hours of Operation**

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of one o'clock (1:00) A.M. and eight o'clock (8:00) A.M. on weekdays and Saturdays, and one o'clock (1:00) A.M. and noon (12:00) P.M. on Sundays.

**Section 12-9-20 Exemptions**

12-9-20.A. It is a defense to prosecution under Section 12-9-17 that a person appearing in a state of nudity did so in a modeling class operated:

12-9-20.A.1. by a proprietary school, licensed by the State of Arizona; a college, junior college, or university supported entirely or partly by taxation;

12-9-20.A.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

12-9-20.A.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.

**Section 12-9-21 Injunction**

A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of Section 12-9-12 is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of \$200.00 or thirty (30) days imprisonment. Each day a sexually oriented business so operates is a separate offense or violation.

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