



# Staff Report

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Agenda Item:           **ORDINANCE AMENDMENT OF CHAPTER 9, ARTICLE 9-4(S); HEALTH AND SANITATION - INTERNATIONAL PROPERTY MAINTENANCE CODE** – Discussion and possible approval of Ordinance # \_\_\_\_\_, adopting changes to the Town of Clarkdale International Property Maintenance Code, Chapter 9, Article 9-4(S) - Section 302.8 Motor Vehicles; regarding the fencing of unlicensed vehicles.

Staff Contact:           Mike Baker, Sherry Bailey

Meeting Date:           April 22, 2008

Background:           In December of 2007 Staff was directed by Council to amend the 2003 International Property Maintenance Code to regulate the number and means of storing unlicensed vehicles.

Recommendation:     Approve amendment to the Property Maintenance Code.

**ORDINANCE # \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA  
AMENDING SECTION 9-4 (S) "INTERNATIONAL PROPERTY MAINTENANCE  
CODE" OF THE CODE OF THE TOWN OF CLARKDALE REPEALING  
CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY**

BE IT ORDAINED BY THE MAYOR AND THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA:

WHEREAS the Town of Clarkdale Common Council approved by reference the "International Property Maintenance Code".

NOW, THEREFORE, BE IT ORDAINED, BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE THAT SECTION 9-4(S) OF THE TOWN CODE IS HEREBY amended to read as follows:

Section 1: (S) 302.8 Motor Vehicles. Omit in its entirety and substitute the following:

Except as provided for in other regulations, no motor vehicle that is inoperative, unlicensed, or in disrepair, shall be parked, kept, or stored on any premises unless completely enclosed by a six foot (6') solid or masonry fence. No fence shall be erected without an approved permit. No more than two (2) vehicles shall be allowed in the fenced area and they shall not be visible from adjoining public or private property. This amendment shall be effective one year from the date of passage. Until that time, all vehicles stored on any premises not enclosed by the required fence, that are unlicensed, inoperative or in disrepair, shall be completely covered with a commercial vehicle cover, and shall not be in a state of disassembly, repair or in the process of being stripped, undergoing body work, or overhaul.

Exceptions:

1. Any business lawfully existing within the Commercial and Industrial Zoning Districts.
  - a. There shall be no limit to the number of vehicles or their condition as long as they are completely enclosed in an approved structure.

Section 2: That all Ordinances and part of Ordinances in conflict with the provisions of this Ordinance or any part of this document adopted herein by reference are hereby repealed.

Section 3: Any portion of the Town Code repealed by this Ordinance does not affect rights and duties that matured or penalties that were incurred, and proceedings that were begun before the effective date of the repeal.

Section 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or

any part of this document adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5: Whereas it is necessary for the preservation of the peace, health and safety of the Town of Clarkdale, Arizona, an emergency is declared to exist and this Ordinance shall become effective immediately, operative and in full force after the date of the posting hereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Clarkdale, Arizona, this 22<sup>nd</sup> day of April, 2008.

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Doug Von Gausig, Mayor

ATTEST:

APPROVED AS TO FORM:

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Kathy Bainbridge, Town Clerk

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Robert Pecharich, Town Attorney