

AGENDA

WORK SESSION OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, TO BE HELD OCTOBER 9, 2012, AT 6:00 PM., AT THE COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, AZ.

- I. CALL TO ORDER
- II. ROLL CALL
- III. ITEMS FOR DISCUSSION

Comments regarding items listed on the agenda are limited to a 5 minute time period per speaker.

- 1. REQUEST TO REVISE TITLE 6, ANIMALS, CHAPTERS 6.04, GENERAL REQUIREMENTS; 6.08, IMPOUNDMENT, 6.12, DOGS; AND 6.16, BEES; OF THE MUNICIPAL CODE.
- 2. PLACEMENT AND DEVELOPMENT OF A NEW CITY HALL.
- 3. REQUEST TO ADJUST THE CITY'S BUSINESS REGISTRATION FEES.
- 4. REQUEST TO REVISE THE FEE SCHEDULE FOR TEMPORARY USE PERMITS.

- IV. ADJOURNMENT

Pursuant to A.R.S. 38-431.03.(A) the Council may vote to go into executive session on any agenda item pursuant to A.R.S. 38-431.03.(A)(3) Discussion or consultation for legal advice with the attorney or attorneys of the public body.

The Cottonwood Council Chambers is accessible to the disabled in accordance with Federal 504 and ADA laws. Those with needs for special typeface print or hearing devices may request these from the City Clerk (TDD 634-5526.) All requests must be made 24 hours prior to the meeting.

Members of the City Council will attend either in person or by telephone conference call.

City of Cottonwood, Arizona City Council Agenda Communication



 Print

Meeting Date:	October 9, 2012
Subject:	Revision of Municipality Code: Title 6 - Animals
Department:	Police
From:	Chief Jody Fanning

REQUESTED ACTION

Council consideration to adopt the proposed revision to Municipal Code Title 6- Animals. This revision will enhance the language of the title for the community's understanding as well as the City's ability to effectively and efficiently enforce violations involving the animal population's treatment, safety and wellbeing.

SUGGESTED MOTION

If the Council desires to approve this item the suggested motion is: N/A

BACKGROUND

The City has taken much initiative in adopting language to protect the community and animal population as a whole and adding language as necessary when seen fit. However, the current Title 6 as a whole is vague in many areas leaving too broad of an interpretation to effectively determine and enforce violations, thus leading to confusion and uncertainty for many involved in the process. Also, the current Title 6 is not as easily maneuvered and delineated for the community's benefit in reading and complying with the Title. After researching animal related law in many states, counties, and municipalities as well as consulting with several other agencies, a new revision to Title 6 will better serve and benefit the community and employees tasked with interpreting and enforcing the Title.

JUSTIFICATION/BENEFITS/ISSUES

The position of "Dog Catcher" has quickly changed, adapted, and evolved over the last 20 years all across The United States of America. From Dog Catcher to Animal Control Officer to Animal Care and Control Officer, the position has gone from being thought of as the least regarded position in a municipality to a highly respected and incredibly welcomed face in every community. The current Title 6 has not followed the same evolution as the main enforcing entity widely associated with the Title. The current Title, as written, leaves open to interpretation, too many violations which leads to the abuse and cruelty of animals inside the City of Cottonwood. The new proposed Title adds clarification to better serve the community as a whole. The new proposed Title also addresses and clarifies common areas that the current Title had not previously addressed.

COST/FUNDING SOURCE

No Costs

ATTACHMENTS:

Name:	Description:	Type:
 municiple code revisions 9-2012.docx	Municiple Code Title 6 Revision	Cover Memo

Chapter 6.01 - INTRODUCTION

MISSION STATEMENT:

The purpose and intent of Title 6 is to protect public health and safety and promote the general welfare of citizens and animals residing within the City. Pet ownership is encouraged and welcomed when it is accompanied by responsible, caring, humane and legal treatment of the animal. Pet owners and caregivers must be respectful of the rights of their fellow citizens, public and private property, and quality of life as it is impacted by their animal(s). Owners are responsible for properly training and/or securing their animals so as to prevent them from causing damage, injury, or nuisance. Owners must also carefully manage their pet's ability to procreate so as to prevent the addition of unwanted stray and feral animals and to help actively reduce the euthanasia of surplus pets in our community.

DEFINITIONS:

The following words, terms and phrases, when used in Title 6, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

"Abandon" means the act of placing an animal on public property or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and without adequate food, water, ventilation or shelter, for a period in excess of 24 hours, regardless of where such animal may be found or kept.

"Abuse" refers to physical injury, physical pain, and death.

"Animal Shelter" means any facility designated by the City for the purpose of housing and caring for animals held under the authority of this chapter

"At large" means off the premises of the owner, not under the control of the owner or other persons acting for the owner by physical restraint on a leash.

"Baiting" means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals.

"Bite" means that the skin has been torn by an animal's teeth.

"Cat" means the domestic cat, *Felis catus*.

"Citation" means a written notice issued to a person by an officer stating that the officer has probable cause to believe that the person has committed an infraction in violation of this chapter and that the court will hear the charge.

"Collar" means a band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.

"Dog" means any domesticated member of the *canis familiaris* family.

"Enforcement agent/officer" means a person employed by the city of Cottonwood responsible for the enforcement of this chapter and the regulations promulgated thereunder.

"Feral" means any wild cat or dog, whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication.

"Fowl" means poultry of any kind, including but not limited to chickens, pheasants, guineas, turkeys, peacocks, ducks, and geese.

"Leash" means a line made of rope, chain or other suitable material, not less than one-quarter inch in diameter the purpose of which is to restrain a dog.

"Livestock" means all animals of the equine, bovine, ratite or swine class. This includes goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals.

"Motor vehicle" includes, without limitation, an automobile, a pickup truck, or any self-propelled vehicle or a trailer that is drawn by a self-propelled vehicle.

"Neglect" refers to not having food, water, shelter, or medical attention readily available.

"Owner" means any person, partnership, corporation or other legal entity owning, harboring, or keeping any animal, or in the case of a person under the age of 18 years of age, that person's parent or legal guardian. This definition shall not apply to any veterinary clinic or boarding kennel.

"Pound" means any establishment authorized by the city for the confinement, maintenance, safekeeping and control of dogs that come into the custody of the police department.

"Scratch" means that the skin has been penetrated by an animal's claws, horn, or other appendage.

"Serving dog" means a dog in the service of assisting a person diagnosed as having a hearing, visual, or substantial mobility impairment.

"Spayed or neutered" means rendered permanently incapable of reproduction by a licensed veterinarian.

"Unprovoked" means any situation where the victim has been acting peaceful and lawful.

"Vaccination" means an anti-rabies vaccination using a type of vaccine approved by the state veterinarian.

"Veterinarian" means a person trained and authorized to treat animals medically who is duly licensed and registered

"Vicious Dog" means any dog that bites human beings without provocation; or with a known propensity, tendency or disposition to bite human beings; or any dog that, while at large, kills or causes injury to domestic animals.

VIOLATIONS - PENALTIES

Any violation charged with a criminal petty offense will be fined in accordance to ARS 13-802.

Any violation charged with a criminal class 2 misdemeanor will be sentenced in accordance to ARS 13-707 and fined in accordance to ARS 13-802.

Chapter 6.04 - GENERAL REQUIREMENTS

Sections:

6.04.010 –Care requirements.

6.04.020 - Cruel treatment prohibited.

6.04.030 – Housing requirements

6.04.040 –Feeding of feral animals

6.04.050 - Noisy animals prohibited.

6.04.060 – Removal of animal waste

6.04.070 - Diseased animals.

6.04.080 - Prohibition of the sale or giveaway of animals.

6.04.090 – Protection of animals and public

6.04.100 - Dangerous animals-Prohibited.

6.04.110 - Dangerous animals-Killing permitted when.

6.04.120 – BEES- Keeping-Permission required

6.04.010 - Care requirements

Any animal restrained on an owner's premises shall be cared and provided for. No owner shall fail to provide their animal with water, good and wholesome food appropriate to the species, proper shelter and protection from the weather at all times, veterinary care, sufficient exercise and humane care and treatment.

A. The owner or caretaker of an animal shall provide clean water for the animal in a sufficient quantity to maintain the animal in a healthy condition. Water shall be provided at all times in a stable container that is sized appropriately for the animal's species and breed.

B. Owners and caretakers of animals shall provide all health related grooming, cleaning and parasite control required to ensure that the animals are maintained in a humane state and able to carry out normal activities.

C. The owner or caretaker to any sick or injured animal shall seek veterinary care when needed to prevent suffering.

** Any violation of this section will be charged as a class 2 misdemeanor.*

6.04.020 - Cruel treatment prohibited.

It is unlawful for any person to torture or ill-treat any animal whether belonging to self or to any other person.

A. No person shall unnecessarily overload, overdrive, torture or torment, deprive of necessary sustenance or shelter, beat, mutilate, or inhumanely kill, or otherwise abuse any animal or cause or permit the same to be done.

B. No person shall abandon any animal.

C. Any person who commits any of the following acts shall be in violation of this section:

1. Baiting, breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting or baiting;

2. Betting or wagering any money or other valuable consideration on the fighting or baiting of animals.

3. Attending the fighting or baiting of animals.

4. Providing or allowing property for use in the housing, training, transport, fighting or baiting of animals.

D. It is unlawful for any person to poison any dog or dogs, or to distribute poison in any manner whatsoever, with the intent or the purpose of poisoning any dog or dogs, or to willfully injure or disfigure any dog or dogs, within the city, except that any officer or agent of the United States or of this state or of the city who exposes poison to be taken by predatory animals shall be exempted from the provisions of this section.

** Any violation of this section will be charged as a class 2 misdemeanor.*

6.04.030 -Housing requirements

Any person who keeps or causes to be kept any horses, mules, cattle, burros, goats, sheep or other livestock, poultry within the corporate limits of the city, as allowed by the specific zoning ordinances associated with the property, shall keep such livestock or poultry in a pen or similar enclosure to prevent their roaming at

large. Any such livestock or poultry running at large may be impounded as provided in this chapter. It is unlawful to cause or allow any stable, pen, or other enclosure where any animal is or may be kept to become unclean or unwholesome.

** Any violation of this section will be charged as a class 2 misdemeanor.*

6.04.040 – Feeding feral animals

It is unlawful to feed or harbor any feral animal within city limits as feral animals constitute health and environmental risks to domesticated animals, wildlife and persons.

Exceptions are as follows:

- A.** A person may feed or harbor a feral animal on their own private property as long as
1. the person accepts legal responsibility for the feral animal and ensures compliance with all provisions of this chapter and
 2. the feral animal has been spayed or neutered and
 3. The feral animal is kept currently vaccinated against rabies.

** Any violation of this section will be charged as a petty offense.*

6.04.050 - Noisy animals prohibited.

It is unlawful for any person to keep or harbor within the city any animal which frequently or for continuous duration barks, howls, whines, or makes other verbal noises by day or night and disturbs the peace and quiet of any reasonable person or family.

A. No person shall keep or harbor an animal which barks, howls, whines, or making other verbal noises in violation of this section. It shall constitute a violation of this section if the barking, howling, whining, or other verbal noises that are made continually occur and are audible beyond the property line of the premises on which the animal is located if:

1. It occurs for more than 5 minutes between the hours of 10:00 pm and 8:00 am or;
2. It occurs for more than 15 minutes between the hours of 8:00 am and 10:00 pm or;
3. For a shorter duration than cited above, but on more than five occasions within a given ten-day period if attested to by complaints from two or more separate properties.
4. In order to abate the nuisance created by an animal barking, howling, whining, or making other verbal noise in violation of this section, enforcement officers may enter the yard and may seize any such animal from the yard where the violation is occurring if the officer is unable to contact the owner or if the owner is unwilling to take action to stop the nuisance.

B. It shall be a defense to such violation if the owner of an animal proves by a preponderance of the evidence that the only reason the animal was barking, howling, whining, or making other noises was that the animal was being provoked by a person or otherwise being incited.

** Any violation of this section will be charged as a petty offense.*

6.04.060 – Removal of animal waste

A. The owner or custodian of any animal, including but not limited to dogs, cats, livestock, horses, or any other animal under their control within the City of Cottonwood, shall be responsible for the immediate clean up and proper disposal of all feces deposited by animal on public property including but not limited to sidewalks, walkways, trails, recreation areas, and parks, Or on any privately owned property without the consent of the owner.

B. Exceptions to this section shall include unsighted persons while relying on a guide dog, police officer or other law enforcement officer accompanied by police dogs. Or for horses and or livestock at the equestrian center or taking part in an authorized public event or parade that have separate rules and regulations regarding the collection and removal of stated animals' feces.

** Any violation of this section will be charged as a petty offense.*

6.04.070 - Diseased animals

A. It is unlawful to allow any domestic animal afflicted with a contagious or infectious disease to run at large, or to be exposed in any public place whereby the health of man or beast may be affected. It is unlawful for such diseased animal to be shipped or removed from the premises of the owner thereof, except under the supervision of the police chief or enforcement agent.

B. It is the duty of the police chief or enforcement agent, at the owner's expense and under the direction of a licensed veterinarian and/or health official, 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.

** Any violation of this section will be charged as a petty offense.*

6.04.080 - Prohibition of the sale or giveaway of animals.

A. It is unlawful for any business or store to allow any person(s) to sell or give away any animal in front of any business or store in the city limits of Cottonwood, Arizona.

B. It is unlawful for any person(s) to give away or sell any animal in front of any business, store or on the side of any public roadway in the city limits of the city of Cottonwood, Arizona.

** Any violation of this section will be charged as a petty offense.*

6.04.090 - Protection of animals and public

A. No person shall transport or carry on any public highway or public roadway, any dog or other animal in or on a motor vehicle unless the dog or other animal is enclosed within the vehicle or protected by a container, cage, cross-tether, or other device to prevent the animal from falling from, being thrown from, or jumping from said motor vehicle.

B. Any *animal* in a parked motor vehicle shall be confined in the manner set forth above so as to prevent it from reaching to or beyond the outside edge of such vehicle with any portion of its body. A law enforcement officer or an animal control officer shall be empowered to remove an animal that is not so confined from a motor vehicle when it appears that said animal may itself be in danger or when it appears that said animal may endanger the safety of the public.

C. No person shall leave or confine any animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

1. Removal authorized. A law enforcement officer or enforcement agent shall be empowered to take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal's safety, health or well-being appears to be in immediate danger from heat, cold or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering or death.

2. Notice required. A law enforcement officer or Enforcement agent who removes an animal in accordance with subsection 1 shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing the officer's or agent's name and office and the address of the location where the animal may be claimed. The owner may claim the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment and impoundment of the animal.

3. Immunity. A law enforcement officer or Enforcement agent who removes an animal from a motor vehicle pursuant to subsection 1 is immune from criminal or civil liability that might otherwise result from the removal.

** Any violation of this section will be charged as a petty offense.*

6.04.100 - Dangerous animals - Prohibited.

It is unlawful to permit any dangerous or vicious animal of any kind to run at large within the city and such animals shall be immediately impounded by the police department. Exhibitions or parades of animals which are of a feral or wild nature in the eyes of the law may be conducted only upon securing a permit from the chief of police.

** Any violation of this section will be charged as a petty offense.*

6.04.110 - Dangerous animals-Killing permitted when.

The members of the police department or any other persons in the city are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property in a safe and humane manner.

** Any violation of this section will be charged as a petty offense.*

6.04.120 – BEES- Keeping-Permission required

It is unlawful to keep or care for bees or maintain any stands or hives of bees within the corporate limits of the city without the written permission of the council.

** Any violation of this section will be charged as a petty offense.*

Chapter 6.08 - IMPOUNDMENT

Sections:

6.08.010 - Poundmaster-Designated.

6.08.020 - Deputy poundmaster.

6.08.030 - Animals at large-Impoundment.

6.08.040 - Notice to owner.

6.08.060 - Keeping-Treatment.

6.08.070 - Redemption.

6.08.080 - Unredeemed animals-Sale.

6.08.090 - Impounding fees.

6.08.100 - Impeding poundmaster prohibited.

6.08.110 - Biting animal-Examination.

6.08.120 - Contracting for services.

6.08.010 - Poundmaster - Designated.

The chief of police is designated poundmaster for the City of Cottonwood.

6.08.020 - Deputy poundmaster.

The poundmaster shall have the right, subject to the approval of the council, to appoint such deputy poundmasters as he may deem necessary for the proper performance of the work and duties of the poundmaster, and any such deputy so appointed is empowered to perform any of the duties of the poundmaster set forth in this chapter.

6.08.030 - Animals at large-Impoundment.

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

6.08.040 - Notice to owner.

If the owner of any impounded animal, except dogs, shall be known to the poundmaster and shall reside or have a known place of business *inside* the city *limits*, the poundmaster 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 shall be sold at public auction to the highest bidder at the time and place specified in the notice. Copies of the notice shall be posted at the place of impoundment and at the City Hall.

6.08.060 - Keeping-Treatment.

The poundmaster shall provide for the keeping of all animals taken up and impounded by him or his deputies in a safe, convenient and comfortable place within or conveniently near the city 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, which shall not be less than five days, unless sooner claimed by the owner, except dogs which shall be kept as provided in [Chapter 6.12](#).

6.08.070 - Redemption.

The owner of any animal, other than a dog, shall within five days after such animal has been taken up and impounded, apply to the poundmaster and pay the fees and charges provided by this title, the poundmaster shall *release* any such animal to the owner

6.08.080 - Unredeemed animals-Sale.

All animals, other than dogs, taken up and impounded under the provisions of this chapter which have not been claimed and for which the fees and charges have not been paid to the poundmaster by the owner within five days, shall at the time provided in the notice to owner, be sold by the poundmaster at public auction at the place of impoundment, to the highest cash bidder and he 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 city. The poundmaster shall execute a bill of sale in favor of the purchaser of such animal and upon payment of the amount bid shall deliver the bill of sale to the purchaser.

6.08.090 - Impounding fees

The poundmaster shall collect from the owner of animals taken up and impounded and duly claimed by the owner, before delivering any such animals, a sum to be determined by resolution of the council for every animal so taken up, and additionally a sum for the care, watering and feeding of any impounded animal. All fees collected shall be paid into the general fund of the city.

6.08.100 - Impeding poundmaster prohibited.

It is unlawful for any person to in any manner intervene, impede, prevent, obstruct or intimidate the poundmaster *or* his deputies 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.

6.08.110 - Biting animal-Examination.

Whenever any animal, *other than dogs which apply to Chapter 6.11.050*, bites a person, the person so bitten and the owner of the animal shall immediately notify the police department, which shall cause an examination of the animal to be made by a duly licensed physician or a duly licensed veterinarian, and shall order the animal impounded as long as necessary for a complete examination. If it is determined that the animal is infected with rabies or other dangerous, contagious and infectious disease the police department may destroy such animal in as humane a manner as is reasonably possible. If 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.

6.08.120 - Contracting for services.

The *city* council may enter into a contract with any person or organization for the operation of an animal pound and may enter into a contract with any licensed veterinarian for the medical care and humane disposal of animals impounded under the provisions of this title.

Chapter 6.11 – LICENSE- VACCINATION- RABIES

Sections:

6.11.010 - License—Required.

6.11.020 - License—Certificate—Tag.

6.11.030 - License—Delinquent.

6.11.040 - Vaccination required.

6.11.050 - Biting dogs, cats, or ferrets.

6.11.060 - Rabies-Infection-Disposition.

6.11.070 - Rabies-Destruction.

6.11.080 - Rabies-Moving prohibited.

6.11.010 - License—Required.

All dogs kept, harbored, or maintained in the city must be licensed if four months of age and older. Dog licenses shall be issued by the police department, shelter, or participating veterinary office upon payment of such fees as shall be set by resolution of the common council. The owner shall state at the time application is made for such license his/her name, physical address, dog's name, breed, color, and sex (certificate of sterilization must also be provided if applies) of each dog owned by and kept. No license shall be issued except upon presentation of proof of rabies vaccination as provided for in Section [6.12.040](#). The provisions of this section shall not apply to dogs brought into the city for purposes of any dog show. All serving dogs shall be licensed without payment of a fee only at the police department. Dog licenses shall be issued for a period of one year and shall run from the first day of January in each calendar year to the last day of December, the same year. Licenses issued shall be worn, either by collar or harness, only by the dog they were issued to.

** Any violation of this section will be charged as a petty offense.*

6.11.020 - License—Certificate—Tag.

Upon payment of the license fee, there shall be issued to the owner a license certificate and a tag for each dog so licensed. The tag shall have the year for which it was issued and number corresponding with the number on the certificate. Every owner must provide each dog with a collar or harness to which the license tag must be affixed and must see that the collar or harness and tag are constantly worn. In case a dog tag is lost or destroyed, a new tag will be issued upon payment of the license fee established, as provided for in this chapter. Dog tags are not transferable from one dog to another. It is unlawful for a person to counterfeit or attempt to counterfeit a dog tag, certificate of vaccination or license certificate, or to take from a dog a tag legally placed upon it, or place a dog tag upon a dog unless the tag was specifically issued for that particular dog.

** Any violation of this section will be charged as a petty offense.*

6.11.030 - License—Delinquent.

Except as provided for in Section [6.08.010](#), if the license is not obtained by the owner during the month of January of each year or within thirty days of the first possession of any dog or of its becoming four months old or within thirty days from the arrival of the dog in the city, whichever occurs first, the license payment shall be deemed delinquent and a penalty of five dollars shall be added to the license fee.

** Any violation of this section will be charged as a petty offense.*

6.11.040 - Vaccination required.

Every owner of a dog, cat, or ferret within the corporate limits of the city must have it vaccinated against rabies by a veterinarian licensed to practice veterinary medicine under the laws of the state, and no more frequently than the effective period of the approved vaccine used. Vaccination is excused only if a licensed veterinarian certifies in writing that the vaccination would be injurious to the cat, dog or ferret's health. In such case, the cat, dog or ferret shall be confined to an enclosed building or kennel until the cat, dog, or ferret

can be safely vaccinated. The chief of police may establish an administrative procedure to permit any licensed veterinarian to issue dog licenses and tags for dogs that have been vaccinated.

** Any violation of this section will be charged as a petty offense.*

6.11.050 - Biting dogs, cats, or ferrets

Whenever any dog, cat, or ferret bites a person, the person so bitten or, if a minor, the parent of such person and the owner of the dog, cat, or ferret shall immediately notify the police department. The responding enforcement officer shall then cause the dog to be confined and observed as follows:

A. If unlicensed or unvaccinated within the prior three years, in the pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than ten days;

B. If licensed and vaccinated within the prior three years, be confined as provided for in subsection A of this section, or may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.

** Any violation of this section will be charged as a petty offense.*

6.11.060 - Rabies-Infection-Disposition.

A. If an enforcement agent believes that a dog, cat, or ferret has rabies or that a dog, cat, or ferret has been bitten by another dog, cat, ferret, or other animal which is believed to have rabies, such dog, cat, or ferret shall:

1. If unlicensed or unvaccinated within the prior three years, be confined or observed in the pound or, on request of and at the expense of the owner, at a veterinary hospital for a period of not less than ten days.

2. If licensed and vaccinated within the prior three years, be confined as provided for in subdivision 1 of this subsection or may be confined and quarantined at the home of the owner or wherever the dog, cat, or ferret is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.

B. If an owner of a dog, cat, or ferret or other person has reason to believe a dog, cat, or ferret has been exposed to rabies they shall notify the police department of such exposure and at the discretion of the responding enforcement officer, the responding enforcement officer may order that the dog be confined and observed as provided for in this section.

** Any violation of this section will be charged as a petty offense.*

6.11.070 - Rabies-Destruction.

Any dog, cat, or ferret determined by a certified veterinarian to be infected with rabies after confinement and observation, as provided for in this chapter, shall be destroyed by an enforcement agent. If, upon termination of the confinement period, the veterinarian determines that the dog, cat, or ferret is free from rabies, it shall be released. If the dog, cat, or ferret dies during the period of confinement, its head shall be removed and sent to the State Department of Health Services for examination.

** Any violation of this section will be charged as a petty offense.*

6.11.080 - Rabies-Moving prohibited.

It shall be unlawful for any dog, cat, or ferret owner or other person knowing that a dog, cat, or ferret has rabies or has been exposed to rabies to remove the dog, cat, or ferret from the owner's premises or beyond the limits of the city, if not initially located on the premises, except upon order of the chief of police or his enforcement agent.

** Any violation of this section will be charged as a petty offense.*

Chapter 6.12 - DOGS

Sections:

[6.12.010 - Care requirements.](#)

[6.12.020 - Creating disturbance prohibited.](#)

[6.12.030 - Running at large prohibited.](#)

[6.12.040 - At large—Exemption.](#)

[6.12.060 - Impoundment-Grounds.](#)

[6.12.070 - Impoundment-Redemption and fees.](#)

[6.12.080 - Impoundment—Sale or destruction.](#)

[6.12.090 - Impeding poundmaster prohibited.](#)

[6.12.010 - Care requirements](#)

Any dog restrained on an owner's premises as required by Section [6.12.030](#) shall be cared and provided for. No owner shall fail to provide their dog with water, good and wholesome food, proper shelter and protection from the weather at all times, veterinary care, sufficient exercise and humane care and treatment.

A. The owner or caretaker of any dog shall provide clean water at all times in a stable container that is sized appropriately for the dog's size and breed.

B. Owners and caretakers of any dog shall provide all health related grooming, cleaning and parasite control required to ensure that the dog is maintained in a humane state and able to carry out normal activities.

C. The owner or caretaker of any sick or injured dog shall seek veterinary care as needed to prevent suffering.

D. The owner or caretaker of any dog kept or left outside the home for any length of time must provide shelter and protection from the elements

1. Shelter must be constructed of solid wood or other weather resistant material with the exception of metal and glass.

2. Shall be sufficient in size to the dog being sheltered, so as the dog may enter and have room to stand and turn around inside.

3. Shelter must be seasonally equipped with ventilation to provide movement of air during the heat to help cool down the dog. And dry and clean bedding must be provided during the cold to help pet retain heat such as blankets, wood chips, etc.

E. The owner or caretaker of any dog contained in an outdoor kennel or pen must allow adequate space for exercise. A minimum sized enclosure for any dog is 100 square feet. Dogs over 80 pounds must be provided with an additional 50 square feet. For each additional dog inside the enclosure another 50 square feet will be required per dog.

** Any violation of this section will be charged as a class 2 misdemeanor.*

[6.12.020 - Creating noise disturbance prohibited.](#)

It is unlawful for any person to keep or harbor within the city any dog which frequently or for continuous duration barks, howls, whines, or makes other noises by day or night and disturbs the peace and quiet of any reasonable person or family.

A. No person shall keep or harbor a dog which barking, howling, whining, or making other noises in violation of this section. It shall constitute a violation of this section if the barking, howling, whining, or other noises that are made continually occur and are audible beyond the property line of the premises on which the dog is located if:

1. It occurs for more than 5 minutes between the hours of 10:00 pm and 8:00 am or;

2. It occurs for more than 15 minutes between the hours of 8:00 am and 10:00 pm or;

3. For a shorter duration than cited above, but on more than five occasions within a given ten-day period if attested to by complaints from two or more separate properties.

4. In order to abate the nuisance created by a dog barking, howling, whining, or making other noise in violation of this section, ordinance enforcement officers may enter the yard and may seize any such dog from the yard where the violation is occurring if the officer is unable to contact the owner or if the owner is unwilling to take action to stop the nuisance.

B. It shall be a defense to such violation if the owner of the dog proves by a preponderance of the evidence that the only reason the dog was barking, howling, whining, or making other noises was that the dog was being provoked by a person or otherwise being incited, or was acting as a guide dog, hearing dog, service dog, or police work dog.

** Any violation of this section will be charged as a petty offense.*

6.12.030 - Running at large prohibited.

A. Every person owning or having charge, care, custody or control of a dog of any age shall keep such dog exclusively upon their own property and shall have the dog restrained by a sufficient fence, leash, or both; provided, however, that a dog may be on such owner's premises and not restrained by fence or leash so long as it is under the immediate control of a competent person through voice or physical command.

B. Tethers on an owner's premises must follow the following guide lines:

1. The tether shall be attached to a properly fitted collar or harness. The use of a prong collar is prohibited.

2. The tether shall not extend over an object or edge in such a way that could result in strangulation of or injury to the animal. The length of the tether must be a minimum of six (6) feet and allow entry and egress from shelter, access to drinking water, and freedom to move about and avoid entanglement on objects.

3. The weight or gauge of any tether or chain shall not be more than necessary to establish direct control. Logging chains and vehicle tow chains are expressly prohibited. No person shall add any weight to an animal collar, harness, chain or tether.

4. No animals shall be tethered and left unattended on a vacant or abandoned property.

C. Any dog found running at large in violation of this chapter may be taken up and impounded. If a dog cannot safely be taken up and impounded due to its dangerous, vicious, or fierce propensities, it may be destroyed by a law enforcement officer in order to protect the health and safety of citizens.

D. A dog may be off the owner's property if it is under the control of a competent person and restrained by a leash of not more than six feet in length, nor less than one-quarter inch in diameter.

** Any violation of this section will be charged as a class 2 misdemeanor.*

6.12.040 - At large - Exemption

A. A dog may run at large while participating in field trials, obedience classes, kennel club events, organized school or park-sponsored shows, while assisting its owner or trainer in legal hunting or herding livestock, while assisting a police officer engaged in law enforcement duties, or while assisting its blind or deaf master, as long as sufficient control is exercised to permit immediate leashing of the dog upon any person's reasonable request.

B. Dogs are allowed inside motor vehicles, including truck beds while parked, without restraint and under constant supervision, but as soon as the dog leaves the motor vehicle or truck bed, it is considered to be at large.

6.12.050 - Impoundment-Grounds

It shall be the duty of the police department to apprehend and impound any dog found running at large in violation of the provisions of this chapter.

6.12.060 - Impoundment - Redemption and fees

Any impounded dog may be reclaimed by its owner, or such owner's agent; provided, that the person reclaiming the dog furnishes proof of current license and rabies vaccination and pays the cost of impoundment in accordance with a fee schedule adopted by the city. Proof of ownership may be required.

6.12.070 - Impoundment—Sale or destruction.

Every impounded dog shall be kept and maintained at the pound for a minimum of seventy-two hours unless claimed by its owner. Any person may purchase such dog upon expiration of the impoundment period, provided such person pays all impoundment fees and complies with the licensing and vaccinating provisions

of this chapter. Any dog unclaimed by its owner within seventy-two hours of impoundment may be destroyed in a humane manner.

6.12.080 - Impeding poundmaster prohibited.

It is unlawful for any person to intervene with, impede, prevent or attempt to intervene with, impede, prevent, obstruct or intimidate the chief of police or any of his personnel 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 to rescue or attempt to rescue any animal so taken up by the poundmaster or member so the police department, or to release any animal so impounded.

** Any violation of this section will be charged as a class 2 misdemeanor.*

Chapter 6.13 – VICIOUS DOGS

Sections:

[6.13.010 - Determination of a vicious dog.](#)

[6.13.020 - Control of a vicious dog.](#)

[6.13.030 - Vicious dog at large prohibited.](#)

[6.13.040 - Appeal process.](#)

[6.13.050 - Penalties.](#)

[6.13.060 - Exemption.](#)

6.13.010 - Determination of a vicious dog.

Any dog declared by a city magistrate or hearing officer to be vicious shall be made only after a hearing on the issue of the dog's vicious propensities and only after presentation of evidence that a dog has exhibited aggressive behavior that has caused injury, apprehension or intimidation.

A. In the event that a law enforcement officer, enforcement agent, or citizen has probable cause to believe that a dog is vicious, a hearing may be convened by a hearing officer. The hearing officer will be designated by the city manager to fulfill the duties specified by this chapter.

B. There shall be a rebuttable presumption that any dog, owned or in the custody of an owner or custodian, who has been convicted of dog fighting charges shall be considered a vicious dog.

C. It shall be an affirmative defense to a determination of viciousness that:

1. The injury was sustained to a human, dog, cat or livestock as the result of teasing, tormenting, abusing or assaulting the dog.

2. The dog was defending or protecting a human being or the dogs young.

3. The dog injures or attacks a person criminally trespassing on/or unlawfully breaking into private property.

4. The dog, being on its owner's or custodian's premises, attacks, injures or kills a dog, cat, or livestock.

D. The hearing officer, law enforcement officer, or enforcement agent shall either deliver in person or send to the dog owner or custodian by certified mail, return receipt, the notice of hearing. Notification to owner or custodian will be considered complete at the mailing of the notice.

E. Notices may be left at the doorstep or mailed by first class mail to other interested persons, including, but not necessarily limited to, all properties contiguous to the address of the owner or custodian.

F. If the owner of the dog cannot be located and the dog has been impounded, the hearing officer shall determine whether the dog is vicious and if so, the dog will be destroyed pursuant to state laws.

G. A hearing date shall be set not later than ten calendar days from the date of notification (from the date of personal delivery of notice or the date of mailing of the notice sent by certified mail).

H. The hearing shall be informal and shall be open to the public. At the hearing, both testimony and documentary evidence may be taken from any interested person and be considered in determining whether the dog is vicious. If an owner or custodian fails to appear after proper notice was given, the hearing may proceed without him/her being present. The hearing officer's decision shall be based on the preponderance of evidence.

I. After the hearing, the hearing officer shall notify in person the owner or custodian of the dog of the determination or, if the matter is taken under advisement may notify him/her in writing of the determination. Notification will be considered complete at the mailing of the notice. If a determination is made that the dog is vicious, the owner or custodian shall comply with a time schedule established and broken down into immediate and time limited steps as specified by the hearing officer in Section 6.13.020 of this chapter. Compliance with immediate steps shall be as soon as notification of the determination is complete. Compliance with time limited steps shall be within thirty days of the date that notification of the determination is completed or on any other date specifically stated.

J. Without a court order, the law enforcement officer or enforcement agent may seize and impound a dog for a period of not more than seventy-two hours based upon probable cause to believe the dog is a vicious

dog. At the end of the seventy-two hour period, the dog shall be released, unless a judge has ordered the impoundment of the dog continued or unless there is another legal basis for continuing the impoundment of the dog.

The court may, upon ex parte motion of the prosecutor or other appropriate city official, order impoundment of a dog continued or order a dog seized and impounded upon a written showing of probable cause to believe the dog is a vicious dog. The procedures to be followed in obtaining an order and challenging the order shall be those specified in Section [6.03.050](#)(C) and (D) of this chapter.

At the hearing, the court shall determine whether there is probable cause to believe the dog is a vicious dog. If the court finds the probable cause substantiated, then it may order the impoundment continued until there is a disposition of the viciousness complaint. In addition, the court may order the owner or custodian to pay all expenses, including shelter, food, handling and veterinary care, necessitated by the enforcement of subsection I of this chapter.

6.13.020 - Control of a vicious dog.

Once a dog is declared vicious, the hearing officer may require in his/her sole discretion any combination of the following steps by the owner or custodian to continue ownership or custodial care of such animal. The steps are broken down into immediate and time limited:

A. Immediate (compliance within one calendar day upon completion of notification of a determination of viciousness):

1. Leash and Muzzle. No person shall permit a vicious dog outside confinement, unless such dog is securely leashed with a leash not longer than six feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside confinement, unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects, such as trees, posts, buildings, etc. In addition, all vicious dogs on a leash outside confinement must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals. Any pen must meet the requirements of subsection (B) (1) of this section.

2. Notification. Should it be necessary to provide the dog with medical attention, it is the responsibility of the owner or custodian to provide advance notification to the veterinarian's office that this dog has been declared vicious.

3. Confinement Indoors. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building of its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure. If the door is answered while the dog is indoors, the dog must either be on a leash or behind another closed door.

4. Reporting Requirements. The following types of information must be reported by the owner or custodian of the dog to the hearing officer within ten calendar days of occurrence:

a. Spaying or neutering of dog;

b. Any permanent change of location and/or ownership of the dog to another location and/or owner or custodian.

5. The following occurrences must be reported by the owner or custodian to hearing officer, enforcement agent, or law enforcement officer within twenty-four hours of occurrence:

a. A vicious dog is at large;

b. A vicious dog bites or attacks another dog, cat or livestock, with or without reasonable provocation;

c. A human being has been attacked by the vicious dog, with or without reasonable provocation.

B. Time Limited (a time schedule for completion of these steps is set by the hearing officer but in no case will it be longer than thirty calendar days):

1. Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen, except when leashed and muzzled. Such pen or structure must have secure sides and a secure top attached to the sides.

a. All structures used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. This structure must have a secure top and bottom or floor attached to the sides of the pen. If there is no secure floor, the sides of the pen must be embedded in the ground not less than two feet;

b. No pen wall may be part of a perimeter fence;

c. All structures erected to house vicious dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition and any other condition that provides for humane care.

2. Registration. A dog declared vicious shall not only be routinely registered with the police department yearly but shall also be permanently registered as a vicious dog. At the expense of the owner or custodian, a registration number as decided by the hearing officer, will be tattooed on the inner right ear. This tattoo will be placed by a veterinarian or a person trained as a tattooist. A veterinarian is preferred that the dog will be anesthetized during the process. A written certificate shall be obtained from the veterinarian or tattooist and provided to the hearing officer to prove compliance.

3. Reproduction. Any dog that is declared vicious shall be spayed or neutered by a veterinarian after notice of declaration. A certificate from the veterinarian shall be obtained by the owner or custodian and provided to the hearing officer to prove compliance.

4. Change of Ownership. Once a dog has been declared vicious, ownership may not be transferred to any other person without notice to the hearing officer. The new owner is required to be in compliance with this chapter.

5. Signs. All owners or custodians of vicious dogs within the city shall display, in a prominent place on their premises, a sign in three-inch letters which is easily readable by the public using the words "vicious dog." In addition, a similar sign is required to be posted on the pen of such animal.

6.13.030 - Vicious dog—unconfined.

"Unconfined" means while on the premises of its owner, the dog is not securely indoors or within a securely enclosed and locked pen or dog run area upon the premises of the person having charge, care, custody or control of such dog. Such pen or dog run area must be adequate to prevent against the escape from the area of such dog as prescribed in sections 6.13.020.A and 6.13.020.B.1

6.13.040 - Appeal process.

A. An appeal to the hearing officer's decision may be pursued by the owner or custodian within five calendar days of the mailing of the determination. He/she may appeal by bringing a petition to the municipal court requesting that the court conduct a de novo hearing on whether the dog should be declared vicious. The hearing officer will be served notice by the municipal court of the hearing and it shall be held within seven calendar days of the notification of the hearing officer. In addition, all interested persons (as defined in Section [6.12.180\(D\)](#) of this chapter) may receive notification of the hearing. The city magistrate will make a decision based on the preponderance of evidence. If the dog is declared vicious, the court shall inform the owner or custodian or, if the matter is taken under advisement, the court may mail notice of the determination of viciousness to him/her. Notification of the determination will be complete at the mailing of the notice. During the process of appeal, the owner or custodian shall be responsible for complying with the immediate steps of the control process. He/she shall be allowed not more than thirty calendar days to institute the time-limited steps after notification of a determination of viciousness.

B. The determination by the municipal court will be final and conclusive upon all parties. However, an animal control officer, law enforcement officer or citizen may request a hearing to determine viciousness of the dog for subsequent actions of the dog.

6.13.050 - Penalties.

The purpose of complying with these requirements for a dog declared vicious is to prevent attacks, injuries or deaths by mandating the use of control methods.

A. Any person violating or permitting the violation of any provision of this chapter shall upon conviction in municipal court be fined a sum not less than two hundred fifty dollars and not more than one thousand dollars. In addition to the fine imposed, the court:

1. May impose any other penalties specified in [Chapter 1.12](#) of this code;
2. May order the vicious dog destroyed; and
3. May order the owner or custodian to pay all expenses, including shelter, food, handling, and veterinary care, of the dog necessitated by the enforcement of this chapter.

B. Without an order, the animal control officer or a peace officer may seize and impound a dog for a period of not more than seventy-two hours based upon probable cause to believe that the owner or custodian of a vicious dog has violated or permitted a violation of any provision of this chapter. At the end of the seventy-two hour time period, the dog shall be released, unless a judge has ordered the impoundment of the dog continued.

C. The court may, upon ex parte motion of the prosecutor, peace officer or other appropriate city official, order the impoundment of a dog continued or a dog seized and impounded upon a written showing of probable cause to believe that the owner or custodian of a vicious dog has violated or permitted a violation of any provision of this chapter. In lieu of, or in addition to, a written affidavit, or affidavits, the judge may take an oral statement under oath which shall be recorded on tape, wire or other comparable method. This statement may be given in person to the judge, or by telephone, radio, or other means of electronic communication. This statement shall be deemed to be an affidavit for the purposes of issuance of an order pursuant to this subsection. In such cases, if a recording of the sworn statement has been made, the judge may direct that the statement be transcribed and certified by the judge and filed with the court.

D. If a dog is ordered seized and/or impounded, the court shall set a hearing not more than ten days from the date of seizure with notice to the owner or custodian. In addition to sending such notice by certified mail, such notice shall also be accomplished by one of the following methods or attempted by at least two of the following methods:

1. Personal service of notification by the appropriate city official to the owner or custodian;
2. Personal service of notification by the appropriate city official to a person of suitable age and discretion at the last known address of the owner or custodian; and/or
3. Telephone contact with the owner or custodian under circumstances which would lead a reasonable person to believe they have spoken with the owner or custodian.

E. At the hearing, the owner or custodian may appear, cross-examine witnesses and present evidence. At such hearing, the court may order:

1. The dog held in impoundment for a maximum of thirty days or until the owner or custodian complies with the immediate or time-limited steps specified by a hearing officer or judge, whichever occurs first. If, at the end of thirty days, the owner or custodian has failed to comply with the immediate or time-limited steps specified by a hearing officer or judge, the dog shall be destroyed; or

2. The dog destroyed in accordance with A.R.S. Section 11-1029. In addition, the court may order the owner or custodian to pay all expenses, including shelter, food, handling and veterinary care, necessitated by the enforcement of this chapter.

F. Any vicious dog that kills a human being, dog, cat or livestock is in violation of this chapter and the dog may be destroyed.

G. In the event that the owner or custodian of the vicious dog is a minor, the parent or guardian in physical control of such minor at the time of the acts giving rise to the determination of viciousness shall be liable:

1. For all injuries and property damage sustained by any person, dog, cat or livestock, caused without reasonable provocation by such vicious dog; and
2. All violations of this chapter.

6.13.060 - Exemption.

This chapter shall not apply to any dog used by the police department and trained to assist in carrying out police duties.

6.13.070 - Violation—Penalty

Any person found to have been in violation of the provisions of this chapter shall be deemed to have committed a criminal infraction and shall be subject to a fine of not less than two hundred fifty dollars nor more than one thousand dollars.

City of Cottonwood, Arizona City Council Agenda Communication



 Print

Meeting Date:	October 9, 2012
Subject:	Direction Regarding the Placement and Development of a New City Hall
Department:	City Manager
From:	Doug Bartosh, City Manager

REQUESTED ACTION

Staff is requesting Council direction regarding the placement and development of a new City Hall

SUGGESTED MOTION

If the Council desires to approve this item the suggested motion is: N/A

BACKGROUND

For the last several years, the City Council has identified the need for a new City Hall in the five year capital plan. This need was identified due to the inefficient space that currently houses City services. Many of the services provided to our citizens are done at different buildings making where to go for services confusing. In previous Work Sessions, the Council has considered different locations focusing primarily on building a new City Hall within the block where the current City Hall sits. Council deviated from this location when the Rough Cut properties were put up for sale. However, the Rough Cut properties were eventually purchased by VVMC. Staff has recently refocused attention on the current City Hall site. In the past few months, City staff were contacted by Joe Nackard, who is the owner of the property on the south side of north Main between 5th and 7th Streets just east of the Catholic Charities Building. Mr. Nackard proposed trading the City his land for the current City buildings in Old Town to include City Hall, the Council Chambers, the City Clerk's Office and the Finance Building. Under this arrangement the City would retain the Civic Center, the Business Assistance Center, the old police sub-station, and the Old Parks and Recreation Building. All properties would need to be appraised to determine the value and a fair exchange. If the exchange was made, Mr. Nackard proposes that he would lease the City buildings back to the City until a new City Hall could be constructed on the new property acquired from Mr. Nackard. Staff would recommend eventually removing the Business Assistance Center and the old police sub-station and creating a town square in the field behind those buildings so events are visible from Main Street and better connected to Old Town. Staff has created conceptual drawings of a City Hall facility at the current City Hall site and on the Nackard property. Staff has also created a conceptual drawing for a square at the current City Hall location. These

drawings will be displayed during the Work Session.

JUSTIFICATION/BENEFITS/ISSUES

Current City administrative services are disjointed and are currently housed in inefficient buildings. Citizens are confused where to find City services because of the many different locations where City services are provided. A central location for most City services would be beneficial for our citizens. Additional retail space in Old Town is needed. The placement of a new City Hall on the Nackard property will help to expand the boundaries of Old Town. The development of a better designed, more visible town square would make a better connection with Old Town and attract more events and customers to the City.

COST/FUNDING SOURCE

Staff roughly estimates that the cost of a new City Hall would be between \$4 to \$6 million. Staff also estimates that a new public safety communications center will cost between \$3 to \$6 million depending on the number of participants which is still being determined. As an alternative to trading the current City buildings for the Nackard property, the City could purchase the Nackard land and develop a City Hall at that location as funding permits. Mr. Nackard is asking \$1.6 million for the approximately 9 acres of land although the purchase would require an appraisal to ascertain the real value of the property. By purchasing the land, the City would not be required to lease the current City buildings back from Mr. Nackard and there would not be time pressures to build a new City Hall. In July of 2013, the City will pay off the 1993 Library loan, the 1994 Library loan, the GADA loan for the public safety building, and the GADA loan for the improvements to Railroad Wash. This would make available \$530,700 in funds annually to finance approximately \$7 million in new loans for the public safety communications center and a new City Hall. The Council may want to finance other projects such as Mingus Street between Willard and Hwy 89A and 12th St. between Hwy 89A and Fir St, in which case the City may need to borrow more than \$7 million. The additional expense of these loans may be funded through HURF, if available, or through the General Fund.

ATTACHMENTS:

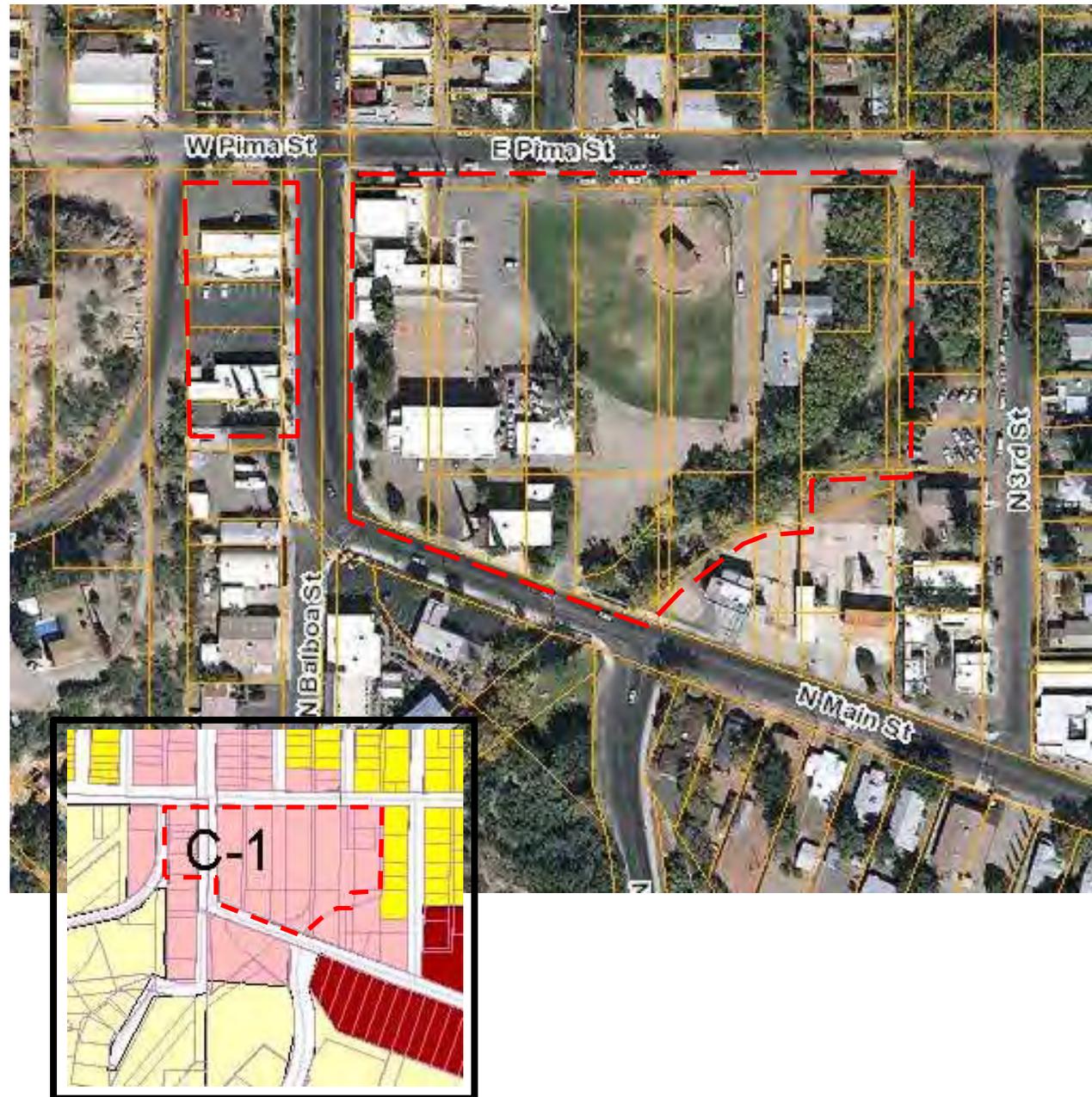
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 Conceptual City Hall Site Plan Knackard.jpg	Site Plan	Backup Material

A New City Hall for Cottonwood

The Cottonwood City Council has directed Staff to begin developing concepts for a New City Hall; a facility which has been contemplated for over 25 years. The Council first added the project to their annual Capital Improvements planning in 2005.

THE SITE: The facility would be constructed as part of the current City campus located in Old Town along North Main Street and south of Pima Street within a C-1 (light commercial) zone. The total site includes roughly 5-1/2 acres adjacent to the downtown commercial strip and a mixed use commercial/residential zone to the southeast. A residential area is also located immediately to the north/east, most of which is separated from the site by a riparian stream channel known as Blow-Out Wash (also a FEMA flood channel). In addition to the current City Hall, the site presently includes the Business Assistance Center, historic Civic Center building, former Recreation Center, maintenance facility, Boys and Girls Club and an old baseball field.

City properties on the west side of Main Street include the present Council Chambers and City Clerk's office; and City Finance office.



THE CONCEPT: As part of the New City Hall project, the Council has expressed an interest in a facility that would accommodate a new City Council chambers, associated public access, parking and gathering spaces; administrative offices for upper management, billing and permitting functions. In concept, the facility would include about 30,000 sq. ft. There may also be some interest in continuing to accommodate events on this site (such as the current farmers market).



BASIC CONSIDERATIONS: Staff has outlined some basic issues that should be considered while making decisions regarding the New City Hall project. Fundamentally, the City has an opportunity to develop a fine “centerpiece” for Old Town. This project has the potential to make a statement relating to issues in the community and could act as an educational facility for sustainability issues such as water conservation and energy efficiency. In re-developing this site, consideration should also be given to its history and its past function as a point of community interaction; the legacy of the City’s presence (the “open door”) on Main Street. The historic value of the existing structures should be evaluated carefully as well as the appropriate scale of buildings and related architectural treatments, the integrity of the streetscape and the value of maintaining the street edge. Another important issue which is often overlooked is after-hours access to parking and public restrooms to serve the community during community functions.

A vital part of this process will be the establishment of a committee, task force, or other group of stakeholders to help guide the concept development. Community outreach will also be a key component to this project.

The following is a summary of design principles the City Council may want to consider...

DESIGN PRINCIPLES

SITE PLANNING			
<i>CONCEPT</i>	<i>DESCRIPTION</i>	<i>PURPOSE</i>	<i>ACHIEVED BY</i>
Maintain the street edge along Pima	The architecture should be attractive from the street view with landscaping between the building and the street.	To create a buffer for the adjacent residential neighborhood.	Provide some porous access from Pima, but place the emphasis of activities (i.e. Entrances, turn-arounds, parking lots) towards the interior.
Maintain the street edge along Main	The historic pattern on Main Street places buildings along the sidewalk. Keeping an active edge along the street is a vital aspect in the overall design of the site.	To provide a sense of enclosure and to maintain a “door on Main Street.” Preserving the existing City Hall will help create a sense of enclosure for the civic/public plaza space on the interior of the site, and help maintain an active street corner.	Make the primary public entrance off of Main Street; possibly with a divided driveway leading to a Civic Plaza in front of City Hall. Maintain a view corridor from Main Street to the new City Hall structure.
Porosity	Site plan and architecture needs to be open and inviting while clearly establishing its boundaries and edge.	To maintain an active streetscape and corner at a key entrance to Old Town, while providing enough entrances and view sheds into the site to make it welcoming and inviting.	Establish the edge by determining how much pedestrian, vehicular and visual space is needed to create a sense of connection to the site that is welcoming.
Recreation / Civic Space / Public Plaza	One large or several smaller civic gathering spaces should be created.	To provide public amenities. Outdoor civic spaces would fit in well near the existing Civic Center. Include seating areas, shade treatments and keep the space open and inviting.	Create a courtyard or public plaza near the primary entrance to City Hall, with a statue or fountain as a primary centerpiece.
Parking	Efficient, safe, convenient design should be expected. This is key: avoid placing parking along the street edge without buffers. Parking may be in one or two bigger lots or a series of smaller lots integrated into the plan. Ensure adequate landscaping and well-designed circulation.	Limit parking lots along street edge so as to maintain the historic character of the street through Old Town.	Consider an “Employee Only” entrance off of Pima Street to access employee only parking behind the building. Design a network of clearly designated pedestrian paths that connect multiple areas on the site. Be especially careful when paths cross a driveway or parking area. Include a place for bike racks in a highly visible place near the building entrance.

ARCHITECTURE

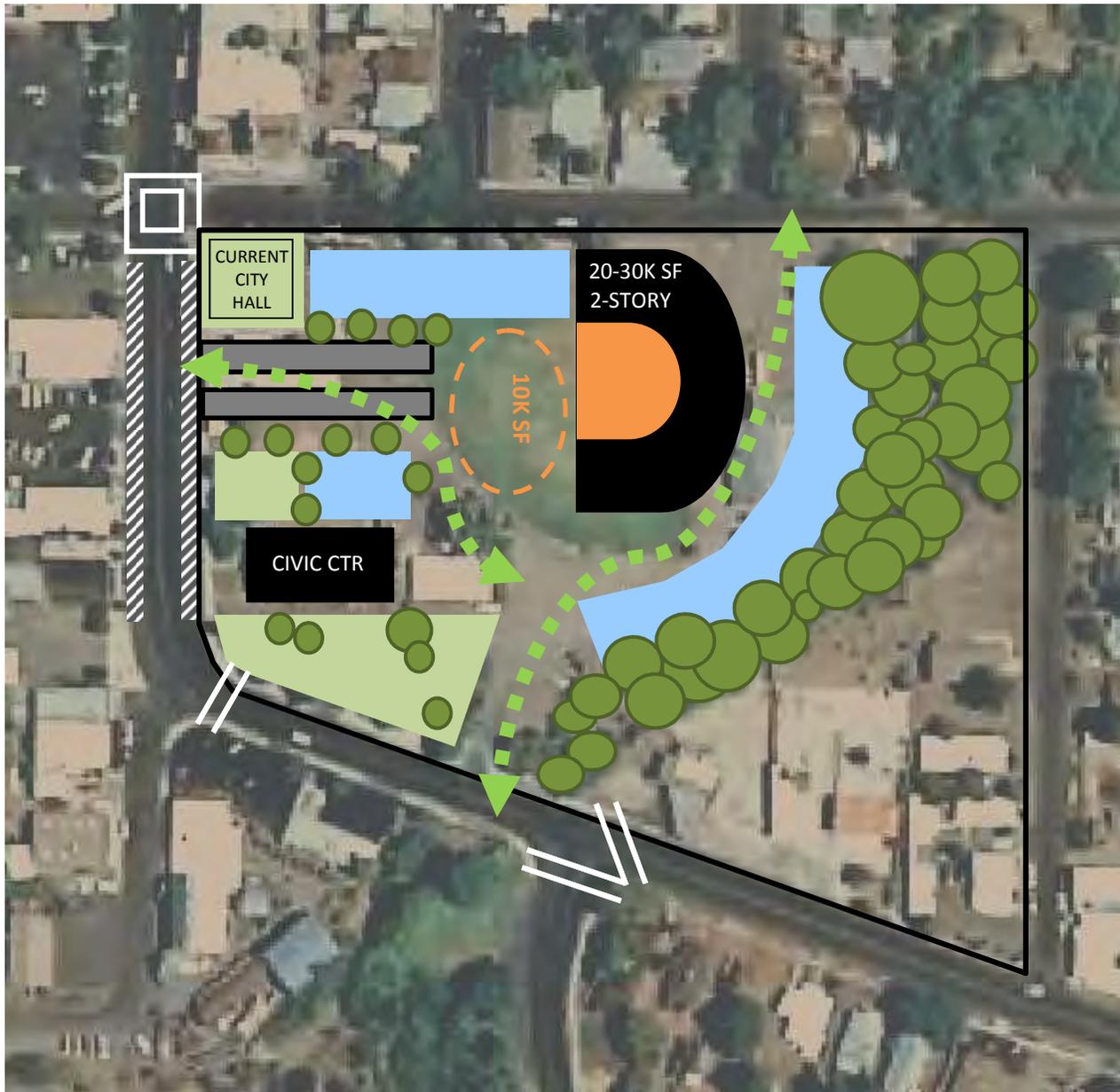
<i>CONCEPT</i>	<i>DESCRIPTION</i>	<i>PURPOSE</i>	<i>ACHIEVED BY</i>
Maintain Historic Buildings	The 1959 post office (City Hall) has some attractive features. Its design style is described as “Federal Moderne.” Preservation should be considered.	The Old City Hall building could be useful as a community welcome center or history museum for residents and visitors. Will provide a “Door on Main Street.”	The Civic Center needs to be preserved and should have an open/ visible relationship to the site on all sides. The Rec Center building was originally a Methodist Church and then the Verde Baptist Church for decades. Inquire about them moving the structure to their campus on Willard.
City Hall	The design, location, size and overall concept should be a central consideration in the design and development of the entire project.	To provide a central location that houses many City functions and provides the public with easier access to City functions. Also to provide the community and staff with benefits including a public plaza or courtyard, inside lobby/informal meeting space, public restrooms (M & F), attached meeting rooms, private bathrooms, possibly a security entrance.	Keep in mind the scale of surrounding buildings and use variety in design to break-up the massing and scale of the new City Hall. Using a “U” or “L” shaped building would help create a courtyard/plaza space in front of the main entrance. There could be a primary entrance to an information counter which would also be a primary entrance to City Hall. Additional entrances for heavily trafficked areas including water billing and the permit counter might be beneficial and more organized.

LANDSCAPING

<i>CONCEPT</i>	<i>DESCRIPTION</i>	<i>PURPOSE</i>	<i>ACHIEVED BY</i>
Trees and Landscaping	The entire site should be a showpiece for the best water conserving, drought-tolerant, desert landscaping available	To set an example for responsible landscape design, while providing an enhanced/comfortable atmosphere for outside enjoyment/recreation.	Xeriscape principles should be followed.

SUSTAINABILITY PRACTICES

<i>CONCEPT</i>	<i>DESCRIPTION</i>	<i>PURPOSE</i>	<i>ACHIEVED BY</i>
Sustainability and Green Buildings	This is an opportunity to look at LEED certification principles for the building and site planning. Solar electricity, passive solar design (i.e. window placement), natural lighting, natural cooling and shade, rainwater harvesting and reclaimed water use are a few examples to consider.	The City should be a leader and set an example for innovative and sustainable design in the community, while also providing long-term cost savings to the community.	Look at cost benefit and life-cycle costing to determine how much of a green premium is worthwhile or desirable. There may be a lot of this that is worth the effort in terms of economic consideration, as well as comfort value and public support.



CONCEPT A

- REMOVE ALL CITY BUILDINGS EXCEPT CURRENT CITY HALL AND CIVIC CENTER
- RELOCATE BALL COURTS OFF SITE
- ORIENT BUILDING TOWARDS MAIN STREET
- U-SHAPED BUILDING WITH COURTYARD



CONCEPT B

- PRESERVE CURRENT CITY HALL, CIVIC CENTER, PARKS & REC BLDG & B-BALL COURT
- VEHICULAR SITE ACCESS FROM PIMA STREET
- L-SHAPED BUILDING WITH PLAZA

EXAMPLES FROM OTHER CITIES

City of Brentwood - <http://www.brentwoodca.gov/BrentwoodCivicCenter/index.cfm>

City Hall

City Hall will be situated just off the corner of Second and Maple Streets and will be accessible from either Second Street, Maple Street or from the City Park. A well-defined drop off area allows for short-term parking and traffic circulation. Inside will be a large lobby which will have a partial two story volume space providing a dramatic, naturally day-lit environment. The lobby will have dual entries working with both the park side of the building as well as the vehicular drop off area, which connects directly to the parking structure.

The new Council Chambers and closed session room will work directly off the main lobby space and feature separate exterior as well as interior access for both City Council and staff, ample restrooms and natural daylight in the form of clerestory windows in an effort to preserve a secure environment.

The new City Hall campus, in its role as the civic and cultural heart of the City, will support and encourage growth of the existing commercial, retail and civic activities in downtown Brentwood. The new City Hall will be a testament to the core principles outlined in the City's General Plan, such as land use, growth management and economic development.

Floor Plans: The first floor of City Hall will house Utility Billing and Permitting Services Counters. Purchasing and some Public Works/Engineering and Community Development staff will also reside on the first floor.

The second floor will house the remainder of the Community Development and Public Works/Engineering staff as well as Information Systems, City Council offices and numerous conference rooms. The breakroom, which leads to an open patio area overlooking the park, will also be located on the second floor.

The third floor of City Hall will house City Administration, City Clerk, Human Resources, City Attorney and Finance.



City Park - Creating a Civic Heart

The program elements and design concepts listed below are the result of community outreach workshops, during which residents identified these key features they felt define the “civic heart” of Brentwood.

Design concepts input summary

- The Park should be green foreground to the new civic center buildings for framed and enhanced views from downtown
- Create strong visual and pedestrian connections between the park and the civic buildings
- Allow for easy pedestrian access and flow between downtown and civic buildings
- Maximize views into the park from the adjacent roads
- The park should have multiple uses as well as serve as a passive use and view type facility
- Maximize shade opportunities
- Preserve and incorporate existing healthy mature trees into the new design where possible. Consider contract growing large specimen trees for replacement of trees that need to be removed
- Emphasis on water conservation in selecting new plant materials and designing new irrigation system

Program Elements

- Accommodate large single outdoor performance events
- Small outdoor event space for weddings, parties, performances, etc.
- Vender use by Farmer’s Market
- Annual Cornfest use of all or part of the park space
- Park history interpretive area
- Brentwood historical agricultural interpretive area
- Rose garden
- Keep existing play area and add small interactive water play feature
- Central turf meadow area
- Small arboretum element
- Group picnic area
- Relocate gazebo



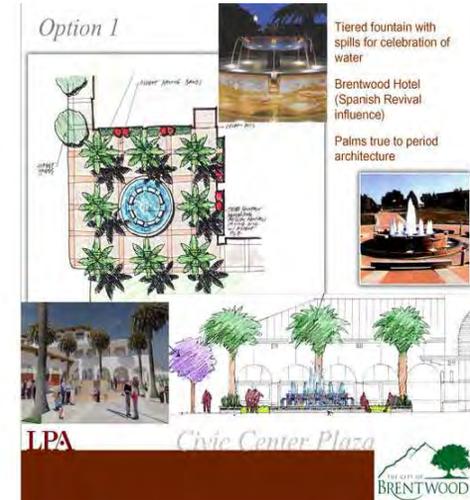


Civic Plaza & Community Center

The Second Street edge of the Civic Center will be accented by a large public plaza which will be defined by palm trees, true to the architecture of the Civic Center buildings, and a tiered fountain centerpiece. A public plaza area was a key element of the vision identified by the community during the community outreach workshops. The Civic Center Plaza will have seating areas for public gatherings, space for pre-function events or receptions and walkway access to City Park, Council Chambers, the Community Center and the parking structure.

The Community Center will be located on the eastern edge of City Park and will relate strongly to the architecture of City Hall, yet will be expressive of its unique function.

Floor Plans: The main entry lobby will feature a large reception space which can easily be used for art shows and public gathering space for the adjacent community room. The community room will be a large volume space which is divisible and opens directly to the park through a series of large glass doors. The space will also have an additional kitchen and storage areas as well as a receiving area. Flexible community space such as an exercise / dance studio and art room will round out the first level. Separate exterior restroom will also be included to serve the adjacent park and park functions. The second level of the Community Center will contain additional public meeting space as well as offices for the Parks and Recreation Department.



City of Calabasas - <http://www.cityofcalabasas.com/civic-center-project.html>



Design Development Workshop

Three design development workshops were held featuring members of the Civic Center Task Force and the City Council.



PROJECT INFORMATION



The City of Calabasas purchased a 7.7 acre lot adjacent to the Commons on Park Sorrento. This site is home to the Calabasas Civic Center featuring a City Hall, Assembly Hall, Library and Amphitheatre.



PROJECT DEFINITION

Within a 1.7 acre site; a 25,059 square foot Public Library with an Assembly Hall of approximately 3,000 square feet; a two-story 27,733 square foot City Hall; a Public Plaza with features such as fountains and monuments; an outdoor amphitheater; and associated landscaping, site work and pathways that will allow pedestrian access to the adjacent developments.



ARCHITECT/ENGINEERS

[Harley Ellis Devereaux](#) in association with [Robert A. M. Stern & Associates](#) provided design and construction documents and administration. The design will include architectural, civil, structural, mechanical, plumbing, electrical, lighting, security, acoustics, audiovisual, fixtures, equipment, graphics and landscape.

OWNER'S REPRESENTATIVE

Jones and Jones Construction Management

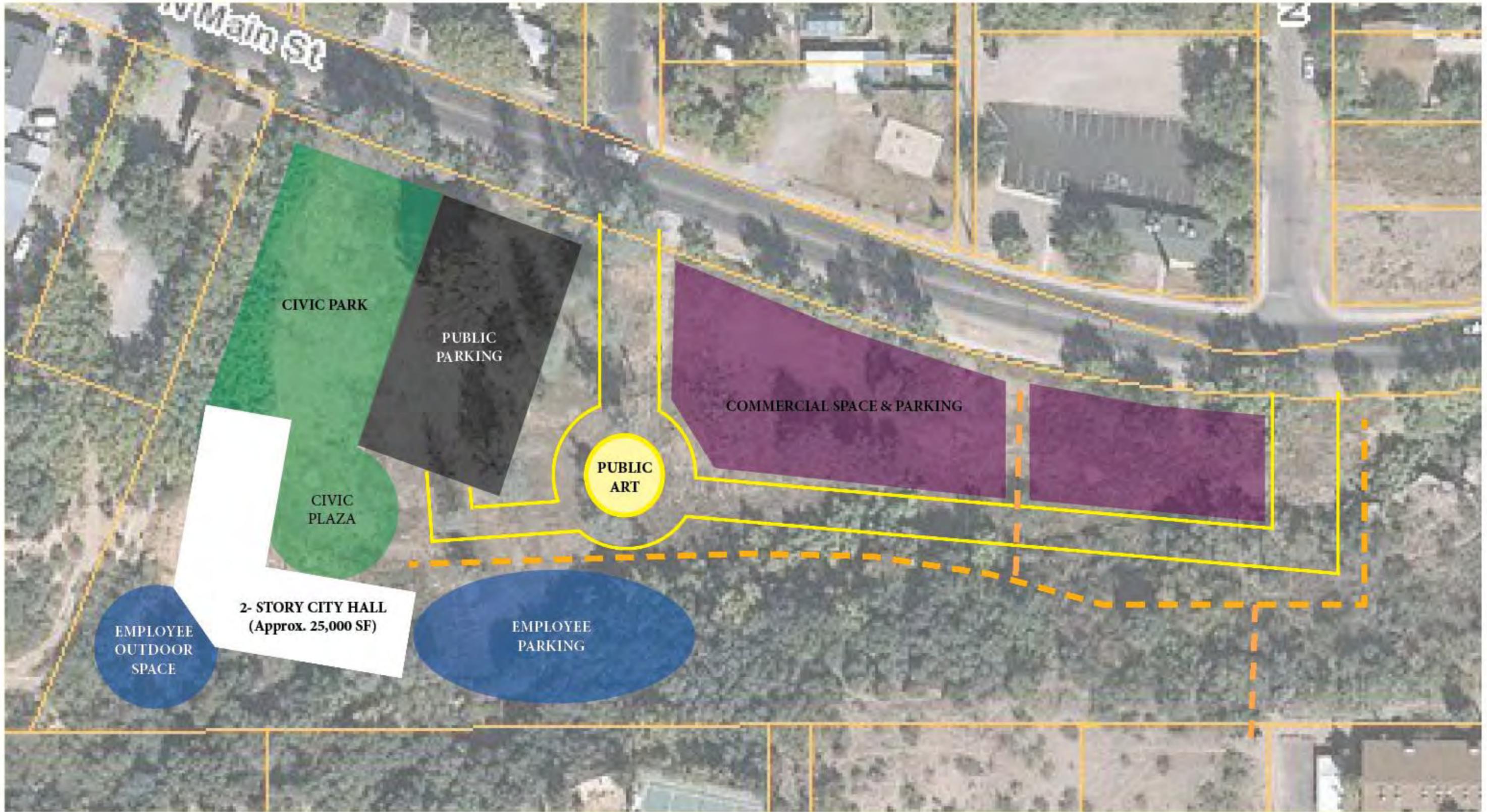
The City's Construction Manager for the project was Jones and Jones of Ojai, California. They were selected due to their extensive prior experience in building projects such as ours, and for their reputations in going the extra mile to achieve success. Their responsibilities included working with the City during the design phase to ensure the constructability of the project, and then directly managing the construction effort on site. You can view their webpage at www.jonesandjonesusa.com



FURNITURE, FIXTURES AND EQUIPMENT

[Interior Space International](#) (ISI) provided interior design services for furniture, fixture & equipment (FF&E) for the Civic Center Project in coordination with the City and Architects/Engineers.





KNACKARD PROPERTY - CONCEPTUAL CITY HALL SITE PLAN
PROPERTY SIZE - 10 ACRES / CURRENT USABLE SPACE - APPROX 4 ACRES

PEDESTRIAN PATHS 

City of Cottonwood, Arizona City Council Agenda Communication



 Print

Meeting Date:	October 9, 2012
Subject:	Possible Adjustment to Business Registration Fees
Department:	Administrative Services
From:	Jesus R. Rodriguez, C.G.F.M., Administrative Services General Manager

REQUESTED ACTION

Staff is requesting that City Council review and direct that a new fee schedule be brought before the Council at a regular meeting for approval.

SUGGESTED MOTION

If the Council desires to approve this item the suggested motion is:N/A

BACKGROUND

The topic of Business Registration Fees has been on the rear burner for a number of years now. The main issue is that the current fee structure does not begin to cover the processing costs to generate the Business Registration certificate. Currently we are charging \$20 across the board with a 50% discount for religious and nonprofit organizations. To top it off we prorate to the nearest quarter of the year. Lastly the penalty for delinquencies is 25%. Considering that a new registration now goes through Administrative Services for initial processing, then to Planning & Zoning to check the zoning requirements, then back to Administrative Services for printing, it is easy to see that the current \$20 fee is inadequate and is in need of a revision. Here are some examples of area business registration fees: Cottonwood \$20 Annual Clarkdale \$30 Annual Camp Verde \$50 New \$15 Renewal Sedona \$25 Annual Flagstaff \$20 Annual Prescott Valley \$65 New \$45 Renewal We would like the City Council to consider increasing the business registration fees to \$50 annually. We would also like to prorate based on half year rather than quarter year. We would like to maintain the 25% penalty and provide for a 50% discount for all religious & nonprofit registrants. There is also the matter of some businesses owing money to the City, in which case they may not be issued a business registration certificate unless they settle their debt or make arrangements for payment of the debt. Those businesses that do not register and operate without a registration any length of time during the year will not be prorated and must pay the full registration as well as the 25% penalty. Lastly we would like to change the duty of issuance from the City Clerk to the Administrative Services General Manager or designee.

JUSTIFICATION/BENEFITS/ISSUES

The main reason for the need to adjust the fees is basically to help cover more of the cost of issuance. The other suggestions, such as penalties, and the full payment of the fee if found to have operated without registration is more of an enforcement tool to encourage businesses to register. Currently we are seeking out those businesses that are not registering and asking them to register to prevent future problems.

COST/FUNDING SOURCE

There is no additional dollars spent just staff time in processing the business registrations.

ATTACHMENTS:

Name:

Description:

Type:

No Attachments Available

City of Cottonwood, Arizona City Council Agenda Communication



 Print

Meeting Date:	October 9, 2012
Subject:	Fee Schedule for Temporary Use Permits
Department:	Development Services
From:	Rudy Rodriguez Administrative Services General Manager

REQUESTED ACTION

Discussion and direction to staff regarding the establishment of a fee schedule for Temporary Use Permits.

SUGGESTED MOTION

If the Council desires to approve this item the suggested motion is:N/A

BACKGROUND

Section 307 of the City's Zoning Ordinance governs the issuance of permits for various types of temporary uses, including special events, certain construction-related activities, and seasonal/promotional/one-time sales events. Subsection J of that section allows for the establishment of a filing/application fee for these permits to be set by resolution. Presently, however, there is no fee schedule in place. Currently, non-local vendors of high-value items, primarily vehicles, are able to take advantage of the TUP process by displaying and offering goods for sale within the City, and even initiating the transaction within the City, and then completing the transaction elsewhere, or even canceling a transaction that was initiated and concluded within the City, and consummating a new transaction elsewhere. This has the effect of depriving the City of TPT revenue, and amounts to unfair competition with local vendors of the same or similar goods. In the course of its research, staff has learned that other communities have addressed this problem by requiring itinerant/non-local vendors of high-value items to pay a fee based on the retail price of high-value goods offered for sale as a condition of obtaining a permit to offer such goods for sale within the city, while offering a credit against that fee for any local sales taxes remitted as a result of sales conducted during the temporary sales event. This is the approach that staff is recommending that the Council consider taking to address this issue. Staff is proposing a two-step approach to accomplishing this new fee. First, the Council would amend Section 307.J of the Zoning Ordinance to allow for the imposition of a sliding-scale permit fee - in addition to the filing fee that is already provided for in the ordinance - for temporary sales events where the average price of the goods offered for sale exceeds a certain threshold. In contrast to the smaller application/filing fee, which would be nonrefundable, the temporary sales event permit fee would be eligible for a

credit for local sales taxes remitted as a result of sales conducted in connection with the permitted event. Secondly, Council would adopt a specific fee schedule by resolution, establishing the specific temporary use permit application/filing fee and the permit fees to be applied to temporary sales of vehicles and other high-value goods. Under A.R.S. 9-499.15, adopted in 2010, the City will be required to post notice of the new fee structure on the City's website at least 60 days before either of these new fees are adopted.

JUSTIFICATION/BENEFITS/ISSUES

The adoption of a specific, modest temporary use permit fee will help defray the administrative costs of processing applications for temporary use permits, and the adoption of a permit fee for high-dollar items may provide additional revenues to the City - either through the fees themselves or by way of additional sales tax revenues - and will level the playing field between local and non-local merchants of the same or similar high-value goods.

COST/FUNDING SOURCE

N/A

ATTACHMENTS:

Name:	Description:	Type:
 10-9-12 TUP Fee Schedule.doc	TUP Example Fee Schedule	Cover Memo

EXAMPLE

**TEMPORARY USE PERMIT
FEE SCHEDULE**

- I. Application Fee (non-refundable) \$50.00
- II. Permit Fee Schedule

<u>Average Retail Price of Items To Be Sold</u>	<u>Fee</u>
\$0 - \$100	\$50.00
\$101 - \$500	\$100.00
\$501 - \$750	\$250.00
\$751 - \$1,500	\$500.00
\$1,501 - \$2,500	\$750.00
\$2,501 - \$5,000	\$1,000.00
\$5,001 - \$7,500	\$1,500.00
\$7,501 - \$10,000	\$2,000.00
\$10,001 - \$25,000	\$2,500.00
\$25,001 - \$50,000	\$5,000.00
\$50,001 - \$75,000	\$7,500.00
\$75,001 - \$100,000	\$10,000.00
\$100,001 - \$250,000	\$25,000.00
\$250,001 - \$500,000	\$50,000.00
\$500,001 - \$750,000	\$75,000.00
\$750,001 - \$1,000,000	\$100,000.00
\$1,000,000 – Up	10% of average sales price per item

- Note:
- (1) The amount of the application fee shall be credit to the Temporary Use Permit fee.
 - (2) Any business that can provide evidence of sales tax paid to the City of Cottonwood within the preceding twenty-four (24) months, may deduct that amount from the permit fee.
 - (3) Any sales tax paid to the City and not applied to the current temporary use permit fee may be deducted from future temporary use permit fees.