

## **Title 2 ADMINISTRATION AND PERSONNEL**

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### **Chapter 2.04 TOWN COUNCIL**

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**2.04.010 Elected officers.**

The elected officers of the town shall be the mayor and six councilmembers. The mayor and councilmembers shall constitute the council and shall continue in office until their duly elected successors are officially seated. The six councilmembers shall serve four-year overlapping terms as provided by state statute.

(Ord. 01-09 § 2 (part); prior code § 2-1-1)

**2.04.020 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.

(Prior code § 2-1-2)

**2.04.030 Duties of office.**

Councilmembers shall assume the duties of office at the regularly scheduled council meeting on the third Thursday in January following the date of the primary or general election at which councilmembers were elected.

(Ord. 02-04 § 3 (part); prior code § 2-1-3)

(Ord. No. 12-08, § I, 7-19-2012)

**2.04.040 Vacancies in council.**

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

(Prior code § 2-1-4)

**2.04.050 Compensation.**

The compensation of elective officers of the town shall be fixed from time to time by resolution of the council.

(Prior code § 2-1-5)

**2.04.060 Bond.**

Prior to taking office and effective on the day of taking office, every councilmember shall execute and file an official bond, enforceable against the principal and his or her sureties, conditioned on the due and

faithful performance of his or her 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 or her official capacity. A person so injured or aggrieved may bring suit on such bond under provisions identical to those contained in A.R.S. Section 38-260. Bonds shall be in such sum as shall be provided by resolution, and the premium for such bonds shall be paid by the town.

(Prior code § 2-1-7)

**2.04.070 Financial disclosure statement.**

The mayor and each councilmember shall file by January 31st of each year a financial disclosure statement in a form and with such information as provided by resolution of the council.

(Prior code § 2-1-8)

**2.04.080 Regular meetings.**

The council shall hold regular meetings and work sessions on the first and third Thursday of each month beginning at seven p.m. except when the day fixed for any regular meeting of the council falls upon a day designated by law as a legal holiday or national holiday, such meeting shall be held at the same hour on the preceding day not a holiday unless otherwise noticed by the town. The council may hold study sessions as needed. All meetings of the council shall be held in the council chambers of the town, except that the council may schedule executive sessions, special study sessions or council retreats elsewhere. No final action may be taken at an executive session, a study session or a council retreat, except that the mayor may appoint special study committees at retreats or study sessions.

(Ord. 06-07 § 1: Ord. 06-05 § 1: Ord. 02-02 § 3 (part): Ord. 01-05 § 1)

**2.04.090 Special meetings.**

The mayor, or the clerk upon the written request of four members of the council, may convene the council at any time after giving at least twenty-four (24) 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. In the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances.

(Prior code § 2-4-2)

**2.04.100 Meetings to be public.**

All proceedings of the council shall be open to the public, except that upon approval by a majority vote of the councilmembers in attendance, the council may meet in a closed executive session pursuant to the provisions of state law. Notice of meetings shall be given in a manner consistent with state statutes.

(Ord. 02-04 § 3 (part): prior code § 2-4-3)

**2.04.110 Quorum.**

A majority of the council shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time and compel the attendance of absent members. Any member of the council, at

any regular or special meeting, may, in writing, demand the attendance of the absent members. Such demand shall be entered on record forthwith by the clerk, who shall thereupon notify the absent members of the time and place of the meeting.

(Prior code § 2-4-4)

#### **2.04.120 Agenda.**

Prior to each council meeting, or on or before a time fixed by the council for preparation and distribution of an agenda, whichever is earlier, the town manager shall collect all written reports, communications, ordinances, resolutions, contracts and other documents to be submitted to the council, prepare an agenda according to the order of business and furnish each councilmember, the mayor and the attorney with a copy.

(Ord. 02-02 § 3 (part); prior code § 2-4-5)

#### **2.04.130 Order of business.**

The business of the council shall be taken up for consideration and disposition in the following order:

- A. Call to Order. The mayor shall take the chair at the hour appointed for the meeting and shall immediately call the council to order. In the absence of the mayor, the vice mayor shall call the meeting to order. The mayor shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meetings in accordance with the parliamentary rules contained in Robert's Rules of Order.
- B. Roll Call. Before proceeding with the business of the council, the clerk or deputy shall call the roll of the members, and the names of those present shall be entered on the minutes. If a quorum is not present, the members present may adjourn pursuant to Section 2.04.110 of this code.
- C. Minutes. Unless a reading of the minutes of a preceding meeting of the council is waived by the councilmembers, the clerk or deputy shall read or present the minutes of the preceding council meeting, which shall be approved if correct. Any errors noted shall be corrected.
- D. Reports by Officers. Town officials and committees shall present any reports required by the council.
- E. Unfinished Business. The council shall consider any business that has been previously considered and which is still unfinished.
- F. New Business. The council shall consider any business not heretofore considered, including the introduction of ordinances and resolutions.
- G. Claims. The clerk shall present any claims against the town, which will then be approved or disapproved by the council.
- H. Miscellaneous Business. Prior to adjournment, the council shall, as it deems necessary, consider such business as is not specifically provided for in this section.
- I. Petitions. Petitions, remonstrances, communications and comments or suggestions from citizens present shall be heard by the council. All such remarks shall be addressed to the council as a whole and not to any member thereof. Such remarks shall be limited to five minutes, unless additional time is granted by the mayor. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. No question shall be asked a councilmember except through the presiding officer.

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- J. Adjournment. The council may, by a majority vote of those present, adjourn from time to time to a specific date and hour. A motion to adjourn shall always be in order and decided without debate.

(Ord. 02-02 § 3 (part); prior code § 2-4-6)

### **2.04.140 Committees and commissions.**

The council may create such committees and commissions, standing or special, as it deems necessary. They 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.

(Prior code § 2-4-7)

### **2.04.150 Voting.**

- A. The mayor shall vote as a member of the council.
- B. The vote of every individual, on every issue that is voted upon, shall be included in the minutes.
- C. Emergency measures require a three-fourths vote of the council. (See Section 2.08.050 of this code.)

(Ord. 03-02 § 1; Ord. 99-02; prior code § 2-4-8)

### **2.04.160 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 statutes.

(Prior code § 2-4-9)

## **Chapter 2.08 ORDINANCES, RESOLUTIONS AND CONTRACTS**

Sections:

[2.08.010 Prior approval.](#)

[2.08.020 Introduction.](#)

[2.08.030 Reading of ordinance.](#)

[2.08.040 Requirements for an ordinance.](#)

[2.08.050 Effective date of ordinances.](#)

[2.08.060 Signatures required.](#)

[2.08.070 Publishing required.](#)

[2.08.080 Posting required.](#)

**2.08.010 Prior approval.**

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

(Prior code § 2-5-1)

**2.08.020 Introduction.**

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

(Ord. 02-02 § 3 (part); prior code § 2-5-2)

**2.08.030 Reading of ordinance.**

All ordinances shall be adopted by motion of the council.

(Ord. 04-01 § 1: prior code § 2-5-3)

**2.08.040 Requirements for an ordinance.**

Each ordinance should have but 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 be included in the ordinance.

(Prior code § 2-5-4)

**2.08.050 Effective date of ordinances.**

No ordinance, resolution or franchise shall become operative until thirty (30) 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 operative, and unless it is approved by the affirmative vote of three-fourths of all the members elected to the council, taken by ayes and nays and approved by the mayor.

(Prior code § 2-5-5)

**2.08.060 Signatures required.**

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

(Prior code § 2-5-6)

**2.08.070 Publishing required.**

Only such orders, resolutions, motions, regulations or proceedings of the council shall be published as may be required by state statutes or expressly ordered by the council.

(Prior code § 2-5-7)

**2.08.080 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.

(Prior code § 2-5-8)

**Chapter 2.12 TOWN OFFICERS GENERALLY**

Sections:

[2.12.010 Officers.](#)

[2.12.020 Bond.](#)

[2.12.030 Oath of office.](#)

[2.12.040 Vacancies and holding more than one office.](#)

[2.12.050 Additional powers and duties.](#)

[2.12.060 Town clerk.](#)

[2.12.070 Police chief.](#)

[2.12.080 Town engineer.](#)

[2.12.090 Town attorney.](#)

[2.12.100 Public works manager.](#)

[2.12.110 Building official.](#)

[2.12.120 Authority of the building code inspector/code compliance officer.](#)

[2.12.130 Town manager.](#)

**2.12.010 Officers.**

- A. There are created the offices of the town manager, town clerk, police chief, town engineer, town attorney, town magistrate, building code inspector, code compliance officer, and public works manager. The town manager, town attorney, and town magistrate shall be appointed by the town council, all other officers shall be appointed by the town manager.
- B. The town manager may appoint and remove from time to time such other officers as he may deem necessary and that are not provided for in this code or statute.

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- C. No mayor or councilmember may hold any of the following positions during the term of their office or within two years after leaving office: town manager, town clerk, police chief, town engineer, town attorney, public works manager or any other position in which a salary is paid. Nothing in this section will prevent a former mayor or councilmember from holding an unpaid volunteer position during the aforementioned two-year period.

(Ord. 02-02 § 3 (part); Ord. 99-11 § 2; prior code § 3-1-1)

(Ord. No. 09-01, § I, 4-2-09; Ord. No. 09-02, § I, 5-21-09)

**2.12.020 Bond.**

The council shall require each officer of the town to give bond for the due discharge of his or her duties in such sums and with such security as it may direct and approve as determined by resolution. The town shall pay the costs of such bond. Nothing in this section shall preclude the town from obtaining a blanket bond pursuant to the provisions of A.R.S. Section 9-302.

(Prior code § 3-1-3)

**2.12.030 Oath of office.**

All town officers, whether elected by the people or appointed by the manager, mayor and/or council, shall before entering upon the duties of office, subscribe to the oath of office as prescribed by law. A newly appointed or reelected town officer may take the oath of office on the same day in which the officer assumes the duty of office.

(Ord. 02-04 § 3 (part); Ord. 02-02 § 3 (part); prior code § 2-1-6)

**2.12.040 Vacancies and holding more than one office.**

Any vacancy that shall occur in any town office shall be filled by appointment by the town manager and/or council; provided, that one person may hold more than one office and that, at the discretion of the council, the functions of a town official may be validly performed and discharged by a deputy or another town official, or an otherwise qualified employee.

(Ord. 02-02 § 3 (part); prior code § 3-1-4)

**2.12.050 Additional 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 office as may be provided by the town manager or council through ordinance, resolution or order.

(Ord. 02-02 § 3 (part); prior code § 3-1-5)

**2.12.060 Town clerk.**

- A. The clerk 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 town manager directs. The clerk shall number, plainly label and file separately in a suitable cabinet all ordinances, resolutions,

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notices, deeds, surveys, leases, paid and unpaid vouchers, inventories, letters, orders and other documents of whatever nature.

- B. Public Inspection of Records. The clerk shall keep convenient for public inspection all public records and public documents under his control, as provided by state statute.
- C. Monthly Reports. The clerk shall prepare and collect from town officers and employees such monthly reports prepared in such manner and to include such information as may be directed by the town manager.
- D. Minutes. The clerk shall prepare or cause to be prepared all minutes of council proceedings and ensure their correctness and accuracy.
- E. Ordinances, Resolutions, Budgets and Notices. The clerk 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.
- F. The clerk shall hold the office of town treasurer. The duties of the town treasurer shall be delegated to the finance manager, who shall have the care, control and custody of the money of the town.
- G. Election Official. The clerk shall be the town election official and perform those duties required by state statute.
- H. Municipal Budget. The clerk shall process, record, file and advertise the municipal budget.
- I. Licenses. The clerk shall issue or cause to be issued all licenses that may be prescribed by state statute or this code.
- J. Administrative Duties. The clerk shall perform those administrative responsibilities and duties that are conferred upon him or her by the town manager in addition to those specified in this code.

(Ord. 02-02 § 3 (part); prior code § 3-2-1)

(Ord. No. 14-03, § I, 6-5-14)

### **2.12.070 Police chief.**

Unless an agreement with another public entity to perform the duties of the police department has been executed pursuant to Section 2.28.070, the police chief shall perform such duties as may be required by law and as the town manager may deem necessary.

(Ord. 02-02 § 3 (part); prior code § 3-2-2)

(Ord. No. 12-01, § I, 1-5-2012)

### **2.12.080 Town engineer.**

The engineer shall have charge of the town streets, sewers and waterworks and shall perform such duties as may be required by law and such other duties as the town manager may deem necessary. He or she shall be a competent engineer.

(Ord. 02-02 § 3 (part); prior code § 3-2-3)

**2.12.090 Town attorney.**

The attorney shall act as the legal counselor and advisor of the council and other town officials and, as such, shall give his or her opinion in writing when requested. He or she shall draft all deeds, contracts, conveyances, ordinances, resolutions and other legal instruments when required by the council or the town manager. He or she shall approve as to form, in writing, all drafts of contracts and all official or other bonds before final approval or acceptance thereof by the council. He or she shall return within ten (10) days all ordinances and resolutions submitted to him or her for consideration by the council, with his or her approval or disapproval as to form noted thereon, together with his or her reasons therefor. He or she shall prosecute and defend all suits, actions or causes where the town is a party and shall report to the council and the town manager, when required, the condition of any suit or action to which the town is a party.

(Ord. 02-02 § 3 (part); prior code § 3-2-4)

**2.12.100 Public works manager.**

There is created the office of public works manager who shall perform all duties vested in or devolving upon the office by the state statutes, and such other duties as the town manager may deem necessary.

(Ord. 02-02 § 3 (part); prior code § 3-2-5)

(Ord. No. 09-01, § I, 4-2-09)

**2.12.110 Building official.**

The building official, the building code inspector, and administrative authority as may be referenced in any section of this code for all matters pertaining to any plumbing, mechanical, electrical or any other inspectors shall be vested in the office of the public works manager; provided however, that the public works manager and town manager may authorize such deputies as needed to perform any inspection work or functions that may be required of this code.

(Ord. 02-02 § 3 (part) ; Ord. 01-10 § 1; Ord. 96-12 § 2 (part); prior code § 7-6 (part)

(Ord. No. 09-01, § I, 4-2-09; Ord. No. 09-03, § I, 4-16-09)

**2.12.120 Authority of the building code inspector/code compliance officer.**

- A. In addition to any duties prescribed by state law, town ordinance or the town manager, the building code inspector/code compliance officer, and town marshal shall have the authority to issue complaints and serve process for violations of the town code and/or town ordinances. Such authority is not exclusive but instead concurrent with the authority of the police chief and the police department.
- B. The building code inspector/code compliance officer shall be under the direct supervision of the public works manager.

(Ord. 02-02 § 3 (part))

(Ord. No. 09-01, § I, 4-2-09)

**2.12.130 Town manager.**

- A. Office Created. The town manager shall be appointed by the council wholly on the basis of his administrative and executive ability and qualifications and shall hold office for and at the pleasure of the town council.
- B. Bond. The town manager shall secure a corporate surety bond to be approved by the council in such a sum as may be determined by the council and shall be conditioned on the faithful performance of the duties imposed on the town manager as herein prescribed. The bond fee is to be paid by the town.
- C. Compensation. The manager shall receive such compensation as the council shall fix from time to time.
- D. Removal Procedure. The manager may be removed from office by a majority vote of the whole council at any time for any reason.
- E. Resignation. The manager shall give in writing a sixty-day notice of his/her intention to resign before leaving, resigning, or quitting the office of town manager.
- F. Powers and Duties. The town manager shall be the administrative head of the town government under the direction and control of the council, except as otherwise provided in this chapter. He shall be responsible to the council for the proper administration of all affairs of town. In addition to his general powers as administrative head and not as limitation thereof, he/she shall have the following additional powers and duties:
  - 1. Appoint, suspend and/or remove and direct all officers and employees of the town except the town magistrate and his staff, and the town attorney and his staff. In the case of the town attorney, the manager shall consult with him/her and act as the liaison between the council and the attorney. The magistrate shall be independent as set forth herein and by state law;
  - 2. Prepare the budget annually and submit it to the council together with a message describing the important features and be responsible for its administration after adoption;
  - 3. Prepare and submit to the council at the end of each fiscal year a complete report on the finances and administrative activities of the town during the proceeding year;
  - 4. Keep the council advised of the financial condition and future needs of the town and make such recommendations as he/she may deem desirable;
  - 5. Recommend to the council a standard schedule of pay for each appointed office and its position in the town's service. Authorize the payments of overtime pay for such employees as may work in excess of a normal work period. Such rates of pay and periods of work be in conformance with wages and salaries enacted by the council;
  - 6. Recommend to the council, from time to time, adoption of such measures which he may deem necessary or expedient for the health, safety, or welfare of the community or the improvement of administrative services;
  - 7. Have supervisory authority over all departments and shall therefore have authority to direct the activities of and to hire and terminate all employees including department heads, except as set forth in Section 2.12.130(F);
  - 8. Consolidate or combine offices, positions, departments or units under his jurisdiction with the approval of the council. The manager may be the head of one or more departments, except as set forth in Section 2.12.130(F);
  - 9. Attend all meetings of the council unless excused therefrom and take part in the discussion of all matters coming before the council. He shall be entitled to notice of all regular and special meetings;
  - 10. Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget; let contracts necessary for operation or maintenance of town services. Receive

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sealed bids for purchases or contracts and present them to the council for approval, and advise the council on the advantages of the contract and bid proposals. The manager may issue such rules governing purchasing procedures within the administrative organization as the council shall approve;

11. In case of accident, disaster, or other circumstances creating a public emergency, the manager may award contracts and make purchases for the purpose of meeting said emergency; but he shall file promptly with the council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures;
  12. See that all laws and ordinances are duly enforced;
  13. Investigate the affairs of the town and any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the town government and in regard to service maintained by the public utilities in the town, and see that all franchises, permits, and privileges granted by the town are faithfully observed;
  14. Perform such other duties as may be required by the council which are not inconsistent with state law or town ordinances;
  15. Advise the council at periodic intervals of changes needed in the town code;
  16. Devote as much time to the duties of the town manager and the interests of the town as may be required; and
  17. The town manager shall hold the office of the town finance director and receive and safely keep all monies that shall come to the town and pay out the same when authorized by the council. He shall keep a separate record and account of each different fund provided by the council, apportion the monies received among the different funds as prescribed by the council, and keep a complete set of books: showing every money transaction of the town, the state of each fund, from what source the money in each fund was derived and for what purpose expended, and he shall make monthly reports to the council of all receipts and disbursements and the balance in each fund. At the end of the fiscal year he shall make a full and detailed statement of the receipts and expenditures of the town during the year, specifying the different sources of revenue and the amount received from each, all appropriations made by the mayor and council, and the object for which they were made, and the amount of interest due thereon, and the amount of cash on hand;
- G. Council to Act Through Manager. Except for the purpose of inquiry, the council and its members shall deal with town employees solely through the manager, and neither the council nor any member thereof shall give orders to any subordinate of the manager whether publicly or privately.

(Ord. 02-02 § 3 (part))

(Ord. No. 09-02, § I, 5-21-09)

### **Chapter 2.16 MAYOR**

Sections:

[2.16.010 Election of the mayor.](#)

[2.16.020 Vice mayor.](#)

[2.16.030 Acting mayor.](#)

[2.16.040 Powers and duties of the mayor.](#)

[2.16.050 Failure to sign documents.](#)

**2.16.010 Election of the mayor.**

The voters shall at the same time as other councilmembers are elected, elect a mayor who shall serve a four-year term.

(Ord. 08-13 § 1; Ord. 01-9 § 2 (part); prior code § 2-2-1)

**2.16.020 Vice mayor.**

The councilmembers shall at the first regular meeting after their election shall choose a vice mayor from among their number who shall serve at the pleasure of the council. The vice mayor shall perform the duties of the mayor during his or her absence or disability.

(Ord. 01-09 § 2 (part); prior code § 2-2-2)

**2.16.030 Acting mayor.**

In the absence or disability of both the mayor and vice mayor, the council shall appoint another councilmember to act as mayor.

(Ord. 02-02 § 3 (part); prior code § 2-2-3)

**2.16.040 Powers and duties of the mayor.**

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

- A. The mayor shall be the chief executive officer of the town.
- B. The mayor shall be the chairperson of the council and preside over its meetings. He or she may make and second motions and shall have a voice and vote in all its proceedings.
- C. The mayor shall enforce the provisions of this code.
- D. The mayor shall execute and authenticate by his or her signature such instruments as the council or any statutes, ordinances or this code shall require.
- E. The mayor shall make such recommendations and suggestions to the council as he or she may consider proper.
- F. The mayor may, by proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing or any other natural or manmade 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 a 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 or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.
- G. The mayor 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.

(Prior code § 2-2-4)

#### **2.16.050 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 or her signature for five days consecutively, then a majority of the members of the council may, at any regular or special meeting, authorize the vice mayor or, in his or her absence, any other councilmember to sign such ordinance, resolution, contract, warrant, demand or other document or instrument which when so signed shall have the same force and effect as if signed by the mayor.

(Ord. 02-02 § 3 (part); prior code § 2-2-5)

### **Chapter 2.20 BOARDS AND COMMISSIONS**

Sections:

[2.20.010 General \(Reserved\).](#)

[2.20.020 Tree board.](#)

#### **2.20.010 General (Reserved).**

#### **2.20.020 Tree board.**

##### **A. Creation and Membership.**

1. There is created the town tree board, consisting of five members, appointed by the town council, who shall serve at the pleasure of the council.
2. The term of each member of the tree board shall be for three years or until the member's successor is duly appointed. Members shall serve staggered terms whereby no more than two members' terms expire in any single year. Of the first five members appointed to the tree board, two shall be appointed to one-year terms; and three shall be appointed to two-year terms.
3. Members of the tree board shall serve without compensation, but may be reimbursed for necessary expenses of serving on the board.
4. If a vacancy occurs during the term of any member, his or her successor shall be appointed for the remaining portion of the term.

##### **B. Duties and Responsibilities. The duties and responsibilities of the town tree board are as follows:**

1. To disseminate the rules and regulations of the town forest plan and arboricultural specifications and standards of practice governing the planting, maintenance, removal, fertilization, pruning and bracing of trees on the streets or other public sites in the town.

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2. To study the problems and determine the needs of the town in connection with street trees and park trees.
3. To recommend for adoption by the council and periodically review and update a Youngtown community forest plan, which designates the type and kind of trees which may be planted upon town streets and in parks, sets forth requirements for the care, preservation, pruning, planting, replanting, removal or disposition of street trees and park trees, and sets forth arboricultural specifications.
4. To assist in the dissemination of information regarding selection, planting and maintenance of trees within the town limits, whether on public or private property, and to relay such information from time to time to the town council and to recommend desirable legislation concerning community forest programs and activities for the town.
5. Upon request by the town council, to consider, investigate, make findings, report, and recommend any special matter or question within the areas of responsibility of the tree board.

(Ord. 04-08 § 1 (part))

### **Chapter 2.28 POLICE DEPARTMENT**

Sections:

[2.28.010 Created—Composition.](#)

[2.28.020 Appointment of law enforcement personnel.](#)

[2.28.040 Departmental rules and regulations.](#)

[2.28.050 Duties of police department.](#)

[2.28.060 Duties of the police chief.](#)

[2.28.070 Intergovernmental agreement to perform the duties of the police department.](#)

#### **2.28.010 Created—Composition.**

There is created a police department for the town which shall consist of a chief of police, and as many law enforcement personnel as may from time to time be deemed necessary by the town manager for the safety and good order of the town.

(Ord. 02-02 § 3 (part); prior code § 4-1-1)

#### **2.28.020 Appointment of law enforcement personnel.**

The chief of police shall be appointed by the town manager and shall serve at the pleasure of the town manager. The town manager shall appoint as many law enforcement personnel as may, from time to time, be deemed necessary for the safety and good order of the town. Such law enforcement personnel shall be selected, employed and discharged by the town manager acting on recommendations from the chief of police. The chief of police shall supervise, direct and promote law enforcement personnel and make rules and regulations for the conduct of the police department, consistent with the ordinances of the town and the laws of the state of Arizona and the United States of America and with approval by the town manager.

(Ord. 02-02 § 3 (part); prior code § 4-1-2)

**2.28.040 Departmental rules and regulations.**

The police department shall be operated and managed in accordance with such departmental rules and regulations as adopted by the chief and approved by the town manager.

(Ord. 02-02 § 3 (part); prior code § 4-1-4)

**2.28.050 Duties of police department.**

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

- A. Enforce this code, ordinances of the town and the statutes of the state of Arizona within jurisdictional limits as conferred by law and to arrest and charge the violators thereof and take any other appropriate lawful action necessary to investigate possible violations of the code and preserve the public peace, safety and welfare;
- B. Provide for the incarceration of prisoners and all those who are sentenced to labor on the streets or public works of the town and to see that orders and sentences with reference to such are fully executed and complied with;
- C. Deliver any person who may be incarcerated upon conviction of a crime committed under the jurisdiction of the municipal court to any authorized officer of the town who shall at any time demand such prisoners. Any such authorized person so demanding and receiving such prisoners shall work such prisoners on the streets or alleys of the town or on any and all authorized work as may be determined by the town manager;
- D. Render such account of the police department, its duties and receipts as may be required by the council, and keep records of the office open to inspection by the town manager at any time;
- E. Direct traffic and insure the orderly flow thereof and investigate and make reports of traffic accidents;
- 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 the town manager and to notify the council and the town manager of any defects found therein;
- G. Perform such additional duties as may be required by the town manager;
- H. May operate beyond the town jurisdictional limit if in hot pursuit of a person who committed an offense within the town jurisdictional limits or where authorized to do so by the police chief and the town manager, or where an existing intergovernmental agreement requires such action. Any such "hot pursuit" must be in accord with departmental guidelines drafted by the police chief and approved by the town manager.

(Ord. 02-02 § 3 (part); prior code § 4-1-5)

**2.28.060 Duties of the police chief.**

- A. The police chief shall be responsible for, and cause to be prepared and submitted by him or her, itemized annual estimates of expenditures required by the town manager for capital outlay, salaries, wages and miscellaneous operating costs; to tabulate the same into a preliminary consolidated budget and submit the same to the town manager annually on the date specified by the town manager with his or her recommendations as to any increases, decreases, cancellations, transfers or any changes in any of the items included in the preliminary budget.

- B. The police chief shall supervise the expenditure of all supplies, goods, wares, merchandise, equipment and materials which may be required for the orderly operation of the department, subject to the approval of the town manager.
- C. The police chief shall perform such other duties as may be required by the town manager not inconsistent with the laws of the state of Arizona or the ordinances of the town.

(Ord. 02-02 § 3 (part); prior code § 4-1-6)

### **2.28.070 Intergovernmental agreement to perform the duties of the police department.**

The town council may enter into an agreement with another public entity to perform the duties of the police department.

(Ord. No. 12-01, § I, 1-5-2012)

## **Chapter 2.32 MUNICIPAL COURT**

Sections:

[2.32.010 Established—Jurisdiction.](#)

[2.32.020 Municipal judge.](#)

[2.32.030 Municipal judge—Powers and duties.](#)

[2.32.040 Municipal judge—Compensation.](#)

[2.32.050 Court administrator.](#)

[2.32.060 Proceedings of the court.](#)

[2.32.070 Home detention program.](#)

### **2.32.010 Established—Jurisdiction.**

There is established in the town a municipal 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 laws of the state committed within the limits of the town.

(Prior code § 5-1)

### **2.32.020 Municipal judge.**

The presiding officer of the municipal court shall be the town municipal judge who shall be appointed by the council. The town municipal judge shall serve a term of two years with the beginning and end of the term to be specified at the time of appointment. During such term, the town municipal judge may be removed only for cause.

(Prior code § 5-2-1)

**2.32.030 Municipal judge—Powers and duties.**

- A. The powers and duties of the municipal judge shall include:
  - 1. Those powers and duties set forth and conferred by the provisions of the state constitution, statutes, this code, and the ordinances and resolutions of the town;
  - 2. Keeping a docket in which each action and the proceedings of the court are entered;
  - 3. Fixing and receiving all bonds and bails and receiving all fines, penalties, fees and other monies, as provided by law;
  - 4. Collecting administrative fees, surcharges and enforcement fees for criminal fines and civil sanctions;
  - 5. Assessing an administrative fee not to exceed two hundred fifty dollars (\$250.00) for issuing or quashing a warrant, failing to pay a court fine, jail fee, restitution, civil traffic sanction, or other civil sanction, or failing to comply with a civil order regarding probation, counseling classes or diversion program;
  - 6. Submitting a monthly report to the town council summarizing court activities for that month;
  - 7. Designating a deputy, who is not a law enforcement officer, and a specific location where, during hours when the court is not open, the deputy shall set the amount of bail in accordance with the schedule established by the court. The deputy shall collect such bail, or accept proper bail bonds in lieu thereof, for and on behalf of the court;
  - 8. Suspending matters designated as civil sanctions under this code and referring such matters to alternative dispute resolution programs approved by the court.
- B. The municipal judge may waive all or part of any administrative fee imposed by the court if the court finds such waiver to be appropriate and just under the circumstances of the case.
- C. Establishment of an Overpayment Policy/Threshold Amount.
  - 1. Overpayments of fines, fees and other charges, in amount of ten dollars (\$10.00) or less will not be refunded by the court unless the payer submits a written request for refund within thirty (30) days of the overpayment.
  - 2. Overpayments of ten dollars (\$10.00) or less that are retained by the court shall be allocated to the town general fund.

(Ord. 05-06 § 1 (part): Ord. 04-04 § 1: prior code § 5-2-2)

**2.32.040 Municipal judge—Compensation.**

The municipal judge shall receive such compensation as the council may fix by resolution.

(Prior code § 5-2-3)

**2.32.050 Court administrator.**

- A. The secondary officer in the municipal court shall be the court administrator who shall be appointed by and shall serve at the pleasure of the municipal judge.
- B. All fees, fines, penalties and other monies payable to the court shall be collected by the court administrator. The court administrator shall issue a receipt for all such monies received.

(Ord. 05-06 § 1 (part): Ord. 04-06 § 1: Ord. 02-02 § 3 (part); prior code § 5-2-4)

**2.32.060 Proceedings of the court.**

A. Proceedings.

1. 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, when applicable.
2. The municipal 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.
3. If a municipal judge is satisfied that the offense complained of has been committed by the person charged, he or she shall issue a summons or a warrant of arrest. Before issuing a summons or warrant of arrest on a complaint, the municipal judge may subpoena and examine witnesses as to the truth of the complaint.
4. Court Enhancement Fund.
  - a. There is created a court enhancement fund, which shall be used exclusively to enhance the technological and operation capabilities of the municipal court, including, but not limited to, the operation of the judicial collection program. Pursuant to A.R.S. Section 22-404(E), these fees shall be assessed in all cases in which a sanction, fine, penalty, forfeiture or diversion is entered.
  - b. The court enhancement fund shall be funded by the following:
    - i. A court enhancement fee or default fee in the amount of thirty-six dollars and eighty cents (\$36.80) per charge;
    - ii. A minimum default fee of twenty-five dollars (\$25.00), or as determined by the municipal judge;
    - iii. Checks returned to the court for non-sufficient funds in the amount of thirty-five dollars (\$35.00);
    - iv. Bond forfeitures not applied to fines;
    - v. A marriage license fee of five dollars.
  - c. The court enhancement fund established in this section shall be maintained as a separate account with the town. The court shall collect a court enhancement fee, and/or default fee, non-sufficient funds and/or bond forfeiture, and deposit them in the court enhancement fund account. The monies in the fund shall be invested in the same manner as other town funds. Interest earned on fund monies shall be deposited in the fund and any balance remaining in such account at the end of the fiscal year shall carry over into the subsequent fiscal year.
  - d. The municipal court shall administer the fund and may make expenditures from the fund for the purpose provided in this section. Monies from the fund shall supplement monies already provided to the municipal court for the general purposes stated in the section.
  - e. The municipal court shall annually submit to the mayor, town council and town manager, a report detailing the amount of money collected and expended during the fiscal year and the progress made in court enhancement.
  - f. The council of the town shall have the authority to increase or decrease court enhancement fees or other court fees by resolution.

- B. Bail. The defendant, at any time after arrest and before conviction, shall be admitted to bail, if bailable.

(Ord. 08-17 § 1; Ord. 08-12 § 1; Ord. 04-05 § 1: prior code §§ 5-3-1, 5-3-2)

(Ord. No. 09-07, § I, 10-15-09)

**Editor's note**— It should be noted that Ord. No. 09-07, § IV, states "This Ordinance shall be in full force and effect from and after its passage, adoption and approval by the Common Council of the Town of Youngtown, and this Ordinance shall be retroactive from September 9, 2009."

### **2.32.070 Home detention program.**

- A. A home detention program is hereby established in the town municipal court for persons who are sentenced to jail confinement, including those persons sentenced under Sections 28-1381 or 28-1382 of the Arizona Revised Statutes. If a person is sentenced to jail confinement by the town municipal court, the court may substitute home detention for a portion of the jail term as provided in this section.
- B. The presiding judge shall develop and implement a home detention program that complies with the requirements of state law.
- C. Home detention shall not be permitted for persons who:
  - 1. Are found to constitute a risk to themselves or other members of the community.
  - 2. Have a history of violent behavior.
  - 3. Have been convicted of and are being sentenced for a domestic violence offense pursuant to Section 13-3601 of the Arizona Revised Statutes.
  - 4. Have been convicted of and are being sentenced for an act of prostitution or solicitation pursuant to Section 13-3214 of the Arizona Revised Statutes.
  - 5. Are not eligible under Section 9-400.07 of the Arizona Revised Statutes or has been declared ineligible by the sentencing judge for participation in the home detention program.
- D. Except as provided in subsection K, any person placed on home detention shall serve an initial twenty-four (24) consecutive hours in jail. The person shall pay the costs of incarceration.
- E. A person placed under home detention shall be subject to electronic monitoring in the person's home and shall be required to remain at home during the hours specified by the court. The person shall pay the full cost of the electronic monitoring.
- F. In order to be eligible for the home detention program, the person shall be employed in Maricopa County. If the person is retired or incapable of being employed, the court may exempt the person from this requirement. If the person attends educational classes in Maricopa County or is employed within Maricopa County, the court may permit the person to attend classes or leave home for employment during specified hours. The court may permit the person to attend religious services, funerals or seek necessary medical care.
- G. The court may require a person under home detention to participate in community service work or impose other reasonable requirements or restrictions the court deems necessary.
- H. The court shall terminate a person's home detention and require the person to complete the remaining term of the jail sentence by jail confinement if the court finds the person has improperly left the home during home detention or has violated any other terms of the home detention order.
- I. The court is authorized to assess costs against an offender who participates in a home detention program to the extent authorized by law.

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- J. In addition to the requirements of Section 6-6-2, if an offender is sentenced under Sections 28-1381 or 28-1382 of the Arizona Revised Statutes, the person may participate in a home detention program only if the person meets the requirements of this section.
- K. The person must first serve a minimum of twenty-four (24) consecutive hours in jail if sentenced under Section 28-1381(i) of the Arizona Revised Statutes. the person must first serve a minimum of fifteen (15) consecutive days in jail if sentenced under Section 28-1381(k) or 28-1382(d) or (f) of the Arizona Revised Statutes.
- L. The person shall be tested at least once daily for the use of alcohol or drugs in a manner approved by the court. The person shall pay the full cost of alcohol or drug testing.
- M. The court shall terminate a person's home detention and require the person to complete the remaining term of the jail sentence by jail confinement if the court finds the person has not successfully completed court-ordered alcohol or drug screening and treatment pursuant to Section 28-1381 or 28-1382 of Arizona Revised Statutes or has violated any other term of the home detention order.

(Ord. No. 10-07, § I, 5-6-10)

### **Chapter 2.36 PERSONNEL SYSTEM**

Sections:

[2.36.010 Creation and scope.](#)

[2.36.020 Employee discrimination.](#)

[2.36.030 Rules and regulations.](#)

[2.36.040 Political contributions.](#)

[2.36.050 Background checks; fingerprints.](#)

#### **2.36.010 Creation and scope.**

There is adopted a personnel plan for the employees of the town, the provisions of which shall apply to all employees of the town, except elected officials, officers of the town appointed by the council, persons engaged under contract to supply expert, professional or technical services, temporary employees, volunteer firefighters and volunteer personnel who receive no regular compensation from the town. The town manager shall be the personnel director and shall be responsible for the implementation of the personnel plan.

(Ord. 02-02 § 3 (part); prior code § 3-3-1)

#### **2.36.020 Employee discrimination.**

The appointment, promotion and tenure of every employee shall be conditioned solely on merit and fitness and the satisfactory performance of the duties and responsibilities assigned. No employee or applicant for employment shall be discriminated against on the basis of race, color, religion, sex, age or political affiliation or handicap status.

(Ord. 02-02 § 3 (part); prior code § 3-3-2)

**2.36.030 Rules and regulations.**

The council may adopt by resolution rules and regulations to give effect to this chapter, which may be modified or changed from time to time, but such rules and regulations shall follow the generally accepted principles of good personnel administration.

(Prior code § 3-3-3)

**2.36.040 Political contributions.**

No officer, official or employee of the town shall use any influence or pressure upon any employee to obtain any assessment or contribution of money or time, either direct or indirect, for any political campaign or personal gain.

(Prior code § 3-3-4)

**2.36.050 Background checks; fingerprints.**

- A. Pursuant to A.R.S. § 41-1750 and Public Law 92-544, the town is hereby authorized to receive criminal history record information for purposes of evaluating the fitness of employees, contract employees and volunteers.
- B. The town shall submit the full set of fingerprints and applicable fees to the Arizona Department of Public Safety for purposes of obtaining a state and federal criminal history records check pursuant to A.R.S. § 41-1750 and Public Law 92-544. The department of public safety may exchange the fingerprint data with the Federal Bureau of Investigation.
- C. The town shall assume the costs of fingerprint checks conducted under this section.
- D. The town may conduct periodic fingerprint background checks to ensure the continued qualification of employees, contract employees and volunteers under this section.
- E. The town manager shall make and adopt rules that are necessary and proper for the administration of this section.

(Ord. No. 12-10, § I, 10-4-2012)

**Chapter 2.37 INDEMNIFICATION OF MEMBERS OF THE COUNCIL, TOWN OFFICERS, TOWN EMPLOYEES AND MEMBERS OF COMMITTEES, COMMISSIONS AND BOARDS**

Sections:

[2.37.010 Persons covered.](#)

[2.37.020 Indemnification and protection of town officials by town.](#)

[2.37.030 Insurance coverage.](#)

[2.37.040 Notice of claim.](#)

**2.37.010 Persons covered.**

All of the protections and benefits conferred by this chapter shall be enjoyed by any present or former members of the council, town officers, municipal judges, town employees, including the town attorney, any prosecuting attorney, whether or not such attorneys are full-time employees or serving on a contract basis, and every one of the members of all town committees, boards, commissions and subcommittees, which protected parties are hereinafter referred to individually as a "town officer" and collectively or jointly as "town officials."

(Ord. 02-04 § 3 (part))

**2.37.020 Indemnification and protection of town officials by town.**

- A. Any town officer and all town officials shall be entitled to be exonerated, indemnified and held harmless by the town from and against any liability or loss in any manner arising out of, or occasioned by, his or their service as a town officer or official and based upon any claim by a third party that the town, or such town officer or officials, by any action or failure to act, damaged the property or infringed the rights of said third party, or of any other person on whose behalf said third party brings a claim or legal action. The coverage afforded by this subsection shall not apply in any case where (1) said town officer or official's action or failure to act was not within the scope of his duties, in good faith or in a manner reasonably believed to be in the best interest of the towns; and (2) with respect to any criminal proceeding, said town officer or officials did not have reasonable cause to believe that his conduct was lawful; and (3) in any case where indemnification is not permissible pursuant to any state statute or any determination that such indemnification would be contrary to public policy.
- B. Subject to the above stated limitations, the right to indemnifications provided for in subsection A of this section shall extend as well to any claim brought by, or on behalf of, the town to recover damages alleged to have been occasioned to it or any of its property by any act or failure to act of any officer or officials.
- C. In any case where indemnification is required under the provisions of subsections A or B of this section, the town shall pay, on behalf of any town officer and all town officials, any money judgment and shall perform the onerous provisions of any court order, which may be entered against him or them, when such judgment or orders have become final and are no longer appealable.
- D. In any case where any town officer or officials are entitled to be exonerated, indemnified or held harmless pursuant to the provisions or subsections A or B of this section, the town shall protect and defend any town officer and all town officials from and against any litigation commenced against him or them, by engaging and compensating competent legal counsel to conduct his or their defense, and by paying all court costs, and any fees of opposing legal counsel, taxed or imposed by the court having jurisdiction.

(Ord. 02-04 § 3 (part))

**2.37.030 Insurance coverage.**

The town shall at all times procure insurance policies providing the maximum coverages and limits procurable at reasonable rates to protect its interests and to indemnify and protect all town officials and any town officer entitled to indemnification and protection hereunder. Acceptance of coverage and undertaking of protection by any such insurance carrier shall be deemed to satisfy the requirements of this article on the part of town. However, in any case or instance where an insurance carrier does not in fact accept coverage and defend any town officer or officials or such insurance is not effective for any reason for such coverage, the town shall be bound by the provisions hereof to protect and indemnify pursuant to the provisions of Section 2.37.020.

(Ord. 02-04 § 3 (part))

**2.37.040 Notice of claim.**

It shall be a precondition to the assertion of any claim for protection and indemnify under this chapter that any town officer or officials, after having been served with process commencing litigation against him or them, or after having received written notice or a possible claim alleged to be covered under the provisions of subsections A or B of Section 2.37.020, shall promptly give notice of the pendency of such action, by the presentation of such actual or potential claim to the council, together with such town officer's or officials' request for indemnify and protection hereunder. It shall further be a precondition to coverage hereunder that a city officer or officials claiming the protection and benefits conferred by this article shall at all times, and in every way, cooperate fully with legal counsel appointed by the town to defend against any threatened or pending litigation under the provisions of subsection D of Section 2.37.020.

(Ord. 02-04 § 3 (part))