

CHAPTER 3 ADMINISTRATION

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**CHAPTER 3
ADMINISTRATION**

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Section 3-1-1 Officers

There are hereby created the offices of City Manager, City Clerk, City Marshal, City Engineer, City Attorney and City Magistrate who shall be appointed by the Council. The City Manager, City Clerk, City Marshal, City Engineer and City Attorney shall serve at the pleasure of the Council.

[Amended Ord. 142-85]

Section 3-1-2 Treasurer and Collector of Taxes

The City Clerk shall act as treasurer and the City Marshal shall act as collector of taxes.

Section 3-1-3 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 3-1-4 Bond

The Council shall 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 and the City shall pay the costs of such bond.

In the alternative, the city manager may, at the direction of the Mayor and the Common Council, procure insurance coverage from city underwriters sufficient to meet or exceed the foregoing statutory bond requirements.

[Amended Ord. 533-08]

Section 3-1-5 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 3-1-6 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

- 3-2-1 City Manager
- 3-2-2 City Clerk
- 3-2-3 City Marshal
- 3-2-4 City Engineer
- 3-2-5 City Attorney
- 3-2-6 City Magistrate

Section 3-2-1 City Manager

- A. Office Created. The office of the City Manager of the City of Page 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 City Manager shall receive such compensation as the Council shall fix from time to time.
- D. Removal Procedure. The City Manager may be removed by a majority vote of the entire Council, but the Council shall continue the City Manager's salary for sixty days following the removal date unless removal procedures and salary provisions are otherwise provided for by the employment agreement.

[Amended Ord. 554-09]

E. Powers and Duties. The City Manager shall be the administrative head of the government of the City under the direction and control of the Council except as otherwise provided in this chapter. 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 thereon, it shall be his duty and he shall have the powers set forth in the following subsections:

1. Appoint and, when necessary for the good of the service, 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 department or office.
2. 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.
3. Prepare and submit to the Council at the end of the fiscal year a complete report on the finances and administrative activities of the City the preceding year.
4. Keep the Council advised of the financial condition and future needs of the City and make such recommendations as he may deem desirable.
5. Recommend to the governing body a standard schedule of pay for each appointive office and position in the City service, including minimum, intermediate and maximum rates. Authorize the payment of overtime pay for such employees as may work in excess of a normal work period. Such rates of pay and periods of work shall be in conformity with wages and salaries enacted by the City Council.
6. Recommend to the governing body from time to time adoption of such measures as he may deem necessary or expedient for the health, safety or welfare of the community or for the improvement of administrative services.
7. Create, 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.
8. 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.

9. Supervise the acquisition of all materials, supplies, and equipment for which funds are provided in the budget whether it be by purchase, lease purchase or lease.

[Amended Ord. 20-79]

10. 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 all expenditures.
 11. See that all laws and ordinances are duly enforced.
 12. Investigate the affairs of the city or any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the government of the city 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.
 13. Perform such other duties as may be required by the Council, not inconsistent with state law or City ordinances.
- F. Council Not to Interfere With Appointments or Removals. With regard to officers and employees appointed by the Manager, neither the Council nor any of its members shall direct or request the appointment of any person to, or his removal or suspension from such office by the Manager or any of his subordinates, or in any manner take part in the appointment or removal of such officers and employees in the administrative services of the City. Except for the purpose of inquiry, the Council and its members shall deal with the administrative services solely through the Manager.

Section 3-2-2 City Clerk

- A. Appointment. The City Clerk and ex-officio treasurer shall be appointed by the Council and serve at the pleasure of the Council subject to removal as provided by State Statutes.
- B. Bond. Before entering upon his duties of office, the City Clerk shall execute a bond in such amount as is provided by statute and the Council, conditioned upon faithful performance of his duties.
- C. 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, notices, deeds, surveys, leases, paid and unpaid vouchers, inventories, letters, orders and other documents of whatever nature. The City Clerk shall seal and attest all deeds, contracts, ordinances and resolutions of the City and all licenses, permits and such other documents as shall require this formality. The Clerk shall be custodian of the City seal and shall affix its impression on documents whenever this is required.

- D. 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. The Clerk shall be the custodian of all documents belonging to the City which are not assigned to the custody of some other officer.
- E. Monthly Reports. The Clerk shall prepare and collect from City officers and employees such monthly reports prepared in such manner and to include such information as may be directed by the Council.
- F. Minutes. The Clerk shall prepare or cause to be prepared all minutes of Council proceedings and insure their correctness and accuracy.
- G. 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 or are required by statute or ordinance.
- H. Election Official. The Clerk shall be the City election official and perform those duties required by statute.
- I. Licenses. Upon approval of the license application by the City Manager or his designated representative, the Clerk shall issue or cause to be issued all licenses that may be prescribed by State Statute or this code.
- J. 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.

[Amended Ord. 151-85]

Section 3-2-3 City Marshal

The Marshal shall be collector of all taxes of the City provided that the collection of such taxes may be administered by the Clerk. He shall perform such duties as may be required of him by law and as the Council may deem necessary.

Section 3-2-4 City Engineer

The Engineer shall have charge of the City streets, sewers and waterworks and shall perform such duties as may be required of him by law and such other duties as the Council may deem necessary.

Section 3-2-5 City Attorney

The Attorney shall act as the legal counselor and advisor of the Council and other City 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 therefore. 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.

Section 3-2-6 City Magistrate

The City Magistrate shall be the presiding officer of the Magistrate's Court and shall be selected by the Council and serve for a term of two years. The City Magistrate may be removed by the Council from office at any time for cause after a due process hearing held by the Council. The City Magistrate shall perform those functions necessary to the maintenance of a Magistrate's Court as provided by State Statute.

[Amended Ord. 142-85]

ARTICLE 3-3 PERSONNEL SYSTEM

- 3-3-1 Creation and Scope
- 3-3-2 Conditions of Employment
- 3-3-3 Rules and Regulations
- 3-3-4 Political Contributions

Section 3-3-1 Creation and Scope

There is hereby adopted a merit system for the employees of the City, the provisions of which shall apply to all employees of the City except elected officials, officers of the City appointed by the Council, persons engaged under contract to supply expert, professional or technical services, temporary employees, volunteer firemen and volunteer personnel who receive no regular compensation from the City.

Section 3-3-2 Conditions of Employment

The appointment, promotion and tenure of every employee shall be conditioned solely on merit and fitness and 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, age or political affiliation.

Section 3-3-3 Rules and Regulations

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 3-3-4 Political Contributions

No officer, official or employee of the City shall use any influence or pressure upon any employee to obtain any assessment or contribution of money or time, either direct or indirect, for any political campaign or personal gain.

ARTICLE 3-4 PURCHASING PROCEDURE

- 3-4-1 Purchasing Procedure
- 3-4-2 Exclusive Service
- 3-4-3 Bidding
- 3-4-4 Determination of Lowest Responsible Bidder
- 3-4-5 Performance Bond
- 3-4-6 Emergency Purchases
- 3-4-7 Forms
- 3-4-8 Professional Services
- 3-4-9 Cooperative Purchasing

Section 3-4-1 Purchasing Procedure

No purchase, contract for services of any kind or description, lease, or lease-purchase, 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.

- A. Under \$1,500.00. Whenever any contemplated purchase, contract for services, lease, or lease-purchase, is for the sum of less than \$1,500.00, the purchasing agent of the City may order the item or items as needed without further delay.

[Amended Ord. 335-96]

- B. \$1,500.00 to \$5,000.00 inclusive. Whenever any contemplated purchase, contract for services, lease, or lease-purchase, is for the sum of \$1,500.00 and no more than \$5,000.00, the purchasing agent shall solicit at least three (3) bids for the item or service and said solicitation may be orally obtained by him and he may then award the purchase, contract or service, lease or lease-purchase to the lowest responsible bidder upon approval of the City Manager or his designee.

[Amended Ord. 335-96]

- C. Over \$5,000.00 to \$10,000.00 inclusive. Whenever any contemplated purchase, contract for services, lease, or lease-purchase, is for the sum of more than \$5,000.00 and no more than \$10,000.00, the purchasing agent shall solicit at least three (3) written bids for the item or items or services on bid forms and award the purchase, contract for services, lease or lease-purchase to the lowest responsible bidder upon approval of the City Manager or his designee.

[Amended Ord. 335-96]

- D. Over \$10,000.00. Whenever any contemplated purchase, contract for services, lease or lease-purchase, is for the sum of more than \$10,000.00, the purchasing agent shall cause to be published in one (1) issue of a newspaper of general circulation in the City, notice inviting bids, which said notices shall be published at least ten (10) 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 performed and the time and place of opening bids. In addition the purchasing agent shall post a notice inviting bids in the City Hall of Page, Arizona, and may also mail to all responsible prospective suppliers of the items to be purchased, services performed, lease or lease-purchase, a copy of the notice inserted in the newspaper as herein required.

[Amended Ord. 335-96]

- E. No contract in excess of \$10,000.00. No contract for new construction, no contract for professional services in excess of \$10,000.00, and no lease or lease-purchase in excess of \$10,000.00, shall be let except by the City Council. Whenever any contemplated purchase, lease, or lease-purchase or contract for services if for the sum of more than \$10,000.00, the purchasing agent shall present the bids to the City Council on the advantages or disadvantages of contract and bid proposals.

[Amended Ord. 335-96]

- F. All purchases for the Page Electric Utility shall meet the same requirements as items A - E. For PEU purchases the "City Manager" will be replaced by the PEU General Manager; the "City Council" will be replaced by the Page Electric Utility Board and "City Hall" will be replaced by the "Page Electric Utility Office".

[Added Ord. 384-00]

- G. Any changes made to the purchasing policy shall be forwarded to the Chief Financial Officer of Page Electric Utility by the City of Page Finance Director.

[Added Ord. 384-00]

Section 3-4-2 Exclusive Service

— In the event that there is only one firm or company or individual capable of providing a particular service or commodity and such services or commodities cannot be secured from other persons or companies then Section 3-4-1 and subparagraphs A, B, C and D thereunder shall not be applicable and such services or commodities can be secured without bidding.

Section 3-4-3 Bidding

The purchasing agent and all parties contracting with the City shall follow the procedure hereinafter set forth in relation to all bids required under subsections C and D of Section 3-4-1.

- A. All notices and solicitation of bids shall state the time and place for opening.
- B. All bids shall be submitted sealed to the purchasing agent and shall be identified as bids on the envelope.
- C. All bids shall be opened in public at the time and place stated in the public notices.
- D. A tabulation of all bids received shall be posted in the City Hall for public inspection.
- E. The purchasing agent shall have the authority to reject any and all bids and parts of all bids and re-advertise or re-solicit bids.

Section 3-4-4 Determination of Lowest Responsible Bidder

Unless the purchasing agent exercises the right of rejection the purchase or contract shall be made from and with the lowest responsible bidder for any article or to the lowest responsible bidder for the entire purchase or contract for any part

thereof. In determining the lowest responsible bidder, the purchasing agent shall consider:

- A. The ability, capacity and skill of the bidder to perform the contract or provide service required.
- B. Whether the bidder can perform the contract or provide the services promptly or within specified time, without delay or interference.
- C. The quality of performance of previous contracts or services.
- D. The previous and existing compliance by the bidder with laws and ordinances of the city.
- E. The financial resources and ability of the bidder to perform the contract or provide the service.
- F. The quality, availability and adaptability of the supplies or services.

Section 3-4-5 Performance Bond

The purchasing agent shall have the authority to require a performance bond, in cash or otherwise, for such amount as he may deem sufficient to secure the execution of the contract of furnishing supplies or services for the best interest of the City.

Section 3-4-6 Emergency Purchases

In case of an emergency which requires immediate purchases of supplies or services and time is of the essence the City Manager shall be empowered to authorize the purchasing agent to purchase or secure the services needed without complying with procedures as set forth above. A full report in writing of the circumstances of an emergency purchase shall be filed by the City Manager with the City Council.

Section 3-4-7 Forms

The purchasing agent subject to the approval of the City Manager, shall prescribe and maintain such forms as he shall find necessary to the operation of this article.

Section 3-4-8 Professional Services

The bidding requirements of this Article shall not apply to professional services and the requirements herein shall not be required in the employment of professional services. Professional services include the following but not as all inclusive: physicians, attorneys, engineers or certified public accountants.

Section 3-4-9 Cooperative Purchasing

This Article and requirements herein shall not apply to purchases made by, through or with the State of Arizona, its political subdivisions or any public procurement unit of the State of Arizona.

[Amended Ord. 389-99]

ARTICLE 3-5 DISPOSITION OF PUBLIC REAL PROPERTY

- 3.5.1 Authority to Initiate the Sale or Lease of Real Property
- 3.5.2 Manner of Sale of Real Property
- 3.5.3 Conditions Precedent to Sale of Real Property
- 3.5.4 Exchange of Land
- 3.5.5 Lease of City Property
- 3.5.6 Authority to Subdivide

Section 3-5-1 Authority to Initiate the Sale or Lease of Real Property

The Council may initiate the sale or lease of real property by publicly identifying and posting those City owned properties that are not needed or likely to be needed by the City within a reasonable period of time. A map identifying the properties for sale or lease shall at the direction of Council be posted on the City of Page web site and be available in published form through the Clerk's Office.

A third party may request to purchase or lease City owned property not identified and posted "For Sale or Lease" by directing to the Council a written request to purchase or lease, accompanied by a survey and appraisal identifying the property and fair market value, a preliminary plat and development plan, and an estimated date to complete of the project.

[Amended Ord. 456-03]

Section 3-5-2 Manner of Sale of Real Property

Real property may be sold by the City of Page in any of the following ways:

A. By Negotiation.

1. All property sales consummated pursuant to negotiation shall be approved by ordinance of the Council.

[Amended Ord. 456-03]

2. All properties identified and posted "For Sale" by Council, shall be sold without regard to identity of the purchaser, intended use, or schedule for development.

[Amended Ord. 456-03]

3. Purchasers of all City owned property shall be responsible for providing a survey and MAI appraisal attached to and incorporated in the proposed purchase agreement. The City Clerk's Office shall maintain a list of available surveyors and appraisers and may provide a copy of an approved purchase agreement.

[Amended Ord. 456-03]

4. Proposed purchase agreements shall be presented by the purchaser through the City Clerk's Office to the Council for negotiation and approval. Council may approve a sale based on appraised value presented or seek another appraisal prior to further negotiation. Once Council has approved the sale of property, a formal written agreement shall not be consummated until publication and comment periods have expired.

[Amended Ord. 456-03]

5. The City Clerk shall publish in a paper of general circulation in the City of Page a "Notice of Sale of City Property" to be published once a week for two consecutive weeks. The City Clerk shall also post a copy of the notice in at least three public places in the City. The notice shall contain the names of the purchasers, a general and legal description of the property to be sold, and the sales price. Any other purchaser may, before the expiration of publication and comment periods, present a proposed purchase agreement to Council which shall have the effect of abating the published sale until further negotiations have been completed.

[Amended Ord. 456-03]

6. At the next regular meeting of the City Council after the required publication, the Council may approve the ordinance for the sale of the identified property by first or second reading. Council may not thereafter consider other offers to purchase the identified property unless the acts or omissions of the purchaser would preclude the close of escrow.

[Amended Ord. 456-03]

7. If the Council approves the ordinance at the second reading, a formal written agreement to purchase shall be executed and the sale concluded pursuant to Arizona law.

[Amended Ord. 456-03]

8. All land sales agreements shall contain an acknowledgment by the purchaser that the purchased property is subject to use and development restrictions imposed by the City of Page General Plan, the General Development and Subdivision Regulations, City of Page Zoning Ordinance, the Gateway Area Specific Development Plan, City of Page adopted building codes, and other applicable state and federal laws.

[Amended Ord. 456-03]

9. Any Arizona real estate broker representing a purchaser prior to an initial offer will at the close of escrow be paid a 3% commission based on the sales price. Exclusive real estate sales agreements for the sale of city property shall not be permitted.

[Amended Ord. 456-03]

B. By Sealed Bid or Public Auction. Upon resolution of the Council determining that the conditions of Article 3-5, Code of the City of Page, have been complied with, the City Clerk shall be authorized to proceed with the sale of real property, under this Section, as follows:

1. If the value is less than \$25,000.00, as appraised, the property may be sold by sealed bid or by public auction as determined by the Council.

2. If the value is more than \$25,000.00, as appraised, the property shall be sold at public auction to the highest bidder.

3. [This section is intentionally left blank]

[Deleted by Ord. 352-96]

4. Notice of Sale - At least thirty (30) days prior to sale or disposition of property by sealed bid or auction, the City Clerk shall cause to be published in the official newspaper of the City a Notice of Sale of such property. The Notice of Sale shall be a brief description of the property, the hour, date and place of sale or disposition, and may also include the location where bid blanks and specifications may be secured, the location of the property, the conditions of sale and any restrictions placed on the use of the property as well as other such information considered relevant by the Council. The notice shall be published once each week for three (3) consecutive weeks if in a weekly newspaper, with not less than twenty (20) days intervening between the first and last publication and if in a daily newspaper, six (6) consecutive times. The City Clerk shall also post a copy of the notice in at least three (3) public places in the City.

5. Bids:

- a. Minimum bid - The minimum acceptable bid shall be determined by resolution of the Council as required herein.
- b. Sealed bids - Sealed bids shall be accompanied by a cashiers check payable to the City for 10% of the bid which check will be returned to the bidder if unsuccessful.
- c. Bids at auction - All bidders at an auction shall, prior to the auction, furnish the auctioneer with a cashier check payable to the City for 10% of the appraisal value which check will be returned to the bidder if unsuccessful.
- d. Such sales shall be made to the highest bidder, but the Council shall have the right to reject any and all bids.
- e. The sale shall be binding upon the City only upon award of the bid and delivery of the Quit Claim Deed to the successful bidder, and no other action of the City or its representatives shall be construed to vest any right, title or interest to or in said property in any person prior to said delivery of the deed. Said award or rejection of the bid shall be made by the Council at the next regular Council meeting following the bidding.

- C. Sale of Slivers. If the value of the property is less than \$5,000.00 as appraised, and the property is not marketable to the general public because no one other than an adjoining property owner can, within the Zoning Code of the City of Page, lawfully utilize the property, as determined by the City Council, and if there is no other adjoining property owner who desires to purchase the property, the property may be sold to the adjoining property owner for its appraised value without the necessity for a public sale, either by auction or sealed bid. The manner of sale to the adjoining property owner shall proceed in compliance with Article 3-5 of the Code of the City of Page, except that the contents of the Notice of Sale shall be modified so as to advise the public of the proposed sale to a particular individual. The sale shall thereafter be made to the individual at the time contained within the Notice of Sale. If there is more than one adjoining property owner who may lawfully utilize the property in connection with his adjoining property and they each desire to purchase the property, then, and only in that event, the property shall be sold at sealed bid in accordance with this section except that the only qualified bidders upon the parcel of property to be sold shall be the adjoining

property owners who qualify as a bidder in accordance with Section 3-5-2(c).

[Amended Ord. 183-87]

Section 3-5-3 Conditions Precedent to Sale of Real Property

No sale of real property shall be made until the following conditions precedent have been complied with:

- a. Survey - The Public Works Director shall forthwith furnish a surveyed metes and bounds description, describing the lands to be conveyed, together with any restrictions necessary to the use of the land relative to the protection of public safety and welfare;
- b. Appraisal - The Economic Development Director shall forthwith obtain an appraisal of the value of the property by an Arizona "State licensed or state certified appraiser" appropriately licensed or certified for the type of real property being appraised for all property to be sold; provided however, if the land to be sold has been previously appraised within the last 18 months a new appraisal shall not be required for the purposes herein.

[Amended Ord. 392-99]

- c. Conformance to Ordinances of the City:
 1. Except property in areas covered by a Specific Development Plan and/or Planned Development Zoning, the Planning and Zoning Commission shall, within sixty (60) days, unless a longer period of time is indicated by the Council, determine whether the proposed use of the property conforms to the Zoning Code, Subdivision Code and Comprehensive Plan.
 2. The Council may also require review by such other municipal departments as are deemed necessary.

[Amended Ord. 239-89]

Section 3-5-4 Exchange of Land

Notwithstanding the provisions of this article, the City may exchange any real property by resolution of the City Council. The City's property shall have an exchange value of no less than 75% of the appraised value provided that the Council finds that other considerations mean that the property to be exchanged are of equal value and that written records of such exchange, including all appraisals of the property exchanged, are maintained open to public inspection for at least three (3) years in the City Clerk's Office.

[Added Ord. 12-76]

Section 3-5-5 Lease of City Property

The Council may lease any land or buildings now or hereafter owned by the City of Page on such terms and conditions, including an option to purchase, as the Council may prescribe by public auction, sealed bids or negotiation. All leases made pursuant to public auction or sealed bids shall be made to the highest responsible bidder at the highest rental bid, after notice thereof in accordance with Section 3-5-2(B) herein, stating explicitly the time and conditions of the proposed lease. The Council may, in its discretion, reject any and all bids.

All leases made pursuant to negotiation shall be approved by resolution of the Council. Prior to the approval and execution of such a lease, the Council shall publish in a paper of general circulation in the City of Page, a Notice of Intent to Lease City Property once each week for three (3) consecutive weeks if in a weekly paper, with not less than thirteen (13) days intervening between the first and last publication and if in a daily paper, six (6) consecutive times. The City Clerk shall also post a copy of the notice in at least three (3) public places in the City. The notice shall, at a minimum, contain the names of the parties to the proposed lease, a general and legal description of the property to be leased, the proposed use of the property, the term of the lease, and the rental amount of the proposed lease.

In the event the City receives a written objection to the award of a negotiated lease, within fifteen (15) days from the first date of the publication, the lease shall not be approved and may only be awarded after public auction or sealed bids. All notices of intent to lease shall contain the information regarding written objections and the manner therefore.

[Amended Ord. 183-87]

Section 3-5-6 Authority to Subdivide

The Council may also in its discretion subdivide and plat City property, in accordance with the Subdivision Code of the City which it determines to sell, providing restrictions relative to its use and dedicate streets and alleys as determined necessary for the use of the public.

[Added Ord. 12-76]

ARTICLE 3-6 DISPOSITION OF CITY PROPERTY FOR A PUBLIC PURPOSE

3-6-1 Authority to Lease, Sell, Convey, Exchange or Otherwise Dispose of Property

3-6-2 Manner of Disposition

Section 3-6-1 Authority to Lease, Sell, Convey, Exchange or Otherwise Dispose of Property

The Common Council is authorized to lease, sell, convey, exchange and otherwise dispose of any real or personal property owned by the City in the manner, for such consideration, and upon such conditions as may be determined by the Council to the United States, the State of Arizona, political subdivisions of the State of Arizona including but not limited to school districts and hospital districts, and such other individuals, associations, or corporations where the lease, sale, conveyance, exchange or disposition is for a public purpose.

[Added Ord. 66-82]

Section 3-6-2 Manner of Disposition

Any disposition of property made pursuant to Section 3-6-1 of this Article shall be by an ordinance of the Common Council of the City of Page.

[Added Ord. 66-82]

ARTICLE 3-7 UTILIZATION OF CITY PROPERTY FOR REVENUE PRODUCING ACTIVITIES

- 3-7-1 Purpose
- 3-7-2 Definitions
- 3-7-3 Permits
- 3-7-4 General Minimum Standards for All Permittees
- 3-7-5 Penalties

[Added Ord. 89-83]

Section 3-7-1 Purpose

The purpose of this ordinance is to provide rules and regulations for the use of City property for revenue producing activities where such activity is of a short duration and not to be conducted pursuant to a lease of City property.

[Added Ord. 89-83]

Section 3-7-2 Definitions

Approving Agency - Means the City Council or its designee.

[Amended Ord. 298-94]

Permit - Any written license issued by or under the authority of the approving agency permitting a special event or activity on City property.

Person - Any natural person, corporation, company, association, joint stock association, firm or co-partnership.

Solicitation - Soliciting or selling goods or services by sample or taking orders for future delivery with or without accepting advance payment for the goods. Person seeking any form of contributions.

Vehicle - Any conveyance, including motor vehicles, trailers of all types, campers, motorized pushcarts or vehicles propelled by horse or horse-drawn conveyance.

Vending - Selling or trading any items or services.

[Added Ord. 89-83]

Section 3-7-3 Permits

A. No person shall utilize any portion of City property for revenue producing activities or solicit funds for any business or for any activity involving public assemblage, exhibitions, concerts or entertainment except by conducting the activity pursuant to a permit issued by the approving agency provided that no permit shall be required for any action or event sponsored by the City.

[Added Ord. 89-83]

B. All permits issued hereunder shall be issued prior to the scheduled activity and are non-transferable. The approving agency may decline to issue a permit, however, when public safety personnel and other accommodations cannot be provided given the untimely application for the permits.

[Amended Ord. 555-10]

Section 3-7-4 General Minimum Standards for All Permittees

All activities conducted pursuant to a permit required hereby shall be conducted in accordance with the following minimum standards:

A. To qualify as a permittee, the permittee must demonstrate to the satisfaction of the approving agency that he has sufficient experience in the proposed activity to properly conduct such activity.

[Added Ord. 89-83]

B. The permittee shall, prior to exercising the privileges of the permit, and during the term of his permit, be current on state, federal and local licenses required at each phase of his activity and comply at all times

during the term of the permit with all state, federal and local laws and regulations.

[Added Ord. 89-83]

- C. The permittee, prior to entering the premises, shall provide the City of Page with a minimum of \$1,000,000.00 single limit bodily injury and property damage liability insurance on said premises in companies satisfactory to the City of Page. The City of Page shall be named "additional insured" and provided with a copy of the additional insured endorsement for any and all policies. The City of Page shall be given at least ten (10) days prior written notice of policy alterations, cancellations or deletions.

[Added Ord. 89-83]

- D. Intentionally left blank.

[Repealed Ord. 555-10]

- E. Term - Special Event permits granted hereunder shall be valid for a maximum period of thirty (30) calendar days. Seasonal permits shall be valid for the inclusive dates of issuance but not to exceed a period of twelve (12) calendar months. The governing agency shall establish the hours, days and location of the activity.

[Amended Ord. 298-94]

- F. Fees and charges for permits, public safety support, and other special accommodations shall be assessed for all special events and seasonal activities where applicable. The fees and charges shall be periodically set by resolution of the Common Council and shall not be based on gross receipts of the permittee.

[Amended Ord. 555-10]

- G. Each permittee shall be responsible for and pay for all utility services provided to the premises.

[Added Ord. 89-83]

- H. Maintenance - Each permittee shall be responsible for the maintenance of the premises and all improvements thereon to the satisfaction of the City of Page, returning the premises to the City of Page in as neat and clean condition as when obtained by the permittee. Said cleaning to be complete by the end of the last day of the activity unless a different time period is granted in writing by the City.

[Added Ord. 298-94]

- I. The permittee shall provide such sanitary facilities for the public as required to handle the anticipated crowd in compliance with applicable health and sanitary codes.

[Added Ord. 89-83]

- J. The permit may contain such additional conditions as are reasonably consistent with protection and use of City property for the purposes for which it is maintained. It may also contain reasonable limitations on the time and area within which the activity is permitted.

[Added Ord. 89-83]

- K. The City of Page reserves the right to waive any or all minimum standards contained herein for activities conducted solely by non-profit organizations as defined by the Internal Revenue Code Section 501.

[Added Ord. 89-83]

Section 3-7-5 Penalties

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued or permitted and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than 90 days or by both such fine and imprisonment.

[Added Ord. 89-83]

ARTICLE 3-8 USE OF CITY PROPERTY FOR FILM OR TAPE PRODUCTION ACTIVITY

- 3-8-1 Purpose
- 3-8-2 Definitions
- 3-8-3 Permits
- 3-8-4 General Minimum Standards For All Permittees
- 3-8-5 Penalties

Section 3-8-1 Purpose

The purpose of this ordinance is to provide rules and regulations for the use of City property for film or tape production activity where such activity is of a short duration and not to be conducted pursuant to a lease of City property.

Section 3-8-2 Definitions

Approving Officer - Means the City Manager.

Permit - Any written license issued by or under the authority of the approving officer permitting a film or tape production activity on City property.

Person - Any natural person, corporation, company, association, joint stock association, firm or co-partnership.

Section 3-8-3 Permits

- A. No person shall utilize any portion of City property for film or tape production activities except by conducting the activity pursuant to a permit issued by the approving officer provided that no permit shall be required for any action or event sponsored by the City.
- B. All permits issued hereunder shall be issued for a specified period including in the permit. Permits are nontransferable.

Section 3-8-4 General Minimum Standards For All Permittees

All activities conducted pursuant to a permit required hereby shall be conducted in accordance with the following minimum standards:

- A. To qualify as a permittee, the permittee must demonstrate to the satisfaction of the approving agency that he has sufficient experience in the proposed activity to properly conduct such activity.
- B. The permittee shall, prior to exercising the privileges of the permit, and during the term of his permit, be current on state, federal and local licenses required at each phase of his activity and comply at all time during the term of the permit with all state, federal and local laws and regulations.
- C. The permittee, prior to entering the premises, shall provide the City of Page with a minimum of \$1,000,000.00 single limit bodily injury and property damages liability insurance on said premises in companies satisfactory to the City of Page. The City of Page shall be named "additional insured" and provided with a copy of the additional insured endorsement for any and all policies. The City of Page shall be given at least ten (10) days prior written notice of policy alterations, cancellations or deletions.
- D. The permittee, upon the execution of the permit agreement and prior to entering the premises, shall supply the City of Page with a performance bond conditioned upon faithful and true performance, observation and compliance with all the terms, conditions and provisions of the permit and

this ordinance. The performance bond shall be not less than Ten Thousand and No/100 Dollars (\$10,000.00).

- E. Term - No permit granted hereunder shall be valid for a term other than as specified in the permit. The approving officer shall establish the hours, days and location of the activity.
- F. Each permittee shall be responsible for and pay for all utility services provided to the premises.
- G. Each permittee shall be responsible for the maintenance of the premises and all improvements thereon to the satisfaction of the City of Page, returning the premises to the City of Page in as neat and clean condition as when obtained by the permittee. Said cleaning to be complete within twenty-four (24) hours of the completion of the activity.
- H. The permittee shall provide such sanitary facilities for the public as required to handle the anticipated crowd in compliance with applicable health and sanitary codes.
- I. The permit may contain such additional conditions as are reasonably consistent with protection and use of City property for the purposes for which it is maintained. It may also contain reasonable limitations on the time and area within which the activity is permitted.
- J. The City of Page reserves the right to waive any or all minimum standards contained herein for activities conducted solely by non-profit organizations as defined by the Internal Revenue Code Section 501.

Section 3-8-5 Penalties

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued or permitted and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

[Amended Ord. 127-85]

ARTICLE 3-9 CITY PARKS AND RECREATIONAL AREAS

- 3-9-1 Definitions
- 3-9-2 Spirituous Liquors Prohibited
- 3-9-3 Exceptions
- 3-9-4 Permits
- 3-9-5 Glass Containers Prohibited
- 3-9-6 Penalty

Section 3-9-1 Definitions

- A. Parks-Recreation area means any open or enclosed tract of land owned by the City of Page, adopted for, set apart (whether by dedication or otherwise), maintained at public expense, and devoted to the purposes of pleasure, recreation, ornament, or light and air for the general public. By way of illustration, but not limiting, the definition includes Memorial Park, Golliard Park, Children's Park, softball and baseball fields, and City Hall landscaped areas.
- B. Spirituous liquor includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor, malt beverage, absinthe or compound or mixture of any of them, or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, and any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one percent of alcohol by volume.

[Added Ord. 171-86]

Section 3-9-2 Spirituos Liquors Prohibited

No person shall possess or consume spirituous liquors on any City of Page owned or operated Parks-Recreation area.

[Added Ord. 171-86]

Section 3-9-3 Exceptions

Notwithstanding the provisions of Section 2 of this ordinance, the prohibitions contained herein shall not apply to the City property known as the Page Municipal Golf Course or Glen Canyon Golf and Country Club. Section 2 also does not apply when a permit has been issued in accordance with Section 4 of this ordinance.

[Added Ord. 171-86]

Section 3-9-4 Permits

The possession and consumption of a malt beverage by any person shall be permitted on any Parks-Recreation area if that person is in attendance at an activity for which a "use permit" has been secured from the city manager or his designee in accordance with the following:

- A. Rules and Regulations. The city manager shall promulgate such rules and regulations as necessary to provide for the issuance, use, and revocation of "use permits".

- B. Fees. The Council shall establish fees for the issuance of “use permits” by resolution.
- C. Use Permit. A “use permit” shall be issued upon completion of an application, payment of fees, and verification of the required application information.
- D. Revocation. The manager or his designee shall revoke any such “use permit” upon any violation by the permittee of this ordinance, the rules and regulations promulgated hereunder, or any other State Statute or City Ordinance.

[Added Ord. 171-86]

Section 3-9-5 Glass Containers Prohibited

No person shall bring any glass container into any park or recreation area in the city.

[Added Ord. 147-85]

Section 3-9-6 Penalty

Any person, firm, or corporation violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and each person shall be deemed guilty of a separate offense for each and every day a portion thereof during which any violation of the provisions of this ordinance is committed, continued or permitted and upon conviction of any such violations, such persons shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

[Added Ord. 171-86]

[Former **ARTICLE 3-9** Repealed by Ord. 205-88]

ARTICLE 3-10 DEFINITIONS

Definitions as used in this article, the following words shall have the following meanings:

Purchase - To obtain a single article or unit.

Unit - A group of articles which, when combined, produce a complete product, regardless of the number of suppliers or the number of purchase orders needed to complete the unit.

[Added Ord. 217-88]

Purchasing Agent – The City Manager or his designee.

[Added Ord. 384-00]

PEU Purchasing Agent – The PEU General Manager or his designee.

[Added Ord. 384-00]