

Chapter 1 GENERAL

Articles:

[1-1 How Code Designated and Cited](#)

[1-2 Construction of Ordinances](#)

[1-3 Definitions](#)

[1-4 Reference to Chapters, Articles or Sections: Conflicting Provisions](#)

[1-5 Section Headings](#)

[1-6 Effect of Repeal](#)

[1-7 Severability of Parts of Code](#)

[1-8 Penalty](#)

[1-9 Repeal of Existing Ordinances](#)

[1-10 Effective Date of Code](#)

Article 1-1 How Code Designated and Cited

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of the City of Litchfield Park, Arizona," and may be so cited. Such code may also be cited as the "Litchfield Park City Code."

Article 1-2 Construction of Ordinances

The rules and the definitions set forth in this chapter shall be observed in the construction of this code and the ordinances of the city unless such construction would be inconsistent with either the manifest intent of the council or the context of this code or the ordinances of the city.

Article 1-3 Definitions

Sections:

[1-3-1 General Rule Regarding Definitions](#)

[1-3-2 Acts by Agents](#)

[1-3-3 City](#)

[1-3-4 Code](#)

[1-3-5 Council](#)

[1-3-6 Day](#)

[1-3-7 Daytime, Nighttime](#)

[1-3-8 Department, Board, Commission, Office, Officer or Employee](#)

[1-3-9 Gender; Singular and Plural](#)

[1-3-10 In the City](#)

[1-3-11 Joint Authority](#)

[1-3-12 Manager](#)

[1-3-13 Month](#)

[1-3-14 Oath](#)

[1-3-15 Or, And](#)

[1-3-16 Person](#)

[1-3-17 Personal Property](#)

[1-3-18 Preceding, Following](#)

[1-3-19 Property](#)

[1-3-20 Real Property](#)

[1-3-21 Shall, May](#)

[1-3-22 Shall Have Been](#)

[1-3-23 Signature or Subscription by Mark](#)

[1-3-24 State](#)[1-3-25 Tenant or Occupant](#)[1-3-26 Tenses](#)[1-3-27 Time-Computation](#)[1-3-28 Time-Reasonable](#)[1-3-29 Week](#)[1-3-30 Writing](#)[1-3-31 Year](#)**Section 1-3-1 General Rule Regarding Definitions**

All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Section 1-3-2 Acts by Agents

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

Section 1-3-3 City

Whenever the word "city" is used, it shall mean the City of Litchfield Park, Arizona.

Section 1-3-4 Code

The words "the code" or "this code" shall mean "The Code of the City of Litchfield Park, Arizona," unless the context indicates otherwise.

Section 1-3-5 Council

Whenever the word "council" is used, it shall be construed to mean the common council of the City of Litchfield Park, Arizona.

Section 1-3-6 Day

A "day" is the period of time between any midnight and the midnight following.

Section 1-3-7 Daytime, Nighttime

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

Section 1-3-8 Department, Board, Commission, Office, Officer or Employee

Whenever any “department, board, commission, office, officer or employee” is referred to, it shall mean a department, board, commission, office, officer, or employee of the city unless the context clearly indicates otherwise.

Section 1-3-9 Gender; Singular and Plural

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

Section 1-3-10 In the City

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

Section 1-3-11 Joint Authority

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

Section 1-3-12 Manager

“Manager” shall mean the city manager or his duly authorized designee.

Section 1-3-13 Month

The word “month” shall mean a calendar month.

Section 1-3-14 Oath

“Oath” includes affirmation or declaration.

Section 1-3-15 Or, And

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

Section 1-3-16 Person

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

Section 1-3-17 Personal Property

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

Section 1-3-18 Preceding, Following

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

Section 1-3-19 Property

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

Section 1-3-20 Real Property

"Real property" shall include lands, tenements and hereditaments.

Section 1-3-21 Shall, May

"Shall" is mandatory and "may" is permissive.

Section 1-3-22 Shall Have Been

The words "shall have been" include past and future cases.

Section 1-3-23 Signature or Subscription by Mark

"Signature" or "subscription" includes a mark when the signer cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

Section 1-3-24 State

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

Section 1-3-25 Tenant or Occupant

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

Section 1-3-26 Tenses

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

Section 1-3-27 Time-Computation

The time within which an act is to be done as provided in this code or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is a Saturday, Sunday or holiday it shall be excluded; and when such time is expressed in hours, the whole of Saturday, Sunday or a holiday, from midnight to midnight, shall be excluded.

Section 1-3-28 Time-Reasonable

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

Section 1-3-29 Week

A "week" consists of seven consecutive days.

Section 1-3-30 Writing

“Writing” includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.

Section 1-3-31 Year

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

Article 1-4 Reference to Chapters, Articles or Sections: Conflicting Provisions

Sections:

[1-4-1 Additional Rules of Construction](#)

[1-4-2 References to this Code](#)

[1-4-3 Conflicting Provisions-Different Chapters](#)

[1-4-4 Conflicting Provisions-Same Chapter](#)

Section 1-4-1 Additional Rules of Construction

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

Section 1-4-2 References to this Code

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

Section 1-4-3 Conflicting Provisions-Different Chapters

If the provisions of different chapters of this code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

Section 1-4-4 Conflicting Provisions-Same Chapter

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

Article 1-5 Section Headings

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

Article 1-6 Effect of Repeal

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be expressly so provided. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

Article 1-7 Severability of Parts of Code

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

Article 1-8 Penalty

A. Unless otherwise provided in this code or ordinance, any person who violates any provision of this code shall be responsible for a civil infraction, punishable by a fine not less than fifty dollars nor more than five hundred dollars for each violation.

B. After having been found responsible for committing three or more civil infractions of the same code provision in any twenty-four-month period, whether by admission, by payment of the fine, by default or by judgment after hearing, a person is a habitual offender and may be charged with a Class I misdemeanor. For purposes of calculating the twenty-four-month period under this subsection, the dates of the commission of the offenses shall be used. Any person found guilty of a Class I misdemeanor under this subsection shall be punished by a fine of not less than five hundred dollars nor more than twenty-five hundred dollars, exclusive of penalty assessments prescribed by law or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

C. Any violation of or failure or refusal to do or perform any act required by Chapter 12 of this code constitutes a civil traffic violation. Civil traffic violations are subject to the provisions of Title 28, Chapter 5, Articles 3 and 4, Arizona Revised Statutes and amendments thereto.

D. Violations of this code for which a civil sanction is imposed shall be treated as a civil offense and hearings and appeals shall be conducted in accordance with the rules of procedure in civil traffic violation cases as set forth in the Arizona Revised Statutes, Rules of Procedure in Civil Traffic Cases.

E. A code enforcement officer or any law enforcement officer authorized to act on behalf of the city shall have the authority to enforce the provisions of this code and to issue citations for violations thereof, except that the code enforcement officer shall not issue citations for traffic violations pursuant to Chapter 12 of this code or Title 28, Chapter 6, Articles 20 and 21, Arizona Revised Statutes. (Ord. 16-216 § 1; Ord. 08-144 § 1)

Article 1-9 Repeal of Existing Ordinances

Sections:

1-9-1 Effective Date of Repeal

1-9-2 Ordinances Exempt from Repeal

Section 1-9-1 Effective Date of Repeal

All ordinances of the city except those specially exempted in this article, now in force and effect are hereby repealed effective at twelve o'clock noon on June 30, 1988 but all rights, duties and obligations created by said ordinances shall continue and exist in all respects as if this code had not been adopted and enacted.

Section 1-9-2 Ordinances Exempt from Repeal

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

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

Article 1-10 Effective Date of Code

Each and every section of this code as herein contained and hereby enacted shall take effect and be in force on and after twelve o'clock noon on December 6, 2003 except that where a later effective date is provided it shall prevail.

Chapter 2 MAYOR AND COUNCIL

Articles:

[2-1 Council](#)

[2-2 Mayor](#)

[2-3 Election](#)

[2-4 Council Procedure](#)

[2-5 Ordinances, Resolutions and Contracts](#)

[2-6 Boards and Commissions](#)

[2-7 Recreation and Public Grounds Commission](#)

[2-9 Indemnification of Members of the Council, City Officers, City Employees and Members of Committees, Commissions and Boards](#)

Article 2-1 Council

Sections:

[2-1-1 Elected Officers](#)

[2-1-2 Corporate Powers](#)

[2-1-3 Duties of Office](#)

[2-1-4 Vacancies in Council](#)

[2-1-5 Compensation](#)

[2-1-6 Oath of Office](#)

[2-1-7 Bond](#)

[2-1-8 Financial Disclosure Statement](#)

Section 2-1-1 Elected Officers

- A. The elected officers of the city shall be a mayor and six councilmembers. The mayor and councilmembers shall constitute the council and shall continue in office until assumption of duties of office by their duly elected successors.
- B. Commencing with year 2010, the term of office of the mayor shall be four years.
- C. Councilmembers shall serve four-year overlapping terms in the manner provided by state statute.
- D. A candidate shall not run for more than one office at the same election.
- E. Councilmembers who desire to run for mayor must resign their position on the council as of the day they submit their nomination papers, unless they are in the last year of their term. (Ord. 07-131 § 1)

Section 2-1-2 Corporate Powers

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

Section 2-1-3 Duties of Office

Members of the council shall assume the duties of office at the first regular meeting of the council in January next following the date of the primary or general election at which the councilmembers were elected. (Ord. 13-187 § 1)

Section 2-1-4 Vacancies in Council

- A. The council shall fill a vacancy that may occur for whatever reason by appointment until the next regularly scheduled council election if the vacancy occurs more than thirty days before the nomination petition deadline.
- B. If the vacancy occurs thirty days or less before the nomination petition deadline, the vacancy shall be filled by appointment for the unexpired term.
- C. If the vacancy is for the office of mayor, the mayor shall be appointed from one of the existing council members. (Ord. 12-175 § 1)

Section 2-1-5 Compensation

The compensation of elective officers of the city may be fixed from time to time by ordinance of the council.

Section 2-1-6 Oath of Office

Immediately prior to assumption of the duties of office, each councilmember shall, in public, take and subscribe to the oath of office. A newly appointed or elected council member may take the oath of office on the same day on which the council member assumes the duties of council member. (Ord. 99-51)

Section 2-1-7 Bond

Within twenty days after taking office, every councilmember shall execute and file an official bond, enforceable against the principal and his sureties, conditioned on the due and faithful performance of his official duties, payable to the state and to and for the use and benefit of the city or any person who may be injured or aggrieved by the wrongful act or default of such officer in his official capacity. A person so injured or aggrieved may bring suit on such bond under provisions identical to those contained in A.R.S. § 38-260. The premium for such bonds shall be paid by the city and may be a blanket bond, as authorized in A.R.S. § 9-302.

Section 2-1-8 Financial Disclosure Statement

Each councilmember shall file a financial disclosure statement in a form and with such information as provided by resolution of the council and pursuant to state law.

Article 2-2 Mayor

Sections:

[2-2-1 Office of Mayor](#)

[2-2-2 Vice Mayor](#)

[2-2-3 Acting Mayor](#)

[2-2-4 Powers and Duties of the Mayor](#)

[2-2-5 Absence of Mayor](#)

[2-2-6 Failure to Sign Documents](#)

Section 2-2-1 Office of Mayor

The Mayor shall be directly elected by the qualified electors of the city.

Section 2-2-2 Vice Mayor

At the first regular meeting in January following an election, the council shall designate one of its members as vice mayor, who shall serve at the pleasure of the council. The vice mayor shall perform the duties of the mayor during his absence or disability. (Ord. 13-187 § 1)

Section 2-2-3 Acting Mayor

In the absence or disability of both the mayor and vice mayor, the council may designate another of its members to serve as acting mayor who shall have all the powers, duties and responsibilities of the mayor during such absence or disability.

Section 2-2-4 Powers and Duties of the Mayor

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

- A. He shall be the chairman of the council and preside over its meetings. He may make and second motions and shall have a voice and a vote in all its proceedings.
- B. He shall be recognized as head of the city government for all official and ceremonial purposes.
- C. He shall, on behalf of the council, confer with and advise the city manager to ensure that council programs and policies are being fully implemented.
- D. He shall execute and authenticate by his signature such instruments as the council shall approve or that statutes, ordinances or this code shall require.
- E. He shall make such recommendations and suggestions to the council as he may consider proper.

F. He 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 city. After declaration of such emergency, the mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the city, including but not limited to:

1. Imposition of a curfew in all or any portion of the city.
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.
5. Perform such other duties as prescribed in the emergency operations procedures manual adopted by the city council.

G. He shall perform such other duties required by state statute and this code as well as those duties required as chief executive officer of the city. (Ord. 07-127 § 1)

Section 2-2-5 Absence of Mayor

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

Section 2-2-6 Failure to Sign Documents

If the mayor is absent or refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument authorized to be signed, then the vice mayor may 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.

Article 2-3 Election

Sections:

[2-3-1 Primary Election](#)

[2-3-2 Non-Political Ballot](#)

[2-3-3 General Election Nomination](#)

[2-3-4 Election to Office](#)

[2-3-5 Candidate Financial Disclosure](#)

[2-3-6 Election Day](#)

[2-3-7 Referendum and Initiative Elections](#)

Section 2-3-1 Primary Election

Any candidate who receives at the primary election a majority of all the votes cast at that election for that office shall be declared elected to the office for which that person is a candidate effective as of the date of the general election, and no further election shall be held as to said candidate; provided, that if more candidates receive a majority of votes cast than there are seats to be filled for that office then those candidates who receive the highest number of votes equal to the number of seats to be filled for the office shall be declared elected to that office. The majority of votes cast shall be determined pursuant to Arizona state law. (Ord. 16-212 § 1)

Section 2-3-2 Non-Political Ballot

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

Section 2-3-3 General Election Nomination

If at any primary election there is any office for which no candidate was elected, then as to such office, said election shall be considered to be a primary election for nomination of candidates for such office, and the second or general municipal election shall be held to vote for candidates to fulfill such office. Candidates to be placed on the ballot at such second or general municipal election shall be those not elected at such first election, shall be equal in number to twice the number to be elected to any given office or less than that number if there be less than that number named on the primary election ballot, and persons who receive the highest number of votes for the respective offices at such first election shall be the only candidates at such second election; provided, that if there be any person who, under the provisions of this article, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving said equal number of votes shall likewise become candidates for such office.

Section 2-3-4 Election to Office

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

Section 2-3-5 Candidate Financial Disclosure

Each candidate for the office of mayor or councilmember shall file a financial disclosure statement when such candidate files a nomination paper. The statement shall contain such information as required by resolution of the council pursuant to state law.

Section 2-3-6 Election Day

Commencing with the elections in 2014, the primary election shall be held on the date of the primary election of the state of Arizona. The general election shall be held on the date of the general election of the state of Arizona. (Ord. 13-187 § 1)

Section 2-3-7 Referendum and Initiative Elections

A. When a referendum or initiative is required to be placed upon the ballot, the council shall do so at the next regularly scheduled city primary or general election or state general election.

B. Alternatively, the council may at its discretion call a special election to be held on any date authorized by A.R.S. § 16-204 to place a referendum or initiative upon the ballot. At all times the citizens shall retain the right to vote by absentee ballot.

C. The basis upon which the number of qualified electors of the city required to file an initiative petition shall be the total number of registered voters qualified to vote at the last city election, whether primary, general or special, immediately preceding the date upon which any initiative petition is filed. The basis upon which the number of qualified electors of the city required to file a referendum petition shall be as determined by law. (Ord. 13-187 § 1)

Article 2-4 Council Procedure

Sections:

[2-4-1 Regular Meetings](#)

[2-4-2 Special Meetings](#)

[2-4-3 Meeting to Be Public](#)

[2-4-4 Quorum](#)

[2-4-5 Agenda](#)

[2-4-6 Consent Agenda](#)

[2-4-7 Order of Business](#)

[2-4-8 Voting](#)

[2-4-9 Suspension of Rules](#)

Section 2-4-1 Regular Meetings

At its first meeting each year, the council shall establish regular meeting dates for that year. When the day fixed for any regular meeting of the council falls upon a date designated by law as a legal holiday, such meeting shall be held on the next succeeding day not a holiday, unless such meeting is cancelled or the council sets a definite date for the meeting. All regular meetings of the council shall be held at a time and public place as determined by the mayor and designated in the notice of the meeting.

Section 2-4-2 Special Meetings

The mayor, upon his own motion, or the clerk upon the written request of three members, may convene the council at any time by notifying the members of the date, hour, place and purpose of such special meeting. Notice of such meeting shall be made pursuant to state law.

Section 2-4-3 Meeting to Be Public

All proceedings of the council shall be open to the public, except that upon approval by a majority vote of the council, the council may meet in an executive session in the manner provided by state law.

Section 2-4-4 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.

Section 2-4-5 Agenda

- A. Items may be placed on a regular, special, or emergency meeting agenda or work/study session agenda for city council discussion and possible action by (1) the mayor, (2) two councilmembers, or (3) the city manager at least three days before the agenda is posted.
- B. The clerk 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. 05-102 § 1)

Section 2-4-6 Consent Agenda

- A. When any item of business requires action by the council, but is of a routine and noncontroversial nature, such item may be presented at a regular meeting of the council as part of a consent agenda.
- B. The consent agenda shall be introduced by a motion "To Approve the Consent Agenda," and shall be considered by the council as a single item.
- C. There shall be no debate or discussion by any member of the council regarding any item on the consent agenda, beyond asking questions for simple clarification.
- D. Upon objection by any member of the council to inclusion of any item on the consent agenda, that item shall be removed from the consent agenda forthwith. Such objections may be recorded at any time prior to the taking of a vote on the motion to approve the consent agenda. All such items shall be considered individually, in the order in which they were objected to, immediately following consideration of the consent agenda.
- E. Approval of the motion to approve the consent agenda shall be fully equivalent to approval, adoption or enactment of each motion, resolution, ordinance or other item of business thereon, exactly as if each had been acted upon individually.

Section 2-4-7 Order of Business

The order of business for regular, special, work/study and executive session meetings shall be as set forth in the city council rules and procedures, as may be amended from time to time. (Ord. 05-102 § 1)

Section 2-4-8 Voting

- A. The mayor shall vote as a member of the council.
- B. Upon the request of any member, the ayes and nays upon any question shall be taken and entered in the minutes.

Section 2-4-9 Suspension of Rules

Any of the provisions of this article and city council rules and procedures 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. (Ord. 05-102 § 1)

Article 2-5 Ordinances, Resolutions and Contracts

Sections:

[2-5-1 Prior Approval](#)

[2-5-2 Introduction](#)

[2-5-3 Same Day Passage Prohibited](#)

[2-5-4 Introduction and Adoption of Ordinances](#)

[2-5-5 Requirements for an Ordinance](#)

[2-5-6 Effective Date of Ordinance](#)

[2-5-7 Signatures Required](#)

[2-5-8 Publishing Required](#)

[2-5-9 Posting Required](#)

Section 2-5-1 Prior Approval

All ordinances, resolutions and contract documents shall, before presentation to the council, have been reviewed as to form by the attorney 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.

Section 2-5-2 Introduction

Ordinances, resolutions, and other matters or subjects requiring action by the council shall be introduced and sponsored by a member of the council, except that the attorney, the manager or the clerk 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.

Section 2-5-3 Same Day Passage Prohibited

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

Section 2-5-4 Introduction and Adoption of Ordinances

All ordinances shall be introduced by motion and vote and adopted by motion and vote. Except for ordinances containing an emergency clause, no ordinance shall be introduced and adopted on the same day. (Ord. 04-92 § 1)

Section 2-5-5 Requirements for an Ordinance

Each ordinance shall 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.

Section 2-5-6 Effective Date of Ordinance

No ordinance, resolution or franchise shall become operative until thirty days after its passage by the council and approval by the mayor, except measures necessary for the immediate preservation of the peace, health or safety of the city, 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.

Section 2-5-7 Signatures Required

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

Section 2-5-8 Publishing Required

Only such 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.

Section 2-5-9 Posting Required

Every ordinance imposing any penalty, fine, forfeiture or other punishment shall, after passage, be posted by the clerk in three or more public places within the city and an affidavit of the person who posted the ordinance shall be filed in the office of the clerk as proof of posting.

Article 2-6 Boards and Commissions

Sections:

[2-6-1 Authority](#)

[2-6-2 Membership](#)

[2-6-3 Terms; Limitation](#)

[2-6-4 Officers](#)

[2-6-5 Meetings](#)

[2-6-6 Duties](#)

Section 2-6-1 Authority

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

Section 2-6-2 Membership

A. Each board and commission shall consist of five members, unless otherwise provided in this article or by law, who shall be appointed by the council and shall serve without pay. Ex officio membership may be appointed by the council.

B. A member of a board or commission shall not be absent from board or commission meetings for more than three consecutive times without a reasonable excuse. After the absence from three meetings, the remaining members of the board or commission shall vote to retain or recommend to the council that the absentee member be relieved of his or her duties on the board or commission.

C. Vacancies shall be filled by the council. The council shall designate the term of the appointment. Qualified and interested persons eligible to fill the vacancy shall be identified from the community.

D. Immediately prior to assumption of the duties of office, each board or commission member shall, in public, take and subscribe to the oath of office. A newly appointed board or commission member may take the oath of office on the same day on which the board or commission member assumes the duties of their office. (Ord. 09-149 § 1; Ord. 99-51)

Section 2-6-3 Terms; Limitation

A. A member of a board or commission shall serve a term of three years; provided, that the terms of persons first appointed may be staggered so that one-third, or the nearest whole number equivalent less than one-third, of the members serve for one year; one-third, or the nearest whole number equivalent less than one-third, of the members serve for two years; and the remaining members serve for three years. Thereafter, all terms shall be for a period of three years.

B. All expiring terms shall end on March 1st of the appropriate year, except that if the successor has not been appointed, a member's term shall extend until his successor has been appointed.

C. Members of boards and commissions may be removed at the pleasure of the council.

(Ord. 14-199 § 1; Ord. 09-149 § 1; Ord. 03-83; Ord. 97-43)

Section 2-6-4 Officers

A. Each board and commission shall elect a chairman and vice-chairman from their members. The vice-chairman shall preside at meetings in the absence of the chairman.

B. The election of a chairman and a vice-chairman shall be held at the first meeting after the new commissioners, appointed in March, have been sworn in. (Ord. 14-199 § 1; Ord. 96-36)

Section 2-6-5 Meetings

A. Each board and commission shall hold monthly meetings at a time and place to be determined by the members at the same time as the election of a chairman and vice-chairman. Special meetings may be called at any time, or at any appropriate place by the chairman. A quorum shall consist of at least fifty percent of the number of appointed members for the transaction of all business.

B. All meetings of each board or commission shall be conducted in conformance with the state open meeting law. (Ord. 96-36)

Section 2-6-6 Duties

A. A board or commission shall assist and advise the council in the establishment of essential policies, procedures, rules and regulations relating to the subject matter of the board or commission.

B. The recommendations of any board or commission to the city shall be advisory only. Such recommendations will be sent back to the board or commission by the city indicating any action, revision or modification of any recommendation.

Article 2-7 Recreation and Public Grounds Commission

Sections:

[2-7-1 Established](#)

[2-7-2 Membership](#)

[2-7-3 Purpose and Duties](#)

Section 2-7-1 Established

A recreation and public grounds commission of the city of Litchfield Park, Arizona, is hereby created. (Ord. 11-171 § 1)

Section 2-7-2 Membership

All members of the recreation and public grounds commission shall be generally representative of the community and shall serve without pay. Initially the membership of the commission shall consist of members of the former cityscape commission and the recreation, arts and parks commission as those existed immediately prior to the effective date of the ordinance codified in this chapter, not to exceed eleven members. The terms of office shall be staggered as provided in Section [2-6-3](#). Beginning with terms that expire in 2014, the number of members shall be reduced to seven. (Ord. 11-171 § 1)

Section 2-7-3 Purpose and Duties

A. The commission shall be advisory in nature and shall provide counsel and advice to council in matters including, but not limited to:

1. Inventory the opportunities for improving the appearance of public grounds;
2. Recommend a program for placement of street trees in public rights-of-way;
3. Review practices of utility companies for installation of underground utilities in order to improve community appearance and safety;
4. Provide recommendations for recreation programs, public art and public grounds maintenance and improvements in the city;
5. Such other and further changes as the council from time to time shall request.

B. The commission shall create a five-member tree board as a subcommittee of the commission. The tree board shall consist of members of the recreation and public grounds commission, selected by the commission. The duties of the tree board subcommittee shall be to:

1. Study the problems and determine the needs of the city in connection with street trees and park trees.

2. Recommend for adoption by the council and periodically review and update a Litchfield Park community forest plan, which designates the type and kind of trees which may be planted upon city 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.
 3. Assist in the dissemination of news and information regarding the selection, planting and maintenance of trees within the corporate limits, whether they be on public or private property, and to relay such information from time to time to the council as to desirable legislation concerning the community forest programs and activities for the city.
 4. Consider, investigate, make findings, report, and recommend upon any special matter or question within the scope of its work when requested by the council.
- C. The commission shall create a five-member beautification committee as a subcommittee of the commission. The beautification subcommittee shall consist of members of the recreation and public grounds commission, selected by the commission. The duties of the beautification committee shall be to recommend for formal recognition by the council homeowners who have enhanced their property by making significant landscape or architectural improvements.
- D. The council, at its discretion, may designate the city department to implement programs developed by the commission. (Ord. 11-171 § 1)

Article 2-9
Indemnification of Members of the Council, City Officers, City Employees and
Members of Committees, Commissions and Boards

Sections:

[2-9-1 Persons Covered](#)

[2-9-2 Indemnification and Protection of City Officials by City](#)

[2-9-3 Insurance Coverage](#)

[2-9-4 Notice of Claim](#)

Section 2-9-1 Persons Covered

All of the protections and benefits conferred by this article shall be enjoyed by any present or former mayor, vice mayor and each and all of the present or former members of the council, city officers, municipal judges, city employees, including the city 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 city committees, boards, commissions and sub committees, which protected parties are hereinafter referred to individually as a "city officer" and collectively or jointly as "city officials."

Section 2-9-2 Indemnification and Protection of City Officials by City

A. Any city officer and all city officials shall be entitled to be exonerated, indemnified and held harmless by the city from and against any liability or loss in any manner arising out of, or occasioned by, his or their service as a city officer or official and based upon any claim by a third party that the city or such city 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 apply in any case where (1) said city 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 city; and (2) with respect to any criminal proceeding, said city 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 indemnification provided for in subsection (A) of this section shall extend as well to any claim brought by, or on behalf of, the city to recover damages alleged to have been occasioned to it or any of its property by an act or failure to act of any city officer or officials.

C. In any case where indemnification is required under the provisions of subsections (A) or (B) of this section, the city shall pay, on behalf of any city officer and all city 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 city officer or officials are entitled to be exonerated, indemnified or held harmless pursuant to the provisions of subsections (A) or (B) of this section, the city shall protect and defend any city officer and all city 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 have jurisdiction.

Section 2-9-3 Insurance Coverage

The city shall at all time procure insurance policies providing the maximum coverages and limits procurable at reasonable rates to protect its interests and to indemnify and protect all city officials and any city 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 the city. However, in any case or instance where an insurance carrier does not in fact accept coverage and defend any city officer or officials or such insurance is not effective for any reason for such coverage, the city shall be bound by the provisions hereof to protect and indemnify pursuant to the provisions of Section [2-9-2](#).

Section 2-9-4 Notice of Claim

It shall be a precondition to the assertion of any claim for protection and indemnity under this article that any city officer or officials, after having been served with process commencing litigation against him or them, or after having received written notice of a possible claim alleged to be covered under the provisions of subsections (A) or (B) of Section [2-9-2](#), 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 city officer's or officials' request for indemnity 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 city to defend against any threatened or pending litigation under the provisions of subsection (D) of Section [2-9-2](#).

Chapter 3 ADMINISTRATION

Articles:

[3-1 Officers in General](#)

[3-2 Officers](#)

[3-3 Personnel System](#)

[3-4 Purchasing](#)

[3-5 Civil Preparedness and Disaster](#)

Article 3-1 Officers in General

Sections:

3-1-1 Officers

3-1-2 Additional Officers

3-1-3 Bond

3-1-4 Vacancies; Holding More Than One Office

3-1-5 Additional Powers and Duties

Section 3-1-1 Officers

There are hereby created the offices of city manager, city clerk, police chief, city engineer, city attorney, city treasurer, civil preparedness officer, zoning administrator and city magistrate who shall be appointed by the council and who shall service at the pleasure of the council, with the exception of the city magistrate who shall serve a term of two years.

Section 3-1-2 Additional Officers

The council may appoint and remove from time to time such other officers as it may deem necessary and that are not provided for in this code or state statute.

Section 3-1-3 Bond

The council may require each officer of the city to give bond for the due discharge of his duties in such sums and with such security as it may direct and approve as determined by resolution. The city shall pay the costs of such bond.

Section 3-1-4 Vacancies; Holding More Than One Office

Any vacancy that shall occur in any city office shall be filled by appointment by the council, provided that one person may hold more than one office and that at the discretion of the council, the functions of a city official may be validly performed and discharged by a deputy or another city official, or an otherwise qualified individual not holding office but employed at the pleasure of the council.

Section 3-1-5 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 council through ordinance, resolution or order.

Article 3-2 Officers

Sections:

[3-2-1 City Manager](#)

[3-2-2 City Clerk](#)

[3-2-3 Police Chief](#)

[3-2-4 City Engineer](#)

[3-2-5 City Attorney](#)

[3-2-6 City Magistrate](#)

[3-2-7 City Treasurer](#)

Section 3-2-1 City Manager

- A. Office Created. The office of the city manager is hereby created and established. The city 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 council.
- B. Bond. The city manager shall furnish a corporate surety bond to be approved by the council in such sum as may be determined by the council, and shall be conditioned upon the faithful performance of the duties imposed upon the manager as herein prescribed. Any premium for such bond shall be a proper charge against the city.
- 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 plus one vote of all the councilmembers then holding office. If requested, in writing, the council shall grant him a public hearing within thirty days following notice of removal.
- E. Powers and Duties. The city manager shall be the administrative head of the city government under the direction and control of the council. He shall be responsible to the council for the proper administration of all affairs of the city. In addition to his general powers as administrative head and not as a limitation thereof, he shall have the following additional powers and duties:
1. Appoint and, when necessary for the good of the city, suspend or remove all officers and employees of the city not appointed by the council. He may authorize the head of a department or office to appoint, suspend or remove subordinates in such office or department.
 2. Supervise the work of the city clerk, city engineer, city planner, city attorney and city

prosecutor and provide for a written evaluation of each on an annual basis to be provided to the city council for consideration. This subsection does not change the contracting or hiring procedures for the city clerk, city engineer, city planner, city attorney and city prosecutor.

3. Review the operation of the city court and organize a written evaluation of the city magistrate with input from those having personal knowledge of court operations including, but not limited to, the city manager, city prosecutor, defense attorneys, court reporters, sheriff's deputies, and others who have appeared in the court. The review shall be conducted on an annual basis and shall be provided to the city council for consideration. This subsection does not change the contracting or hiring procedures for the city magistrate.

4. 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.

5. Prepare and submit to the council at the end of each fiscal year a complete report on the finances and administrative activities of the city during the preceding year.

6. Keep the council advised of the financial condition and future needs of the city and make such recommendations as he may deem desirable.

7. Recommend to the council a standard schedule of pay for each appointive office and position in the city service. Authorize the payment of overtime pay for eligible employees who work in excess of a normal work period. Such rates of pay and periods of work shall be in conformance with wages and salaries enacted by the council.

8. 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 for the improvement of administrative services.

9. 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.

10. 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 of the council.

11. 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 city services, subject to the requirements of Article [3-4](#). Receive sealed bids for purchases or contracts and present them to the council for approval, and advise the council on the advantages or disadvantages of contract and bid proposals. The manager may issue such rules governing purchasing procedures within the administrative organization as the council shall approve.

12. 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 expenditures.

13. See that all laws and ordinances are duly enforced.

14. Investigate the affairs of the city and any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the city government and in regard to service maintained by the public utilities in the city, and see that all franchises, permits and privileges granted by the city are faithfully observed.

15. Perform such other duties as may be required by the council which are not inconsistent with state law or city ordinances.

F. Council to Act Through Manager. Except for the purpose of inquiry, the council and its members shall deal with the administrative branch solely through the manager, and neither the council nor any member thereof shall give orders to any subordinate of the manager either publicly or privately.

However, by council action individual councilmembers may be assigned specific administrative duties. In such cases the city manager shall make provisions for the appropriate staff members to work with such councilmembers. Specific authority and responsibilities shall be defined by the council. The city manager shall be kept informed regarding the administrative actions in the same manner as with any staff person and shall work with the councilmember to prevent duplication of effort or conflict of responsibility. (Ord. 07-119 § 1; Ord. 04-98 § 1)

Section 3-2-2 City Clerk

A. Records. 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 city or that the council directs. The clerk shall number, plainly label and file separately in a suitable cabinet all resolutions, ordinances, 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. Minutes. The clerk shall prepare or cause to be prepared all minutes of council proceedings and ensure their correctness and accuracy.

D. 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.

E. Election Official. The clerk shall be the city election official and perform those duties required by state statute.

F. Licenses. The clerk shall issue or cause to be issued all licenses that may be prescribed by state statute or this code.

G. Administrative Duties. The clerk shall perform those administrative responsibilities and duties that are conferred upon him by the council in addition to those specified in this code.

Section 3-2-3 Police Chief

The chief of police shall perform duties as may be required of him by law and as the council may deem necessary. The council may obtain police protection services through contract.

Section 3-2-4 City Engineer

The engineer shall have charge of the city streets and shall perform such duties as may be required of him by law and such other duties as the council may deem necessary. The council may obtain city engineering service through a contract.

Section 3-2-5 City Attorney

The attorney shall act as the legal counselor and advisor of the council and other officials and, as such, shall give his opinion in writing when requested. He shall draft all deeds, contracts, conveyances, ordinances, resolutions and other legal instruments when required by the council. He 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 shall return, within ten days, all ordinances and resolutions submitted to him for consideration by the council, with his approval or disapproval as to form noted thereon, together with his reasons therefor. He shall prosecute and defend all suits, actions or causes where the city is a party, and shall report to the council, when required, the condition of any suit or action to which the city is a party. The council may obtain city attorney services through a contract.

Section 3-2-6 City Magistrate

The city magistrate shall be the presiding officer of the magistrate court and shall be selected by the council and shall perform those functions necessary to the maintenance of the magistrate court as provided by state statute. The city magistrate may be appointed through a contract.

Section 3-2-7 City Treasurer

The clerk shall hold the office of the city treasurer and receive and safely keep all monies that shall come to the city 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 city, 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 city 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 money expended under each, the evidences of indebtedness issued, and what portion remains thereof outstanding, with the rate and amount of interest due thereon, and the amount of cash on hand. The clerk shall delegate the duties of the treasurer to the finance director, who shall have the care, control and custody of the money of the city.

Article 3-3 Personnel System

Sections:

[3-3-1 Personnel Policy Manual](#)

[3-3-2 Conditions of Employment](#)

[3-3-3 Political Activity](#)

Section 3-3-1 Personnel Policy Manual

The council may adopt by resolution rules and regulations to give effect to this article, 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.

Section 3-3-2 Conditions of Employment

A. 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, political affiliation or handicapped status.

B. As a condition of an offer of employment, rehire or a promotion for a position involving a fiduciary responsibility or direct contact with minors or incapacitated adults, the city may require the successful completion of a state and federal criminal records check. If so stated in the job description, the applicant shall submit a full set of fingerprints to the human resources administrator or designee for the purpose of obtaining a state and federal criminal records check. This check shall be done in accordance with subsection (D) of this section.

C. Each person applying for a volunteer coaching position with the city shall submit a full set of fingerprints to the human resources administrator for the purpose of obtaining a state and federal criminal records check. This check shall be done in accordance with subsection (D) of this section.

D. The human resources administrator or designee shall forward fingerprints accompanied by appropriate fees to the state Department of Public Safety for the purpose of seeking criminal history information on such applicant pursuant to A.R.S. § 41-1750 and Public Law 92-544. The Department of Public Safety may exchange this fingerprint data with the Federal Bureau of Investigation. Information obtained shall be used only for the purpose of evaluating the fitness of prospective employees or volunteers of the city and shall otherwise remain confidential. (Ord. 09-148 § 1)

Section 3-3-3 Political Activity

A. No officer or employee of the city shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution on behalf of any candidate for City of Litchfield Park elective office from any person holding a position with

the city.

B. No person holding a position with the city, except elected officials, shall take any part in political management, affairs or campaigns in any election for City of Litchfield Park elective office other than to vote and privately express opinions.

Article 3-4 Purchasing

Sections:

[3-4-1 In General](#)

[3-4-2 Award by Council](#)

[3-4-3 Definitions](#)

[3-4-4 Purchasing Authority](#)

[3-4-5 Unauthorized Purchases](#)

[3-4-6 Public Works Projects](#)

[3-4-7 Formal Purchase Procedure](#)

[3-4-8 Change Orders](#)

[3-4-9 Forms](#)

[3-4-10 Surplus Supplies and Equipment](#)

Section 3-4-1 In General

The city manager shall be the purchasing agent for the city. No purchase or contract for services of any kind or description, payment for which is to be made from funds of the city, shall be made by the purchasing agent, or any officer, employee or agent of the city, except in the manner set forth in this article, and unless said purchase is in accordance with the adopted city budget.

A. Under \$2,000. Whenever any contemplated purchase of commodities or contract for services is for the sum of less than \$2,000, the purchasing agent may purchase the item as needed without further formality.

B. \$2,000 to \$4,999 inclusive. Whenever any contemplated purchase of commodities or contract for services is for the sum of at least \$2,000 but not more than \$4,999, the purchasing agent shall solicit at least three bids for the item or service. Said solicitation may be orally obtained by him, and he may then award the purchase or contract of service to the lowest responsible bidder who submits a responsive bid.

C. \$5,000 to \$10,000 inclusive. Whenever any contemplated purchase of commodities or contract for services is for the sum of at least \$5,000 but not more than \$10,000, the purchasing agent shall solicit at least three written bids for the item or service on bid forms and award the purchase or contract of services to the lowest responsible bidder.

D. \$10,000 and over. Whenever any contemplated purchase of commodities or contract for

services is for the sum of \$10,000 or more, the purchasing agent shall cause to be published in two issues of a newspaper of general circulation in the city, notice inviting bids, which notice shall be published at least five days prior to the date set for the receipt of the bids. The notice herein required shall include a general description of the articles to be purchased or services to be performed and the time and place for opening bids. In addition, the purchasing agent shall post a notice inviting bids in the city hall and may also mail to all responsible prospective suppliers a copy of the notice inserted in the newspaper.

E. Exceptions: the following procurements are exempt from the bidding requirements of this article to the extent set forth below.

1. *Construction projects.* Construction projects are exempt from these bidding requirements and shall comply with Title 34, Arizona Revised Statutes; however, if public competitive bidding is not required pursuant to A.R.S. § 34-201(C) and (D), then the requirements of this section shall apply.
2. *Cooperative purchasing.* Cooperative purchases are exempt from these bidding requirements whenever the supply or service to be purchased has been either solicited through a competitive bidding process by another governmental unit or by a purchasing cooperative using a competitive bidding process consistent with public procurement, and if, in the opinion of the purchasing agent or requesting department director, a separate bidding process is not likely to result in a lower price for such items or services.
3. *Sole source providers.* Purchases from sole source providers are exempt from these bidding requirements if the purchasing agent makes a written determination that competition is not available and there is only one known source for the goods or services.
4. *Professional services.* Contracts for professional services are exempt from these bidding requirements. Contracts for professional services of engineers, architects, landscape architects, assayers, geologists and land surveyors may be required to comply with the procedures set forth in A.R.S. § 34-102(C), A.R.S. § 34-103(C) and (D) or Title 34, Chapter 6, Arizona Revised Statutes.
5. *Intergovernmental agreements.* Intergovernmental agreements are exempt from these bidding requirements.
6. *Designated brand names.* Product brands, which are designated by the purchasing agent, are exempt from these bidding requirements.
7. *Emergency purchases.* The purchasing agent may procure and contract for supplies and services without compliance with the procedures set forth in this section when there has been a determination that an emergency purchase is necessary. The requesting department director shall be responsible for determining the validity of all emergency purchase requests.

Emergency purchases shall be confirmed by filing a purchase requisition marked “emergency” to the purchasing agent no later than noon the next regular city business day. A complete written explanation shall be signed by the department director and transmitted with the requisition.

F. Nothing in subsection (1) shall preclude the city from soliciting bids or proposals for the procurement listed in subsection (1) if the purchasing agent or council deems it to be in the best interest of the city to do so.

G. Proposed purchases of multiple items shall not be segregated for the purpose of avoiding the requirements of this section. (Ord. 14-200 § 1)

Section 3-4-2 Award by Council

No contract of \$10,000 or more shall be let except by the council. Whenever any contemplated purchase or commodities or contract for services is for the sum of \$10,000 or more, the purchasing agent shall present the bids to the council for approval, and advise the council of the advantages or disadvantages of the contract and bid.

Section 3-4-3 Definitions

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning.

- A. *Bid mistake.* A mistake contained in a bid which is clerical or mathematical in nature.
- B. *Construction.* The process of building, altering, improving, or demolishing any public structure of building, or other public improvements of any kind to any public real property. It does not include the operation, maintenance or repair of existing structures, buildings, or real property.
- C. *Contract.* A written agreement with the city for the procurement of supplies or services. The term includes but is not limited to contracts of a fixed-price, cost, cost plus a fixed fee, or incentive type; contracts providing for the issuance of job or task orders; leases, excluding real estate; rentals; maintenance agreements; letter contracts; and purchase orders. The term also includes supplemental agreements with respect to any of the foregoing.
- D. *Contractor.* Any person having a contract with the city.
- E. *Debarment.* The disqualification of a provider of supplies or services to receive invitations for bids or the award of a contract by the city for a specified period of time, not to exceed three years, commensurate with the seriousness of the offense resulting from conduct or failure or inadequacy of performance.
- F. *Emergency purchase.* Procurement when supplies, or services are needed for a situation where the health, safety or welfare of the public is endangered if immediate corrective action is not

taken.

G. *Invitation for bids (IFB)*. A document issued by the purchasing agent or a requesting department soliciting bids, including all documents attached or incorporated by reference, utilized for soliciting bids.

H. *Purchasing agent*. The city manager of the city.

I. *Open market procurement*. Procedures used for procurement when the formal purchase procedure is not required.

J. *Procurement*. The purchasing, renting, leasing, or otherwise obtaining of any supply or service. The term includes all functions that pertain to the obtaining of any supply, including description of requirements, selection and solicitations or sources, preparation and award of contract, and all phases of contract administration.

K. *Professional services*. The services of lawyers, certified public accountants, auditors, consultants, appraisers, engineers, architects, landscape architects, assayers, geologists and land surveyors and the like. Questions regarding whether a service is a professional service shall be referred to the purchasing officer.

L. *Public works project*. Construction of a building or structure or additions to, alterations of or demolition of an existing building or structure. The term public works project does not include maintenance and repair of buildings or structures.

M. *Request for proposals (RFP)*. A document issued by the purchasing agent or a requesting department soliciting proposals where award will not be based solely on price, including all documents attached or incorporated by reference.

N. *Request for qualifications (RFQ)*. A document issued by a requesting department soliciting information related to the qualifications of providers of a professional service to perform services related to a specific project.

O. *Responsible bidder or proposer*. A bidder or proposer who has the capability to perform fully the contract requirements and who has the reliability which will assure performance.

P. *Responsive bid or proposal*. A bid or proposal that complies in all material respects with the invitation to bid or the request for proposals.

Q. *Service*. The furnishing of labor, time or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance.

R. *Specification*. Any description of the physical or functional characteristics, or of the nature of, a supply, or service item. The term may include a description of any requirement for inspection,

testing, or preparing a supply, or service item for delivery.

S. *State bid list*. The compilation of competitive contracts awarded and issued by the State of Arizona.

T. *Supplies*. All personal property.

U. *Using or requesting department*. Any department of the city using or requesting supplies or services.

Section 3-4-4 Purchasing Authority

The purchasing agent shall have the following powers and duties:

A. To procure and contract for supplies and services including rentals, service agreements, and leases needed by any using department, in accordance with purchasing procedures as prescribed in this article.

B. To adopt rules and regulations for the internal management of procurements in accordance with this article.

C. To designate brand names which the city uses on a regular basis, so long as such designation is for the purpose of maintaining compatibility of like supplies and the efficiencies associated with use of compatible supplies.

D. Have the authority to debar vendors. When debarment is recommended, a statement of the reason for placing the vendor on debarment shall be prepared by the purchasing officer in writing and transmitted to the city attorney. Upon the city attorney's approval, the purchasing agent shall notify the vendor by letter containing an option to appeal and appear before a review board committee consisting of the purchasing agent and the using department. Vendors may be debarred for (i) excessive attempts by vendor to deviate from past city contract requirements, (ii) previous poor workmanship under a city contract, (iii) excessive supervision required on previous work for the city, (iv) failure to honor warranties, (v) inability to deliver service or product to the city on schedule, or (vi) other reasons that cause the purchasing agent to reasonably believe a vendor will not satisfactorily perform contracts for the city.

E. To supervise the inspection or testing of deliveries of supplies or services to determine their conformance with specifications.

F. To prepare in cooperation with using departments written standards and specifications for supplies and services.

The purchasing agent may delegate the duties set forth in subsections (A), (E) and (F) to directors of using departments.

Section 3-4-5 Unauthorized Purchases

No city employee shall order the purchase of supplies or services or make contracts on behalf of the city other than through the procedures set forth in this article and the city shall not be bound hereby; provided that exceptions may be made for emergency travel.

Section 3-4-6 Public Works Projects

Procurement of professional services related to public works projects and construction of public works projects shall be in accordance with Title 34, Arizona Revised Statutes. If a design-bid-build method of procurement is used, the IFB procedures in Section [3-4-6](#) A and B shall apply to the award of the construction contract.

Section 3-4-7 Formal Purchase Procedure

Procurement of supplies and services, when the estimated total cost will be \$10,000.00 or more, shall be made using either formal written requests for proposals (RFP) or invitations for bids (IFB), except as otherwise provided in this section. The using department's director shall determine which procurement method (RFP or IFB) will be most practical and advantageous to the city for the procurement of supplies or services.

A. General

1. Notice of an IFB or RFP shall include a description of the supplies or services, shall state where the IFB or RFP forms and specifications may be obtained, and the deadline for submitting a bid or proposal, time or place for opening the bids or proposals. The notice of an IFB or RFP shall be published pursuant to procedures set forth in A.R.S. § 39-204. Bids or proposals shall also be solicited from all prospective suppliers whose names are on the city's bidder list relevant to the scope of work or who have requested their names be added thereto.
2. Notwithstanding the notice requirements of subparagraph (1) above, if a request for qualifications has been issued pursuant to subsection (C)(1) below, notice of the RFQ need only be given to proposers that are determined to have the qualifications to perform the required services or provide the required supplies.
3. The purchasing agent or using department director shall have authority to require a bid or proposal guarantee be submitted with any and all bids or proposals, and performance bonds be submitted prior to execution of any contract.
4. Late bids or proposals shall be rejected and returned unopened to the bidder or proposer.
5. The IFB or RFP may be delayed or cancelled by the purchasing agent or any or all bids or proposals may be rejected at the discretion of the council.
6. The council shall have the authority, in its discretion, to refuse to award to any vendor or contractor who is in default on the payment of taxes, licenses or other moneys due the city at

the time set for opening the bid or proposal. All vendors and contractors must be in compliance, at the time set for opening the bid or proposal, with all applicable state licensing laws, rules and regulations. A statement shall be included in responses to IFBs and RFPs that the vendor or contractor is in compliance with this paragraph.

7. Awards require the approval of the council. The council may reject any and all bids at its sole discretion. The council's decision is final.

8. No contract or procurement shall be subdivided to avoid the requirements of this section.

9. Annual contracts for supplies purchased in large quantities may be awarded with delivery and payment for such supplies to be made during the term of the contract.

10. If two or more bids received are for the same total amount of unit price, quality and services being equal, and if the public interest will not permit the delay of readvertising for bids, the council shall determine the successful bidder by lot.

11. Capital lease purchase or contract purchase agreements shall have their value estimated as the cumulative total value of the contract expense to the city. Operating leases shall be valued at the cumulative total of lease payments for the anticipated rental period or for one year from the start of the lease for long-term items, whichever is less.

12. A contract for professional services shall not be awarded to an architect or engineer who participates in the preparation of a RFP or RFQ for that contract.

13. With the approval of the council, formal purchase procedures may be waived.

B. Invitation for bids (IFB)

1. Bids shall be solicited through an IFB. An IFB shall include all contractual specifications, terms and conditions applicable to the procurement.

2. Bids shall be opened publicly at the time and place designated in the IFB. The amount of each bid, and such other relevant information as may be specified by the purchasing agent or using department's director, together with the name of each bidder shall be recorded. This record shall be open to public inspection after the bid opening. Trade secrets or other proprietary data contained in the bid documents shall remain confidential, unless otherwise required by the public records law.

3. The IFB shall set forth the evaluation criteria to be used in evaluating the bid. No criteria may be used in bid evaluation that are not set forth in the IFB or this subsection.

4. After bid opening, no corrections in bid prices or other provisions of bids, other than bid mistakes shall be permitted. All decisions to permit the correction after bid opening shall be

supported by a written determination made by the purchasing agent.

5. The contract shall be awarded to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set forth in the IFB. In making the determination of the lowest responsible and responsive bidder, the council may consider the following:

- a. The ability, capacity and experience of the bidder, its employees and subcontractors to perform the contract.
- b. Whether the bidder can perform the contract promptly, or within the time specified, without delay or interference.
- c. The quality of performance of previous contracts.
- d. The sufficiency of the financial resources of the bidder to perform the contract.
- e. The quality and adaptability of the materials, supplies or services to the particular use required.

6. If an award is not made to the lowest bidder, a statement of the reason for not awarding to the lowest bidder shall be given in writing and be placed in the contract file.

C. Request for proposals (RFP)

1. Proposals shall be solicited through an RFP. At the discretion of the purchasing agent or requesting department, a request for qualifications (RFQ) may be issued prior to issuance of an RFP where professional services are being solicited. An RFQ shall be published pursuant to A.R.S. § 39-204. RFQs and RFPs shall require the proposer to disclose any actual or potential conflicts of interest the proposer may have in performing the required services.

2. Proposals shall be opened publicly at the time and place designated in the request for proposals. The name of each proposer shall be publicly read and recorded. All other information contained in the proposals shall be confidential so as to avoid disclosure of contents prejudicial to competing proposers during the process of negotiation. The proposals shall not be open for public inspection until after contract award, except as may be required by the public records laws. Trade secrets or other proprietary data which the proposer claims in writing to be confidential shall remain confidential, unless public law requires otherwise.

3. Discussions may be conducted with responsive proposers who submit proposals determined to be reasonably susceptible to being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Proposers shall be accorded fair treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions

and before award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing proposers during the negotiation process.

4. The award shall be made to the responsible and responsive proposer whose proposal is determined, in writing, to be the most advantageous to the city and best meets the overall needs of the city taking into consideration the evaluation of factors set forth in the request for proposals. The city is not bound to award to the lowest cost (priced) proposal. No other factors or criteria may be used in the evaluation other than as set forth in the request for proposals, except that the following criteria shall apply to all awards:

- a. Price
 - b. The ability, capacity and experience of the proposer, its employees and subcontractors to perform the contract.
 - c. Whether the proposer can perform the contract promptly, or within the time specified, without delay or interference.
 - d. The quality of performance of previous contracts.
 - e. The sufficiency of the financial resources of the proposer to perform the contract.
 - f. The quality and adaptability of the materials, supplies or services to the particular use required.
 - g. The number and scope of conditions attached to the proposer's offer, and conformance of the proposer's offer to material aspects of the request for proposal.
5. The contract file shall contain the basis on which the award of a contract is made.

Section 3-4-8 Change Orders

- A. Change orders, including change orders for construction projects, that do not increase the contract amount may be approved and executed by the purchasing agent.
- B. Change orders, including change orders for construction projects, that increase the contract amount may be approved and executed by the purchasing agent if the total of all change orders for the contract does not exceed the lesser of ten percent of the original contract amount or \$10,000.00.

Section 3-4-9 Forms

The purchasing agent shall prescribe and maintain such forms as he shall find necessary for the operation of the provisions of this article.

Section 3-4-10 Surplus Supplies and Equipment

All departments shall submit to the purchasing agent, at such time and in such form as he shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The purchasing agent shall dispose of such supplies and equipment pursuant to the provisions of A.R.S. § 9-402.

Article 3-5 Civil Preparedness and Disaster

Sections:

[3-5-1 Purposes](#)

[3-5-2 Definitions](#)

[3-5-3 Civil Preparedness Organization](#)

[3-5-4 Powers and Duties](#)

[3-5-5 Mutual Aid](#)

[3-5-6 Immunity of City and Representatives Thereof](#)

[3-5-7 Enforcement of Orders, Rules and Regulations](#)

[3-5-8 Violations](#)

Section 3-5-1 Purposes

The purposes of this article are to:

- A. Reduce vulnerability of people and the community to damage, injury and loss of life and property resulting from natural or man-made catastrophes, riots or hostile military or paramilitary action.
- B. Prepare for prompt and efficient rescue, care and treatment of persons victimized or threatened by disaster.
- C. Provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of person and property affected by disasters.
- D. Clarify and strengthen the roles of the mayor, council, manager and city agencies in prevention of, preparation for and response to and recovery from disasters.
- E. Authorize and provide for cooperation in disaster prevention, preparedness, response and recovery.
- F. Authorize and provide for coordination of activities relating to disaster prevention, preparedness, response and recovery by agencies and officers of this city, agencies of the private sector and similar activities in which the federal government, the state and its political subdivisions may participate.
- G. Provide a disaster management system embodying all aspects of predisaster preparedness and post-disaster response.

Section 3-5-2 Definitions

In this article unless the context otherwise requires:

- A. "Civil preparedness" means the organization, administration, trained manpower, facilities, equipment, material, supplies, programs, emergency plans, ability to execute emergency plans and all other measures necessary and incidental thereto relating to disaster prevention preparedness response and recovery by all governmental and private sector agencies to protect or save health, life or property.
- B. "Director" means the Director of Civil Preparedness.
- C. "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property or extreme peril to the safety of persons or property, resulting from any natural or manmade causes, including but not limited to fire, flood, earthquake, wind, storm, blight, drought, famine, infestation, air contamination, epidemic, explosion, riot or other acts of civil disobedience which endanger life or property, or hostile military or paramilitary action.
- D. "Emergency" means the existence of a disaster within the city limits requiring immediate action by the emergency forces of the city.
- E. "Emergency forces" means all city governmental and private sector agencies, volunteers, facilities, equipment, trained manpower and other resources required to perform civil preparedness functions.
- F. "Local emergency" means the orders, rules and emergency procedures deemed essential for civil preparedness.
- G. "Regulations" means the orders, rules and emergency procedures deemed essential for civil preparedness.
- H. "State of emergency" means the duly proclaimed existence of a disaster within the state except a disaster resulting in a state of war emergency which is or is likely to be beyond the capabilities and resources of any single county, city or town and requires the combined efforts of the state and the political subdivision.
- I. "State of war emergency" means the situation which exists immediately whenever this nation is attacked or upon receipt by this state of a warning from the federal government indicating that such an attack is imminent.

Section 3-5-3 Civil Preparedness Organization

The city manager is hereby authorized and directed to create a civil preparedness organization. The director of civil preparedness shall be appointed by the mayor.

Section 3-5-4 Powers and Duties**A. The council:**

1. Shall have the power to make, amend and rescind regulations, not inconsistent with regulations promulgated by the governor, necessary for civil preparedness, which regulations shall have the full effect of this article when a copy is filed in the office of the clerk. Existing ordinances and regulations, or ordinances and regulations issued under authority of A.R.S. Title 26, Chapter 2, in conflict therewith, are suspended during the time and to the extent that they are in conflict.
2. May appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for civil preparedness purposes.
3. In the absence of specific authority in state emergency plans and procedures, the council shall take emergency measures as deemed necessary to carry out the provisions of A.R.S. Title 26, Chapter 2.
4. In a state of war emergency the council may waive procedures and formalities required by law pertaining to the performance of public work, entering into contracts, incurring obligations, employing permanent and temporary workers, utilizing volunteer workers, renting equipment, purchasing and distributing supplies, materials and facilities and appropriating and expending public funds when the council determines and declares that strict compliance with such procedures and formalities may prevent, hinder or delay mitigation of the effects of the state of war emergency. The city shall be exempt during such emergency from budget limitations prescribed by Article 9, Section 20 of the State Constitution.

B. The mayor:

1. In addition to the powers granted by other provisions of the law or city ordinance, the mayor may, by proclamation, declare an emergency or a local emergency to exist. The proclamation may be rescinded by a majority of the council after twenty-four hours.
2. During an emergency or local emergency, the mayor shall govern by proclamation and shall have the authority to impose all necessary regulations to preserve the peace and order of the city including, but not limited to:
 - a. Imposition of curfews in all or in a portion of the city;
 - b. Ordering the closing of any business;
 - c. Closing to public access any public building, street or other public place;
 - d. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the city for assistance.

C. The director:

1. The director is responsible in non-emergency periods to act on behalf of the mayor and council to develop a readiness for the city's civil preparedness and for coordinated operations in disaster situations.
2. During emergencies, the director shall act as the principal advisor or aide to the mayor on emergency operations. His major responsibility is to assure coordination among emergency forces and with higher and adjacent governments, by assuring that the emergency operation center functions effectively. He shall assist the mayor in the execution of operations, plans and procedures required by the emergency.
3. The director shall prepare a comprehensive disaster basic plan which shall be adopted and maintained by resolution of the council upon the recommendations of the director. In the preparation of this plan as it pertains to city organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies be used to the fullest extent.
4. The disaster plan shall be considered supplementary to this article and have the effect of law whenever emergencies, as defined in this article, have been proclaimed.

Section 3-5-5 Mutual Aid

In periods of local emergency as declared pursuant to this article, the city is hereby granted full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans or agreements therefor. The city may request from state agencies mutual aid including personnel, equipment and other available resources to assist the city during the local emergency or at the direction of the governor.

Section 3-5-6 Immunity of City and Representatives Thereof

- A. The city shall not be liable for any claim based upon the exercise or performance, or the failure to exercise or perform a discretionary function or duty on the part of the city or any employee of the city, except willful misconduct, gross negligence or bad faith of any such employee, in carrying out the provisions of A.R.S. Title 26, Chapter 2.
- B. The immunities from liability, exemptions from laws, ordinances and rules, all pensions, relief, disability workmen's compensation and other benefits which apply to the activity of officers, agents or employees of the city when performing their respective functions within the limits of the city shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this article, excepting willful misconduct, gross negligence or bad faith.
- C. Volunteers duly enrolled or registered for services in a local emergency, a state of emergency

or a state of war emergency in carrying out, complying with or attempting to comply with, any regulations issued pursuant to A.R.S. Title 26, Chapter 2 or any local ordinance, or performing any of their authorized functions or duties, shall have the same degree of responsibility for their actions and enjoy immunities as officers and employees of the state and its political subdivisions performing similar work.

Section 3-5-7 Enforcement of Orders, Rules and Regulations

The Litchfield Park Police Department shall enforce regulations issued pursuant to this article.

Section 3-5-8 Violations

It is unlawful for any person to violate any provision of this article or to refuse or willfully neglect to obey any lawful regulation or order issued as provided in this article. This provision, however, does not apply to the refusal of any private organization or members thereof to participate in an emergency, local emergency or state of emergency as defined by this article.

Chapter 4

POLICE AND FIRE DEPARTMENTS

Articles:

[4-1 Police Department](#)

[4-2 Fire Department](#)

Article 4-1 Police Department

Reserved for future use.

Article 4-2 Fire Department

Reserved for future use.

Chapter 5 MAGISTRATE COURT

Articles:

[5-1 Magistrate Court Established; Jurisdiction](#)

[5-2 Presiding Officer](#)

[5-3 Proceedings of the Magistrate Court](#)

[5-4 Personnel Policy Manual](#)

Article 5-1 Magistrate Court Established; Jurisdiction

Sections:

[5-1-1 Established; Jurisdiction](#)

Section 5-1-1 Established; Jurisdiction

There is hereby established in the city a municipal court which shall have jurisdiction over all violations of this code and all other codes adopted by the city council, and concurrent jurisdiction with justices of the peace of precincts in which the city is located over violation of laws of the state committed within the limits of the city. The municipal court is established pursuant to the Arizona Constitution and A.R.S. § 22-402. (Ord. 06-106 § 1)

Article 5-2 Presiding Officer

Sections:

5-2-1 City Magistrate

5-2-2 Assistant City Magistrate

5-2-3 Powers and Duties of City Magistrate

5-2-4 Hearing Officer

Section 5-2-1 City Magistrate

The presiding officer of the magistrate court shall be the city magistrate who shall be appointed by the council. The city magistrate 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 magistrate may be removed only for cause.

Section 5-2-2 Assistant City Magistrate

The assistant city magistrate shall be appointed by the council. He shall perform the duties of the city magistrate in the absence of the city magistrate in such manner as the council may direct. The assistant city magistrate 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 assistant city magistrate may be removed only for cause.

Section 5-2-3 Powers and Duties of City Magistrate

The powers and duties of the magistrate shall include:

- A. The powers and duties set forth and conferred upon him under the provisions of the state constitution and statutes, this code and the ordinances and resolutions of the city.
- B. The keeping of a docket in which shall be entered each action and the proceedings of the court therein.
- C. The responsibility for fixing and receiving all bonds and bails and receiving all fines, penalties, fees and other monies as provided by law.
- D. Payment of all fees, fines, penalties and other monies collected by the court to the treasurer.
- E. Submitting a monthly report to the council summarizing court activities for that month.
- F. Preparation of a schedule of traffic violations not involving the death of a person, listing specific bail for each violation.
- G. Administration of the personnel policy manual adopted by the council for city employees

unless different personnel rules and regulations are adopted by the council for the court. (Ord. 07-120 § 1)

Section 5-2-4 Hearing Officer

The council may appoint one or more hearing officers to preside over civil traffic violation cases when, in their opinion, the appointment of such hearing officers is necessary to assure prompt disposition of civil traffic violation cases. Hearing officers may hear and dispose of civil traffic violation cases which are appealable to the superior court. Hearing officers shall be supervised by the presiding officer of the Litchfield Park magistrate court.

Article 5-3 Proceedings of the Magistrate Court

Sections:

[5-3-1 Proceedings](#)

[5-3-2 Court Enhancement Fund](#)

[5-3-3 Bail](#)

[5-3-4 Court Administrative Fees](#)

[5-3-5 Establishment of an Overpayment Policy; Threshold Amount](#)

Section 5-3-1 Proceedings

A. The proceedings of the magistrate court 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.

B. The magistrate court proceedings shall be commenced by complaint under oath and in the name of the state setting forth the offense charged with and such particulars of time, place, person, and property as to enable the defendant to understand distinctly the character of the offense complained of and to answer the complaint.

C. If the city magistrate is satisfied that the offense complained of has been committed by the person charged, he or she shall issue a summons or a warrant for arrest. Before issuing a summons or warrant for arrest on a complaint, the city magistrate may subpoena and examine witnesses as to the truth of the complaint. (Ord. 04-97 § 1)

Section 5-3-2 Court Enhancement Fund

A. There is hereby created a court enhancement fund, which shall be used exclusively to enhance the technological and operation capabilities of the magistrate court, including, but not limited to, the operation of the judicial collection program.

B. The court enhancement fund shall be funded by the following:

1. A court enhancement fee/defendant fee in the amount of thirty dollars plus surcharges per charge, except for charges for parking violations.
2. A minimum default fee of twenty-five dollars, or as determined by the city magistrate.
3. Checks returned to the court for nonsufficient funds in the amount of thirty-five dollars.
4. Bond forfeitures that are not applied to fines.

5. Any deferred prosecution program per plea stipulation may have a fee not to exceed one hundred dollars.

Pursuant to A.R.S. § 22-404(E), the fees shall be assessed to defendant's charges against whom a sanction, fine, penalty, forfeiture, or diversion is entered including authorized defensive driving courses.

C. The court enhancement fund established herein shall be maintained as a separate account with the city. The court shall collect a court enhancement fee, and/or default fee, nonsufficient 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 city funds. Interest earned on fund monies shall be deposited in the fund and any balances remaining in such account at the end of the fiscal year shall carry over into the subsequent fiscal year.

D. The magistrate 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 magistrate court for the general purposes stated in this section.

E. The magistrate court shall annually submit to the mayor, city council, and city manager a report detailing the amount of money collected and expended during the fiscal year and the progress made in court enhancement. (Ord. 13-194 § 1; Ord. 09-153 § 1; Ord. 08-138 § 1; Ord. 06-118 § 1; Ord. 05-101 § 1; Ord. 04-97 § 1)

Section 5-3-3 Bail

The defendant, at any time after arrest and before conviction, shall be admitted to bail if bailable. (Ord. 04-97 § 1)

Section 5-3-4 Court Administrative Fees

The magistrate may assess an administrative fee not to exceed two hundred fifty dollars for: (A) issuing a warrant or quashing a warrant; (B) failing to pay a court fine, jail fee, restitution, civil traffic sanction, or other civil sanction; or (C) failing to comply with a civil order regarding probation, counseling services or diversion program. The magistrate 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. (Ord. 13-194 § 1)

Section 5-3-5 Establishment of an Overpayment Policy; Threshold Amount

Overpayment of fines, fees and other charges, in the amount of ten dollars or less, will not be refunded by the court unless a written request for a refund is submitted to the municipal court within thirty days of the overpayment. Such overpayments shall be allocated to the city's general fund. (Ord. 13-194 § 1)

Article 5-4 Personnel Policy Manual

The personnel policy manual adopted by the council for city employees pursuant to Section [3-3-1](#) shall be the personnel policy manual for the court unless different personnel rules and regulations are adopted by the council for the court. (Ord. 07-120 § 1)

Chapter 6 ANIMALS

Articles:

[6-1 Rules and Regulations](#)

[6-2 Rabies/Animal Control Leash Law](#)

Article 6-1 Rules and Regulations

Sections:

[6-1-1 Dangerous Animals](#)

[6-1-2 Killing Dangerous Animals](#)

[6-1-3 Noises](#)

[6-1-4 Restrictions on Keeping Animals](#)

[6-1-5 Swine](#)

[6-1-6 Disposal of Fecal Matter](#)

Section 6-1-1 Dangerous Animals

It is unlawful to permit any dangerous, vicious animal of any kind to run at large within the city, and such animals shall be immediately impounded by the enforcement agent. Exhibitions or parades of animals which are ferae naturae in the eyes of the law may be conducted only upon securing a permit from the chief of police or such person that he may appoint.

Section 6-1-2 Killing Dangerous Animals

The members of the police department or the enforcement agent are authorized to kill any dangerous animal of any kind when it is necessary for the protection of any person or property.

Section 6-1-3 Noises

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

Section 6-1-4 Restrictions on Keeping Animals

It is unlawful to keep or cause to be kept any horses, mules, cattle, burros, goats, sheep or other livestock, pigeons or poultry within the corporate limits of the city unless existing at the time of adoption of this code or as may be approved as part of a subdivision plan approved subsequent to this code.

Section 6-1-5 Swine

It is unlawful to keep any live swine or pigs in the city.

Section 6-1-6 Disposal of Fecal Matter

It is unlawful for any person owning, possessing, harboring or having the care charge, control or custody of dogs to fail to immediately remove and thereafter dispose of any fecal matter deposited by said animal in any park or on any public property. All such fecal matter shall be immediately removed by placing said matter in a closed or sealed container and thereafter disposing of it by depositing said matter in a trash receptacle, sanitary disposal unit or other closed or sealed

container. This section shall not apply to blind persons accompanied by a dog used for their assistance.

Article 6-2 Rabies/Animal Control Leash Law

Sections:

[6-2-1 Definitions](#)

[6-2-2 Powers and Duties of the State Veterinarian and the Livestock Board](#)

[6-2-3 Powers and Duties of State Department of Health Services](#)

[6-2-4 Powers and Duties of Enforcement Agent](#)

[6-2-5 License Fees for Dogs; Tags; Records; Penalties; Classification](#)

[6-2-6 Anti-Rabies Vaccination; Vaccination and License Stations](#)

[6-2-7 Kennel Permit; Fee; Violation](#)

[6-2-8 Dogs Not Permitted At Large; Wearing License](#)

[6-2-9 Impounding and Disposing of Dogs and Cats; Reclaiming Impounded Dogs and Cats; Pound Fees](#)

[6-2-10 Handling of Biting Animals; Responsibility for Reporting Animal Bites](#)

[6-2-11 Unlawful Interference with Enforcement Agent](#)

[6-2-12 Removing Impounded Animals](#)

[6-2-13 Unlawful Keeping of Dogs](#)

[6-2-14 Violation; Classification](#)

[6-2-15 Dogs; Liability](#)

[6-2-16 Proper Care, Maintenance and Destruction of Impounded Animals](#)

[6-2-17 Violation; Penalty](#)

Section 6-2-1 Definitions

In this article, unless the context otherwise requires:

- A. "Animal" means any animal of a species that is susceptible to rabies, except man.
- B. "At large" means on or off premises of the owner and not under control of the owner or other person acting for the owner. Any dog in a suitable enclosure or confined shall not be considered to be running at large.

- C. "Department" means the state Department of Health Services.
- D. "Enforcement agent" means that person designated by the city council who is responsible for the enforcement of this article and the regulations promulgated thereunder.
- E. "Impound" means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this article.
- F. "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.
- G. "Livestock" means neat animals, horses, sheep, goats, swine, mules and asses.
- H. "Owner" means any person keeping an animal other than livestock for more than six consecutive days.
- I. "Pound" means any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his official duties.
- J. "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
- K. "Rabies vaccination certificate" means a method of recording and duplicating rabies information that is in compliance with the county enforcement agent's licensing system and/or county enforcement agent's prescribed forms.
- L. "Stray dog" means any dog three months of age or older running at large that is not wearing a valid license tag.
- M. "Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian or in authorized pounds by employees trained by a veterinarian.
- N. "Veterinarian," unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.
- O. "Veterinary hospital" means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.
- P. "Vicious animal" means any animal of the order Carnivora that has a propensity to bite human beings without provocation and has been so declared after a hearing before a justice of the peace

or a city magistrate. (Ord. 04-89 § 1)

Section 6-2-2 Powers and Duties of the State Veterinarian and the Livestock Board

A. The state veterinarian shall designate the type or types of anti-rabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.

B. The Arizona Livestock Board shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

Section 6-2-3 Powers and Duties of State Department of Health Services

A. The state Department of Health Services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

B. The state Department of Health Services may require the enforcement agent to submit a record of all dog licenses issued and in addition any information deemed necessary to aid in the control of rabies.

Section 6-2-4 Powers and Duties of Enforcement Agent

A. The enforcement agent shall:

1. Enforce the provisions of this article and the regulations promulgated thereunder.
2. Issue citations for the violation of the provisions of this article and the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. § 13-3903 except that the enforcement agent shall not make an arrest before issuing the notice.
3. Be responsible for declaring a rabies quarantine area within area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the state veterinarian and representatives from the Department of Health Services and the Game and Fish Department to implement an emergency program for the control of rabies within the area. Any regulations restricting or involving movements of livestock within the area shall be subject to approval by the state veterinarian.

B. The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. § 13-3899.

C. The enforcement agent may designate deputies.

Section 6-2-5 License Fees for Dogs; Tags; Records; Penalties; Classification

A. Each dog three months of age or over that is kept, harbored or maintained within the

boundaries of the city for at least thirty consecutive days of each calendar year shall be licensed. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian.

B. Durable dog tags shall be provided by the owner. Each dog licensed under the terms of this article shall be required to wear a tag on which shall be inscribed the name of the county and the number of the license. The tag shall be attached to a collar or harness which shall be worn by the dog at all times. Whenever a dog tag is lost, a duplicate tag shall be obtained by the owner.

C. Any person who fails within fifteen days after written notification from the enforcement agent to obtain a license for a dog required to be licensed, counterfeits or attempts to counterfeit an official dog tag, or removes such tag from any dog for the purpose of willful and malicious mischief, or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a Class 2 misdemeanor.

D. The board of supervisors of Maricopa County may set a license fee which shall be paid for each dog three months of age or over that is kept, harbored or maintained within the boundaries of the state for at least thirty consecutive days of the calendar year. License fees shall all become payable at the discretion of the board of supervisors of each county. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. License fees shall be paid within ninety days to the board of supervisors. A penalty fee of two dollars shall be paid if the license application is made less than one year subsequent to the date on which the dog is required to be licensed under this article. If the license application is made one year or later from the date on which the dog is required to be licensed, an additional penalty fee of ten dollars shall be paid for each subsequent year up to a maximum of twenty-two dollars. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession in Arizona less than thirty consecutive days. (Ord. 04-89 § 1)

Section 6-2-6 Anti-Rabies Vaccination; Vaccination and License Stations

A. All dog owners shall maintain a current rabies vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used, and date revaccination is due. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulations promulgated thereunder.

B. A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona; provided, that at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in the state or a veterinarian employed by a governmental agency in that state, stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article and the regulations promulgated thereunder.

Section 6-2-7 Kennel Permit; Fee; Violation

- A. A person operating a kennel shall obtain a permit issued by the board of supervisors of the county where the kennel is located.
- B. The annual fee for the kennel permit is seventy-five dollars.
- C. A dog remaining within the kennel is not required to be licensed individually under A.R.S. § 24-367. A dog leaving the controlled kennel conditions shall be licensed under A.R.S. § 24-367. except if the dog is only being transported to another kennel which has a permit issued under this section.
- D. A person who fails to obtain a kennel permit under this section is subject to a penalty of twenty-five dollars in addition to the annual fee.
- E. A person who knowingly fails within thirty days after written notification from the county enforcement agent to obtain a kennel permit is guilty of a Class II misdemeanor.

Section 6-2-8 Dogs Not Permitted At Large; Wearing License

- A. No dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that a dog is confined entirely to the owner's property, or sufficient to restrain an animal and directly under the owner's or custodian's control when not on the owner's property.
- B. Any dog over the age of three months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock or while being used or trained for hunting, or dogs while being exhibited or trained at a kennel club event, or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached; provided, that they are properly vaccinated, licensed and controlled.
- C. If any dog is at large on the public streets, public parks or public property, then said dog's owner or custodian is in violation of this article.
- D. If any female dog during her breeding or mating season or any vicious dog is at large, then said dog's owner or persons acting for the owner is in violation of this article.
- E. Any person whose dog is at large is in violation of this article. A dog is not at large if:
 - 1. Said dog is restrained by a leash, chain, rope or cord of not more than six feet in length and of sufficient strength to control action of said dog.
 - 2. Said dog is used for control of livestock, or while being used or trained for hunting, or being exhibited or trained at a kennel club event or while engaged in races approved by the Arizona Racing Commission.

3. While said dog is actively engaged in dog obedience training, accompanied by and under the control of his owner or trainer; provided, that the person training said dog has in his possession a dog leash of not more than six feet in length and of sufficient strength to control said dog; and further, that said dog is actually enrolled in or has graduated from a dog obedience training school.
 4. Said dog whether on or off the premises of the owner, or person acting for the owner, is controlled as provided in subsection (E)(1) of this section or is within a suitable enclosure which actually confines the dog.
- F. Any dog at large shall be apprehended and impounded by an enforcement agent.
1. Said agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog and shall not include entry into a domicile unless it be at the invitation of the occupant.
 2. Said agent may issue a citation to the dog owner when the dog is at large. The procedure for the issuance of notice to appear shall be as provided for peace officers in A.R.S. § 13-3903 except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citations pursuant to this article shall be subject to provisions of A.R.S. § 13-3899.
 3. In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be immediately slain.
- G. The owner or persons acting for the owner of a dog must restrain and control the dog at all times when in a public park by securing the dog with a leash or not more than six feet, except when the dog is in an enclosed area within the park, which has been designated by the city as a dog exercise area.
- H. At all times when a dog is off leash in a designated dog exercise area as provided in subsection (G) of this section, the dog must be accompanied by and under the control of the owner or persons acting for the owner. Additionally, the owner or persons acting for the owner must at all times have a leash of not more than six feet in length in his or her possession. (Ord. 04-89 § 1)

Section 6-2-9 Impounding and Disposing of Dogs and Cats; Reclaiming Impounded Dogs and Cats; Pound Fees

- A. Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.
- B. Each stray dog or cat impounded 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 a dog or cat upon

expiration of the impoundment period, provided such person pays all pound fees and complies with the licensing and vaccinating provisions of this article. If the dog or cat is not claimed within the impoundment period, the impound facility shall take possession. The enforcement agent may destroy impounded sick or injured dogs or cats whenever such destruction is necessary to prevent such dog or cat from suffering or to prevent the spread of disease.

C. Any impounded licensed dog or cat may be reclaimed by its owner or such owner's agent; provided, that the person reclaiming the dog or cat furnishes proof of ownership and pays all impound fees.

Section 6-2-10 Handling of Biting Animals; Responsibility for Reporting Animal Bites

A. An unlicensed or unvaccinated dog or cat that bites any person shall be confined and quarantined in an authorized 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. A dog properly licensed and vaccinated pursuant to this article that bites any person may be confined 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.

B. Any animal other than a dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen days; provided, that livestock shall be confined and quarantined for the fourteen-day period in a manner regulated by the Arizona livestock board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.

C. Any wild animal which bites any person may be killed and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.

D. Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.

E. The designated enforcement agent may destroy any animal confined and quarantined pursuant to this article prior to the termination of the minimum confinement period for laboratory examination for rabies if:

1. Such animal shows clear clinical signs of rabies.
2. The owner of such animal consents to its destruction.

F. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.

G. The county enforcement agent shall destroy a vicious animal upon an order of a justice of the peace or a city magistrate. A justice of the peace or city magistrate may issue such an order after notice to the owner, if any, and a hearing.

Section 6-2-11 Unlawful Interference with Enforcement Agent

It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

Section 6-2-12 Removing Impounded Animals

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the enforcement agent except in accordance with the provisions of this article and the regulations promulgated thereunder.

Section 6-2-13 Unlawful Keeping of Dogs

It is unlawful for a person to keep, harbor or maintain a dog within the city except as provided by the terms of this article.

Section 6-2-14 Violation; Classification

Any person who fails to comply with the requirements of this article, or violates any of its provisions, is guilty of a misdemeanor.

Section 6-2-15 Dogs; Liability

A. Injury to any person by a dog or damage or destruction by a dog to any public or private property other than property of the owner or person in control of such dog shall be the full responsibility of the dog's owner or person in control of the dog when such injury or damages were inflicted.

B. The owner or person in control of a dog shall immediately remove all feces deposited by such dog on public or private property not owned by the owner or person in control of the dog and shall dispose of same in a sanitary manner. (Ord. 07-125 § 1)

Section 6-2-16 Proper Care, Maintenance and Destruction of Impounded Animals

A. Any animal impounded in a county or city pound shall be given proper and humane care and maintenance.

B. Any dog or cat destroyed while impounded in a county or city pound shall be destroyed only by the use of one of the following:

1. Sodium pentobarbital or a derivative of sodium pentobarbital.
2. Nitrogen gas.
3. T-61 Euthanasia solution or its generic equivalent.

C. If an animal is destroyed by means specified in subsection (B)(1) or (3) of this section, it shall be done in accordance with procedures established by the state veterinarian pursuant to A.R.S. § 24-153.

D. The governing body of any county or city which operates a pound shall establish procedures for the humane destruction of impounded animals by the methods described in subsections (B) and (C) of this section.

Section 6-2-17 Violation; Penalty

A. Any person found guilty of violating any provision of Sections [6-2-1](#), [6-2-5](#) or [6-2-8](#) shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed two thousand five hundred dollars or by imprisonment for a period not to exceed six months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

B. Any person found in violation of any provision of Section [6-2-15](#) shall be responsible for a civil violation, punishable by a fine as set forth in Article 1-8 of the city code. Each day that a violation continues shall be a separate offense punishable as herein described. (Ord. 07-125 § 4; Ord. 04-89 § 4)