

SECTION 1

GENERAL PROVISIONS

1.1 AUTHORITY

Arizona Revised Statutes, Title 9, as amended; more specifically, *A.R.S. §9-462.01*.

1.2 TITLE

This Ordinance shall be known as the *City of Page Zoning Ordinance* and is referred to as "this Ordinance."

1.3 PURPOSE

The purpose of this Ordinance is to:

- A. Promote the health, safety, convenience and general welfare of the citizens of the City of Page, Arizona;
- B. Facilitate the orderly growth of Page and to ensure the adequate provision of transportation, water, sewerage, schools, parks and other public facilities;
- C. Prevent the overcrowding of land and undue concentration of population;
- D. Secure safety from fire, panic and other dangers;
- E. Lessen or avoid congestion in the streets;
- F. Secure adequate light, air and privacy; and
- G. Promote development in accordance with the *City of Page General Plan*.

1.4 APPLICABILITY

No building, structure, or premises shall be used or constructed, altered, repaired, improved, moved, demolished, or leased except in conformity with the provisions of this Ordinance.

1.5 OFFICIAL ZONING MAP

There are established such zoning districts as appear on the *City of Page Zoning Map*, which is adopted by reference and declared a part of this Ordinance.

1.6 LOCATION OF ZONING DISTRICT BOUNDARIES

The boundaries of established zoning districts are shown on the Zoning Map. In case of doubt regarding the location of a zoning district boundary, the following rules shall apply:

- A. The boundary lines are intended to follow existing or proposed street, alley, lot or property lines, or natural or other features, except where the boundary lines may be fixed by dimensions shown on the Zoning Map, in which case the dimensions shall govern.
- B. In the event that dimensions or locations are unclear, the Board of Adjustment shall rule on the location of the Zoning District boundaries.

1.7 GENERAL RESTRICTIONS

1.7.1 Uses Not Listed

Any use not specifically permitted is a prohibited use, except as provided in this Ordinance. The Planning Commission shall determine by minute action the appropriate zoning classification, if any, of any proposed use not listed in this Ordinance. In making a determination, the Commission shall consider similar uses listed in this Ordinance.

1.7.2 Height

No building shall be erected, reconstructed, or structurally altered to exceed the heights specified in *Section 6, Bulk Standards*, of this Ordinance.

1.7.3 Yard Area

No building shall be constructed, altered, repaired, moved, or rebuilt; nor shall any open space surrounding any building be encroached upon or reduced, except in conformity with the yard, lot, area and building location regulations designated for the district in which building or open space is located, except as otherwise provided in this Ordinance.

No yard or other open space provided about any building for the purpose of complying with this Ordinance shall be considered a yard or open space for any other building; and no yard or other open space on one lot shall be considered a yard or open space of a building on any other lot.

1.7.4 Accessory Buildings and Conditional Uses

No accessory buildings and uses, nor conditional uses, shall be erected or permitted on any building lot or parcel until the main building or use has been established or erected; unless both main and accessory buildings and conditional uses are being established simultaneously.

1.7.5 Combining or Re-dividing of Recorded Lots

No lot may be divided to create a lot not in conformance with this Ordinance. Prior to lots being divided or combined in any manner other than through subdivision procedures, a Conditional Use Permit shall be obtained and the Commission may issue the permit upon receiving adequate assurance that lots are not being created contrary to this Ordinance. Assurances shall be in the form of deed restrictions, recording documentation or other form suitable to the Commission.

1.7.6 Relationship to *General Development and Subdivision Regulations*

Except as otherwise provided in this Ordinance, no land shall be used and no building permit shall be issued for any permitted or conditional use until the parcel has frontage on a dedicated street and all required improvements meet the standards of the *General Development and Subdivision Regulations* of the City of Page.

1.8 FEES

Prior to processing any application required by this Ordinance, a filing fee shall be paid. The fee shall be established by a schedule adopted by Resolution of the Council. No part of the filing fee shall be returnable. Payment of the filing fee may be waived when the petitioner is an agency of the City, County, State or Federal government.

1.9 PENALTIES AND ENFORCEMENT

1.9.1 Violation Fines and Fees

Any person found guilty of violating any provision of this Page zoning Ordinance, except as otherwise specifically provided, shall be guilty of a class one 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 by both such fine and imprisonment. Each day that a violation continues is a separate offense punishable as set forth herein or by civil sanction as hereinafter set forth.

1.9.2 Civil Citation Authority

A. Commencement of Action

1. In the alternative and in the sole discretion of a peace officer or the Zoning Administrator, an action for violation of this ordinance, any amendments hereto or any order or regulation made hereunder may be commenced by issuance of a civil citation. Each day that any violation continues shall be a separate offense subject to civil sanction or criminal penalty as set forth in this section.

The civil citation shall be substantially in the same form and format as the Arizona Traffic Ticket and Complaint standard form and shall direct the defendant to appear in the Page Magistrate Court at a time certain. The time for appearance shall be specified on the face of the citation and shall be in compliance with all Page Magistrate procedures.

The citation shall further notify the defendant that if the defendant fails to appear on or before the date specified in the complaint, a judgment by default shall be entered against the defendant and the court may, in its discretion, impose a civil sanction not to exceed two hundred fifty dollars.

Service of the citation may be accomplished and shall be deemed proper and complete by any of the following methods:

A. By having the defendant sign the citation with the promise to appear in court on or before the date specified on the face of the citation.

If the defendant refuses to sign the citation, then the Zoning Administrator shall hand-deliver a copy of the citation to the defendant and note on the defendant's copy of the citation date and time of hand-delivery to the defendant.

By mailing a copy of the citation to the person charged by certified or return receipt requested mail, to the person's last known address.

In the event that service cannot be accomplished as set forth in this paragraph, the defendant may be served by any means contemplated or allowed by the Arizona Rules of Civil Procedure or Arizona Rules of Practice for the Superior Court.

B. Authority to Issue Civil Citation

Any peace officer of the Page Police Department may issue a civil citation pursuant to this Section. In addition, the Zoning Administrator is hereby granted authority to issue a civil citation pursuant to this section.

C. Appearance by Defendant

The defendant shall appear within the time specified on the face of the citation in person or through the defendant's attorney. Appearance shall be at the Page Magistrate Court. At the time of appearance, the defendant shall either admit or deny the allegations contained in the citation. In the event the defendant admits the allegations contained in the citation, the court shall enter judgment against the defendant and, in its discretion, may impose a civil sanction not to exceed two hundred fifty dollars for the violation. In determining the civil penalty, the court shall consider the explanation submitted. If the defendant denies the allegations contained in the citation, the court shall set a date for the trial of this matter.

D. Default Judgment

If the defendant fails to appear as directed on the citation, the court may enter a default judgment and may, in its discretion, impose a civil sanction not to exceed two hundred fifty dollars for the violation.

If the defendant fails to appear for the trial, the defendant's failure to appear shall constitute an admission of the offence and the court shall enter judgment against the defendant and may, in its discretion, impose a civil sanction not to exceed two hundred fifty dollars for the violation.

In civil citation cases, upon a failure to appear to pay a civil sanction, the magistrate court may assess the defendant a default fee of twenty-five dollars.

A defendant who defaults on his or her obligation for payment of monies owed or due to the magistrate court include but not limited to, restitution, fines, sanctions, surcharges, assessments, penalties, bonds, costs and fees, is liable for any fees assessed by a collection agency that is licensed pursuant to Title 32, Chapter 9, Article 2, Arizona Revised Statutes, or any successor statute, and is engaged by the magistrate court to collect and enforce such payment. The collection fees and charges shall be added to the sum or sums due from and chargeable against the defendant.

E. Rules of Procedure

The Arizona Rules of Court and Civil Traffic Violations may be followed by the Page Magistrate Court for civil citation proceedings under this Section except as modified or where inconsistent with the provisions of this Section, local rules, Arizona Revised Statutes or Rules of Court for courts in the State of Arizona.

F. Trial

If the person denies the allegations of the complaint the court shall set the matter for hearing. The hearing is informal and without a jury. At the hearing, the state is required to prove the violation charged by a preponderance of the evidence. Technical rules of evidence do not apply, except for statutory provision relating to privileged communications. If the person elects to be represented by counsel the person shall notify the court at least ten days before the hearing date. Hearings may be recorded. If the court finds in favor of the person, the court shall enter an order dismissing the allegation. If the court finds in favor of the state, the court shall enter judgment for the state and shall impose a civil penalty.

G. Collection of Civil Sanctions

Any judgment for a civil sanction taken pursuant to this Section may be collected as any other civil judgment. Such collection shall be in accordance with the common law of the State of Arizona, Arizona Revised Statutes and all other applicable rules and regulations. Said sanctions are subject to any exemptions contained in the laws of the State of Arizona.

1.10 INTERPRETATION AND CONFLICTS

It is not intended that this Ordinance interfere with or abrogate any ordinance, regulations or permits previously adopted or issued, and not in conflict with the provisions of this Ordinance, or which shall be adopted or issued relating to the use of buildings or premises, and not in conflict with this Ordinance, to interfere with or abrogate any easements, covenants or other agreements between parties. However, if this Ordinance imposes a greater restriction, this Ordinance shall control.

1.11 REPEALS

All ordinances, or parts of ordinances, previously adopted by the City of Page, which are in conflict with this Ordinance are repealed.

1.12 SEVERABILITY

If any part of this Ordinance is invalidated by any Court, such action shall not apply to this Ordinance as a whole. It is intended that all parts of this Ordinance not expressly declared invalid shall continue in full force.