

ORDINANCE No. 17-132

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE XV LAND USAGE, CHAPTER 153 ZONING REGULATIONS, SECTION 153.01 BOARD OF ADJUSTMENT; ZONING ADMINISTRATOR, BY AMENDING SUBSECTIONS (A),(B), (C)(1) AND (E)(2), RELATED TO THE ESTABLISHMENT OF A SEPARATE BOARD OF ADJUSTMENT FOR THE TOWN AND TO APPEALS OF VIOLATIONS OF CHAPTER 153; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES

Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations, Section 153.021 Board of Adjustment; Zoning Administrator, Subsections (A), (B), (C)(1) and (E)(2) are hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 153.021 BOARD OF ADJUSTMENT; ZONING ADMINISTRATOR.

The Board of Adjustment of the Town of Dewey-Humboldt (the "Board") is established pursuant to A.R.S. § 9-462.06.

(A) *Structure.* The Town Council shall ~~serve as the~~ APPOINT A Board of Adjustment of the town. ~~The Mayor shall be the Chairperson of the Board.~~ THE BOARD OF ADJUSTMENT SHALL CONSIST OF FIVE MEMBERS APPOINTED BY THE COUNCIL. INITIALLY TWO MEMBERS SHALL BE APPOINTED FOR TWO YEAR TERMS AND THREE MEMBERS SHALL BE APPOINTED FOR FOUR YEAR TERMS. THEREAFTER, ALL APPOINTMENTS SHALL BE FOR FOUR YEAR TERMS.

(B) *Procedure.* Meetings of the Board shall be open to the public and held at the call of the Chairperson. The Board shall adopt rules to govern its proceedings not inconsistent with this chapter and the laws of Arizona. AT THE NEXT MEETING AFTER APPOINTMENTS TO THE BOARD ARE MADE BY THE COUNCIL PURSUANT TO SUBSECTION (A), THE BOARD SHALL ELECT A CHAIRPERSON FROM AMONG ITS MEMBERS, WHO SHALL SERVE A TWO YEAR TERM. The Chairperson shall be the

executive officer of the Board with the power of administering oaths and taking evidence, and shall preside over its meetings and hearings. The minutes and records of all Board proceedings shall be kept as required by A.R.S. § 38-431.01, and filed as public records in the office of the Town Clerk.

\* \* \*

(C) *Powers and duties.*

(1) The Board has the following powers and duties:

\* \* \*

(c) HEAR AND DECIDE APPEALS FROM DECISIONS OF THE HEARING OFFICER PURSUANT TO SECTION 153.019 (D) AND (E);

Re-number existing subsections (d) and (e) and subsections (e) and (f) respectively.

\* \* \*

(E) *Hearings and rulings.* The Board of Adjustment shall hold at least one public hearing, within a reasonable time from the date of application, after giving a minimum of 15 days' notice thereof to parties of interest and the public, by posting at the property of application (if property is involved) and by publishing once in a newspaper of general circulation in the town. The Board of Adjustment shall render a decision within 30 days after the initial hearing on same, unless an extension is agreed to by the Board and the applicant.

\* \* \*

(2) The concurring vote of ~~four~~ OF A MAJORITY OF A QUORUM OF THE members shall be necessary to render a ruling, unless otherwise required by state law or the town zoning ordinance.

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 17<sup>th</sup> day of January, 2017, by the following vote:

AYES: Seven (7)

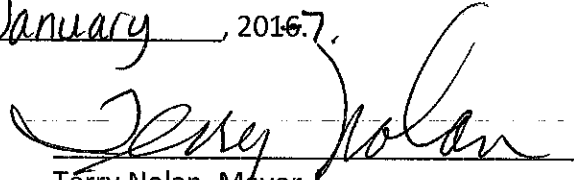
NAYES: Zero (0)

ABSENT: Zero (0)

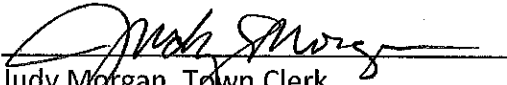
EXCUSED: Zero (0)

ABSTAINED: zero (0)

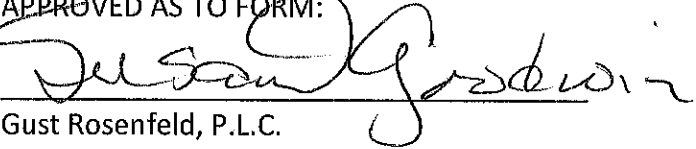
APPROVED this 17<sup>th</sup> day of January, 2017.

  
Terry Nolan, Mayor


ATTEST:

  
Judy Morgan, Town Clerk

APPROVED AS TO FORM:

  
Gust Rosenfeld, P.L.C.  
Town Attorneys  
By Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17-132 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE 17<sup>th</sup> DAY OF January, 2017, WAS POSTED IN THREE PLACES ON THE 18<sup>th</sup> DAY OF January, 2017.

  
Judy Morgan, Town Clerk