

ORDINANCE NO. 25-213

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 I GENERAL PROVISIONS, CHAPTER 10 RULES OF CONSTRUCTION; GENERAL PENALTY BY ADDING A NEW SECTION 10.20 ENFORCEMENT COMPLAINT FORM; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Title XV of the Dewey-Humboldt Town Code, the Town Council has adopted regulations governing the use of real property in the Town of Dewey-Humboldt; and

WHEREAS, the Town Council desires to provide a mechanism to allow residents and the owners of real property in the Town of Dewey-Humboldt to file complaints concerning violations of Title XV of the Town Code; and

WHEREAS, the Town Council desires to authorize the adoption of an Enforcement Complaint Form to address public health and safety threats to the community.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Dewey-Humboldt, as follows:

Section I. Section 10.20 “Enforcement Claim Form.”

The following is hereby added to the Town Code as a new Section 10.20.

Section 10.20 Enforcement Claim Form

The Town Council shall adopt by Resolution an Enforcement Claim Form attached hereto as Exhibit A to address public health and safety concerns.

Section II. Effective Date.

This Ordinance is to be effective upon the expiration of thirty (30) following the adoption of this Ordinance and when publication and posting pursuant to A.R.S. § 9-812 is accomplished.

Section III. Severability.

All ordinances, or parts of ordinances, adopted by the Town of Dewey-Humboldt in conflict with the provisions of this Ordinance or any part of the Town Code adopted herein by reference, are hereby repealed, effective as of the day this ordinance is effective.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 3rd day of June, 2025, by the following vote:

AYES: 6 NAYS: 1 ABSENT: 0 EXCUSED: 0 ABSTAINED: 0


APPROVED this 3rd day of June 2025.


Matthew Fenn, Mayor

ATTEST:


Beth Evans, Town Clerk

APPROVED AS TO FORM:


Sims Mackin, Ltd
Town Attorney
By: William J. Sims III

I, BETH EVANS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 25-213 ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE 3rd DAY OF June, 2025, WAS POSTED IN THREE PLACES ON THE 4th DAY OF June, 2025.


Beth Evans, Town Clerk

EXHIBIT A



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
PHONE 928-632-7362 ■ FAX 928-632-8643 ■ www.dhaz.gov

Complaint and Investigation Request

Office Use	Intake Initials: _____
Date Received: _____	Case Number: _____
Intake: <input type="checkbox"/> Fax <input type="checkbox"/> Mail <input type="checkbox"/> In Person <input type="checkbox"/> Email/Internet	

Name of Person Making Complaint: _____

All persons making a Complaint are advised that under the Arizona Public Records Act (A.R.S. § 39-121 et seq) the Complaint is generally subject to disclosure under the Arizona Public Records Act unless not disclosing the Complaint (i) is permitted by statute, (ii) is in the best interests of the State or (iii) protects a privacy interest of the Complainant. If the Complainant desires to remain anonymous, the Complaint must request anonymity. The Complainant will be advised that if a public records request for a copy of the Complaint is submitted, the Town will advise the requesting party that the Complainant has requested anonymity. If the requesting party disagrees, and if the requesting party files a public records complaint, the Town will coordinate with the Complainant a response to the requesting party.

Street Address: _____

City: _____ State: _____ Zip: _____

Work Phone: _____ Home Phone: _____

Email Address: _____ Town Resident: Yes No

Aware of other complaints filed for this violation? Yes No If yes, number filed: _____

Address of Complaint/Violation: _____

Parcel of Complaint/Violation: _____

Owner Name: _____

Occupant Name: _____

Nature of the Complaint/Reason for investigation: _____

Health or safety threat? Yes No Quality of life impact? Yes No

If yes to either, describe: _____

Are the alleged violations constant or do they repeat frequently? Yes No

I DECLARE THAT THE FOREGOING IS TRUE AND CORRECT.

Complainant: _____ Date: _____

Signature

Name: _____

Printed

The qualifications for lodging a complaint are enumerated on the back side of this form.

Town of Dewey-Humboldt
Code Enforcement Procedure
Policy Revised: June 3, 2025

1. Complaints alleging a violation of Title XV of the Town Code shall be made in writing on the Complaint and Investigation Request Form. The complainant shall be a resident of the Town or the owner of real property in the Town. A complete signed complaint form is required for further investigation.
2. Complaints shall be limited to health and/or safety threats. Examples of conditions which pose health/safety threats are insufficient fire code setback (10 ft. minimum) between buildings; impaired/non-functioning septic tank; alterations made to the terrain which cause water to flow onto other properties; open storage of garbage (i.e., dead animals, spoiled food, soiled diapers, and other materials subject to putrefaction, or that may attract wild animals and/or produce an odor of decay). Stored materials which are not odor producing or an animal attractant are not garbage.
3. Complaints must describe on the Complaint and Investigation Request Form the significant impacts which are objectionable to the Complainant and the particularized harm that the Complainant could experience from the activity that is the subject of the Complaint. Complaints must be for violations that are constant, ongoing, or repetitive with regular frequency. Seasonal disturbances will be checked to see if they can be mediated but may not rise to the level of code violation. Drone footage is NOT admissible as evidence.
4. Elected officials shall not use their position or a Town staff member to file a complaint. Elected officials and staff must always remain unbiased and will not use their position to sway the outcome of a Complaint. If Elected Officials have concerns about the status of a Complaint, those concerns must only be registered with the Town Manager. If an elected official experiences a particularized harm resulting from activity that could be the subject of a Complaint, the elected official may file the Complaint in the elected official's personal capacity and shall not thereafter participate in any way with the Town's review and processing of the Complaint, other than responding to questions if the Complaint is investigated.
5. The completed Complaint and Investigation Request Form and all its information including names, addresses and contact information, with all evidence submitted (including pictures), shall be a public record and subject to a public record request and must be disclosed to the extent required by the Arizona Public Records Act. No information will be redacted unless allowed under the Arizona Public Records Act.
6. The Town Manager will review the Complaint and determine whether the Town is the appropriate jurisdiction for the Complaint. If the Town is not the appropriate jurisdiction, the Town Manager will advise the Complainant.
7. The Town Manager or designee will review the Complaint and Investigation Request Form and research the appropriate code to determine if, based on the allegations, there may be a Town code violation. If the Town Manager or designee determines there is cause to believe that, based on the allegations, a code violation may exist, he/she will assign it to the appropriate staff to commence an investigation and follow-up on the Complaint. The staff will work with residents to correct violations without resorting to formal enforcement procedures if possible.
8. A person filing a Complaint must represent and warrant to the Town that property in the Town owned or leased by the person filing the Complaint is in compliance with Town Codes.
9. If the informal process described in Section 7 fails to resolve the violation, a Notice of Complaint (NC) will be mailed to the property owner of the property at which the alleged violation(s) have occurred, and in the case of leased property where the alleged violation(s) have occurred, also to the lessee. The NC shall provide for ten (10) business days initially for abatement of the problem. If abatement is completed within ten (10) business days, the case is closed. If abatement is not completed within ten (10) business days:
 - (i) A First Notice of Violation will be sent to the owner of the property at which the alleged violation(s) have occurred and to the lessee if applicable. The First Notice of Violation provides for thirty (30) days to abate the violation. If abatement is completed within thirty (30) days, case is closed. Notice shall be sent to both complainant and receiving party.
 - (ii) If abatement is not completed within thirty (30) days following the issuance of the First Violation, a Second Notice of Violation will be sent to the owner of the property at which the alleged violation(s) have occurred and to the lessee if applicable. The Second Notice of Violation provides for an additional fifteen (15) days to abate the violation. If abatement is completed in fifteen (15) days, case is closed. Notice shall be sent to both complainant and receiving party.
10. If abatement is not completed following the issuance of the Second Notice of Violation, the Town will refer this to the Town prosecutor to set a date for a hearing before the Town Magistrate.