

ORDINANCE NO. 09-08

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE FOUNTAIN HILLS TOWN CODE, CHAPTERS 6, 8, 13, 16 AND 18, RELATING TO THE IMPOSITION OF FEES AND CHARGES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. That the Fountain Hills Town Code, Chapter 6, Animals, Article 6-2, Rabies/Animal Control Leash Law, Section 6-2-3, License Fees for Dogs; Issuance of Dog Tags; Records; Penalties; Classification, is hereby amended to read as follows:

Section 6-2-3 License Fees for Dogs; Issuance of Dog Tags; Records; Penalties; Classification

- A. The council shall set an annual license fee, EITHER AS PART OF THE TOWN'S ANNUAL BUDGET OR BY SEPARATE RESOLUTION, which shall be paid for each dog three months of age or over that is kept, harbored or maintained within the boundaries of the town for at least thirty consecutive days of each calendar year. The council may, in its sole discretion, adopt the Maricopa County Animal Care and Control Fee Schedule, in whole or in part, as such schedule may be amended from time to time, to comply with the requirements of this section. Thereafter, the most recent version of the adopted Maricopa County Animal Care and Control Fee Schedule shall be the Town's annual license fee schedule, unless otherwise amended by the council. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. A penalty ~~not to exceed \$2.00~~ AMOUNT APPROVED BY THE COUNCIL BY RESOLUTION OR AS PART OF THE TOWN'S ANNUAL BUDGET shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this article. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession in the town less than thirty consecutive days.

. . . .

SECTION 2. That the Fountain Hills Town Code, Chapter 7, Building and Building Regulations, Article 7-2, Fees, Section 7-2-1, Fees, is hereby deleted in its entirety and replaced with the following:

Section 7-2-1 Fees

- A. **Permit Fees.** The permit fee for all new structures and for all renovation, remodeling and repairs, shall be in such amount as approved by the Council by resolution or as part of the Town's annual budget.

- B. **Plan Review Fees.** When a plan or other data for all new structures and for all renovation, remodeling and repairs is required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be in such amount as approved by the Council by resolution or as part of the Town's annual budget.

SECTION 3. That the Fountain Hills Town Code, Chapter 8, Business Regulations, Article 8-1, Business License, Section 8-1-10, Business License Fees, is hereby deleted in its entirety and replaced with the following:

Section 8-1-10 Business License Fees

The Town shall charge fees for the issuance or renewal of any business licenses under this Chapter in such amounts as approved by the council by resolution or as part of the Town's annual budget.

SECTION 4. That the Fountain Hills Town Code, Chapter 8, Business Regulations, Article 8-2, Peddlers, Canvassers, Solicitors and Transient Merchants, Section 8-2-4, Application for License and Permit, is hereby amended to read as follows:

Section 8-2-4 Application for License and Permit

- A. **Individual Applicants.** Individual applicants for the permit and license under this article must comply with the licensing requirements of Article 8-1 as well as this article. An applicant shall supply the following ~~information~~ to the town clerk in addition to the information required by Article 8-1:

. . . .

- 11. At the time of filing the application, a fee ~~of twenty-five dollars~~, IN SUCH AMOUNT AS APPROVED BY THE COUNCIL BY RESOLUTION OR AS PART OF THE TOWN'S ANNUAL BUDGET, shall be paid to the clerk to cover the costs of the investigation.

- B. **Corporate or Firm Applicants.** Corporate or firm applicants must furnish the following information upon duplicate applications sworn to by an appropriate officer of the firm or corporation authorized so to do:

. . . .

- 6. A list of all of the agents or representatives who will be operating within the town, including their addresses. In this connection, such firm or corporation shall furnish at the time of application the following information and material pertaining to such representatives or agents:

. . . .

- e. A fee of ~~twenty-five dollars~~ per agent or representative, IN SUCH AMOUNT AS APPROVED BY THE COUNCIL BY RESOLUTION OR AS PART OF THE TOWN'S ANNUAL BUDGET, shall be paid to the clerk to cover the cost of investigation.

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SECTION 5. That the Fountain Hills Town Code, Chapter 8, Business Regulations, Article 8-3, Special Events, Section 8-3-6, Fees and Deposits, is hereby amended to read as follows:

Section 8-3-6 Fees and Deposits

Any application for a special event will be subject to the applicable deposits and fees as follows:

- A. A non-refundable application fee of ~~five hundred dollars (\$500)~~ IN SUCH AMOUNT AS APPROVED BY THE COUNCIL BY RESOLUTION OR AS PART OF THE TOWN'S ANNUAL BUDGET shall be submitted with each special event application. Applications received without the application fee will not be accepted. A commercial event sharing sponsorship with a charitable nonprofit organization shall not be exempt from the ~~\$500-dollar~~ application fee SET FORTH IN THIS SUBSECTION.
- B. Special event applications submitted by a charitable nonprofit organization as described in Section 8-3-2.B shall pay an application fee of ~~one hundred dollars (\$100)~~ IN SUCH AMOUNT AS APPROVED BY THE COUNCIL BY RESOLUTION OR AS PART OF THE TOWN'S ANNUAL BUDGET. Applications received without the application fee will not be accepted.

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SECTION 6. That the Fountain Hills Town Code, Chapter 8, Business Regulations, Article 8-5, Adult Business License Regulations, Section 8-5-4, Fees, is hereby amended to read as follows:

Section 8-5-4 Fees

- A. Every application for an adult business license (whether for a new license or for renewal of an existing license) shall be accompanied by a ~~\$300.00~~ non-refundable application and investigation fee or such other fee as established by the ~~Town~~ Council as part of its annual budget or by separate resolution.
- B. In addition to the application and investigation fee required above, every adult business that is granted a license (new or renewal) shall pay to the Town an

annual nonrefundable license fee of ~~\$100.00~~ upon license issuance or renewal or such other fee as established by the ~~Town~~ Council as part of its annual budget or by separate resolution.

- C. Every application for an adult business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual ~~\$50.00~~ nonrefundable application, investigation, and license fee or such other fee as established by the ~~Town~~ Council as part of its annual budget or by separate resolution.

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SECTION 7. That the Fountain Hills Town Code, Chapter 13, Cable Communications, Article 13-9, Fees, Bonds, Letters of Credit, Liquidated Damages and Appeals, is hereby amended to read as follows:

Article 13-9 Fees, Bonds, Letters of Credit, Liquidated Damages and Appeals

A. Application Fee

Each application for a license to be granted under the authority of this chapter shall be accompanied by a non-refundable filing fee in ~~the amount specified below~~ SUCH AMOUNT AS APPROVED BY THE COUNCIL BY RESOLUTION OR AS PART OF THE TOWN'S ANNUAL BUDGET, by certified or cashier's check made payable to the town. ~~Non-refundable filing fees in the following amounts are required:~~

- ~~1. For an initial license or renewal: \$2,500.~~
- ~~2. For consent to transfer or change ownership: \$2,000.~~
- ~~3. For license modifications:~~
 - ~~a. pursuant to 47 U.S.C. Section 545: \$2,500.~~
 - ~~b. any other modification: up to \$2,000.~~

. . . .

SECTION 8. That the Fountain Hills Town Code, Chapter 16, Streets and Sidewalks, Article 16-1, Encroachments, Section 16-1-7, Fees, is hereby deleted in its entirety and replaced with the following:

Section 16-1-7 Fees

- A. Permit and inspection fees, in such amounts as approved by the Council by resolution or as part of the Town's annual budget, shall be charged and paid to the Town for each encroachment permit.

- B. If any construction or work is undertaken prior to applying for and securing the required permit and paying the appropriate fees therefor, the work shall be terminated until a permit is granted, and the fee shall be one and one-half times the fees listed in the fee schedule adopted by the Council by resolution or as part of the Town's annual budget.

SECTION 9. That the Fountain Hills Town Code, Chapter 16, Streets and Sidewalks, Article 16-1, Encroachments, Section 16-1-12, Revocation of Permit, is hereby amended to read as follows:

Section 16-1-12 Revocation of Permit

. . . .

- B. If at any time the town engineer finds, in writing, that the delay in the completion of the work authorized by the encroachment permit is due to lack of diligence on the part of the permittee, he may cancel the permit and restore the right-of-way or water course to its former condition. All costs and fees for any restoration plus a ~~three hundred dollar~~ AN administrative fee IN SUCH AMOUNT AS APPROVED BY THE COUNCIL BY RESOLUTION OR AS PART OF THE TOWN'S ANNUAL BUDGET shall be charged to the permittee. If a permittee fails to pay any fees charged in connection with a permit under this article within 15 ~~fifteen~~ days of receipt of notice such payment is due, the town engineer may revoke all of the permittee's existing permits and may deny any further permits to the permittee until payment is received for all fees due. The determination of the town engineer shall be final and ~~unappealable~~.

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SECTION 10. That the Fountain Hills Town Code, Chapter 16, Streets and Sidewalks, Article 16-1, Encroachments, Section 16-1-18, Excavations and Newly Paved Streets, is hereby amended to read as follows:

Section 16-1-18 Excavations and Newly Paved Streets

. . . .

- C. Notwithstanding subsection B of this section, any person who causes excavation as prescribed in subsection A of this section shall be subject to a base fee of ~~\$100~~ per excavation plus the following A fee per lineal foot of pavement replacement. THE BASE FEE PER EXCAVATION AND FEE PER LINEAL FOOT OF PAVEMENT REPLACEMENT DESCRIBED IN THIS SUBSECTION SHALL BE IN SUCH AMOUNTS AS APPROVED BY THE COUNCIL BY RESOLUTION OR AS PART OF THE TOWN'S ANNUAL BUDGET.

<u>Surface</u>	<u>Age (years)</u>	<u>Fee (per lineal foot)</u>
Newly paved or overlaid	0-2	\$10
Newly paved or overlaid	2-4	\$5
Slurry or chip sealed	0-2	\$2

- D. These fees may be waived by the town engineer when the excavation is an approved part of a comprehensive proactive, scheduled, rebuild program or an extension of service to areas existing as of 1991 in addition to all other terms and conditions of this article.

SECTION 11. That the Fountain Hills Town Code, Chapter 18, Alarm Systems, Article 18-2, Alarm Businesses, Section 18-2-1, License Required; Term; Fees, is hereby amended to read as follows:

Section 18-2-1 License Required; Term; Fees

. . . .

- D. Fees for initial license application or renewal shall not be refundable, transferable or prorated. The initial annual license fee shall be prorated, by quarter, if applicable. ~~The following~~ Fees, IN SUCH AMOUNTS AS APPROVED BY THE COUNCIL BY RESOLUTION OR AS PART OF THE TOWN'S ANNUAL BUDGET, shall apply to alarm business licenses, and shall accompany initial applications or renewals:

Initial license application FEE	\$100.00
Initial annual license and annual renewal FEES	\$30.00
Criminal history investigation FEE	\$25.00

. . . .

- F. Upon request and the payment of a ~~ten-dollar~~ fee IN SUCH AMOUNT AS APPROVED BY THE COUNCIL BY RESOLUTION OR AS PART OF THE TOWN'S ANNUAL BUDGET, the town law enforcement agent or authorized designee shall issue a duplicate license to a licensee whose license has been lost, stolen or destroyed.

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SECTION 12. That the Fountain Hills Town Code, Chapter 18, Alarm Systems, Article 18-3, Alarm Users, Section 18-3-1, Service Charges, is hereby amended to read as follows:

Section 18-3-1 Service Charges

- A. Public safety alarm response service charges (“service charges”) shall be assessed against alarm users IN SUCH AMOUNTS PER ACTIVATION AS APPROVED BY THE COUNCIL BY RESOLUTION OR AS PART OF THE TOWN’S ANNUAL BUDGET, except as otherwise provided herein, for each calendar year, as follows:

<u>Activations</u>	<u>Service Charge</u>
First and second	None
Third	\$30.00
Fourth and fifth	\$60.00 each
Sixth through ninth	\$100.00 each
Tenth or more	\$200.00 each

. . . .

- D. All service charges shall become due and payable when a statement of charges is mailed to the customer and, except when specific arrangements are made in advance, shall become delinquent 21 ~~twenty one~~ days after being mailed. A late charge IN SUCH AMOUNT AS APPROVED BY THE COUNCIL BY RESOLUTION OR AS PART OF THE TOWN’S ANNUAL BUDGET shall be assessed for delinquent payments.

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SECTION 13. That the Fountain Hills Town Code, Chapter 18, Alarm Systems, Article 18-4, Review, Hearing and Miscellaneous, Section 18-4-2, Hearing; Notice, is hereby amended to read as follows:

Section 18-4-2 Hearing; Notice

. . . .

- C. The request for hearing an appeal shall be accompanied by a filing fee for each service charge being appealed, in an SUCH amount equal to the service charge or, ~~if no service charge is applicable, twenty dollars~~ AS APPROVED BY THE COUNCIL BY RESOLUTION OR AS PART OF THE TOWN’S ANNUAL BUDGET. Filing fees shall be refunded to the alarm user if the service charge to which the filing fee relates is waived or reduced as a result of the hearing. If the service charge is not waived or reduced as a result of the hearing, the filing fee

will be applied against the service charge or any service charge balance of the alarm user.

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SECTION 14. That the Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

SECTION 15. That the immediate operation of this Ordinance is necessary to preserve public peace, health and safety by ensuring that all fee-based services provided by the Town and the fees therefor are consistent with the adopted budget, administered uniformly and in accordance with applicable law; therefore, an emergency is hereby declared to exist. This Ordinance shall be in full force and effect from and after its passage and approval by the Town Council as required by law, and this Ordinance is hereby exempt from the referendum provisions of the constitution and laws of the State of Arizona.

SECTION 16. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion thereof shall be deemed separate, distinct, and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED BY the Mayor and Council of the Town of Fountain Hills, July 2, 2009.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



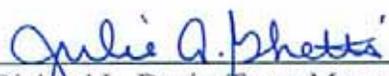
Jay T. Schlum, Mayor



Bevelyn J. Bondor, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



for Richard L. Davis, Town Manager



Andrew J. McGuire, Town Attorney