

July 5, 2023

MEMORANDUM TO: Honorable Mayor and City Council  
THRU: Charles P. Potucek, City Manager  
FROM: Victoria Yarbrough, Assistant City Manager  
SUBJECT: Request for Agenda Item Placement  
Ordinance 2023 – 004 Approving an Amendment to  
Chapter 33: City Departments, City Code

Recommendation:

The City Manager recommends approval.  
The Assistant City Manager recommends approval.

Background

Chapter 33: City Services of the City Code generalizes the scope of services rendered by the five core operational departments of the City – Law Enforcement; Fire & Emergency Medical Services; Public Works; Parks, Recreation, and Library; and Community Development and Planning.

This change cleans up a conflict found with the personnel rules regarding contracts for executive staff.

A public hearing was held on May 25, 2023, and a comment period opened for 30 days. No comments were received.

Fiscal Impact

None.

ORDINANCE 2023 - 004

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; ADOPTING AN AMENDMENT TO CHAPTER 33: CITY DEPARTMENTS OF THE CITY CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY. NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

WHEREAS, Chapter 33: City Departments was originally included in the Code of Ordinances to specify various departments and their services, powers, and duties; and

WHEREAS, many administrative changes to departments, particularly in respect to names and reorganizations, have occurred over the years; and

WHEREAS, updating and simplifying the chapter is occasionally necessary; and

WHEREAS, Chapter 33 was last updated by Ordinance 2021-007 to reflect updates and simplification of the chapter; and

WHEREAS, a minor cleanup is necessary to deconflict the chapter with the Personnel Rules & Regulations regarding contracts for executive staff.

WHEREAS, the City Manager recommends that the amendment to Chapter 33: City Departments, of the City Code of Ordinances as shown in Exhibit A, be adopted; and

WHEREAS, the City Council held a public hearing on the amendment after proper notice had been given;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the City Code of Ordinances, Chapter 33: City Departments, amendment as shown in Exhibit A is hereby adopted.

SECTION 2

All other ordinances and parts of ordinances in conflict with the provisions of this provision are hereby repealed.

SECTION 3

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 4

That the City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 11<sup>th</sup> DAY OF JULY 2023.

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Clea McCaa II  
Mayor

Approval as to Form:

Attest:

\_\_\_\_\_  
Nathan Williams  
City Attorney

\_\_\_\_\_  
Jill Adams  
City Clerk

PREPARED BY:  
Victoria Yarbrough  
Assistant City Manager

## **CHAPTER 33: CITY SERVICES**

Section

### ***Law Enforcement Services***

[33.01](#) Establishment

[33.02](#) Law enforcement assistants/aides

### ***Fire & Emergency Medical Services***

[33.25](#) Establishment

[33.26](#) Reserve personnel

[33.27](#) Response to calls outside corporate limits

### ***Public Works Services***

[33.40](#) Establishment

### ***Parks, Recreation, and Library Services***

[33.50](#) Establishment

### ***Community Development and Planning Services***

[33.60](#) Establishment

[33.61](#) Stop orders

[33.62](#) Entry powers

#### ***Cross-reference:***

*Uniform Fire Code, see [Chapter 152](#)*

## **LAW ENFORCEMENT SERVICES**

### **§ 33.01 ESTABLISHMENT.**

The City of Sierra Vista shall provide law enforcement services. It shall consist of a Chief, who shall be the head of the department and all officers and employees assigned thereto. All officers and employees shall perform their duties subject to the supervision of the Chief. The Chief shall supervise his or her department in accordance with the applicable personnel ordinances and Chapter 40 of this code and shall exercise the powers and perform the duties as are customarily conferred and required by applicable ordinance, resolution, or lawful directive. ~~The position of the Chief is hereby declared as classified service, and t~~The Chief shall be appointed and removed by the City Manager and shall serve and receive the compensation determined in accordance with any applicable classification and compensation plan and the personnel ordinance.

Law enforcement services shall include, but are not limited to, preserving order, enforcement of the codes, ordinances, and laws of the city and state, preserving the

peace, and mitigating the results and rendering aid in the event of a disaster or emergency.

('76 Code, § 4-1-1) (Ord. 936, passed 10-28-93; Am. Ord. 1090, passed 4-22-99; Am. Res. 2021-046, passed 6-24-21; Am. Ord. 2021-007, passed 8-12-21)

**Statutory reference:**

*Authority to establish, regulate Police Department, see A.R.S. § 9-240(B)(12)*

**§ 33.02 LAW ENFORCEMENT ASSISTANTS/AIDES.**

(A) Unarmed law enforcement assistants/aides are hereby appointed and authorized pursuant to A.R.S. § 28-627(D) and (E) to investigate traffic accidents within the city, and to commence an action before a court or judge for any violation of a state statute or local ordinance relating to traffic laws, provided that the violation is related to a traffic accident within the jurisdiction of the city and to commence an action or proceeding before a court or judge for any violation of the city code regulating the standing or parking of vehicles.

(B) Law enforcement assistants/aides shall, when performing accident investigations, file written reports as required pursuant to A.R.S. § 28-667.

(C) In no way shall this section be construed to grant other powers or benefits to law enforcement assistants/aides to which peace officers of this state are entitled.

('76 Code, § 4-1-7) (Ord. 936, passed 10-28-93; Am. Res. 2021-046, passed 6-24-21; Am. Ord. 2021-007, passed 8-12-21)

**FIRE & EMERGENCY MEDICAL SERVICES**

**§ 33.25 ESTABLISHMENT.**

The City of Sierra Vista shall provide firefighting and emergency medical services. It shall consist of a Chief, who shall be the head of the Department and all officers and employees assigned thereto. All officers and employees shall perform their duties subject to the supervision of the Chief. The Chief shall supervise his or her department in accordance with the applicable personnel ordinances of the city and shall exercise the powers and perform the duties as are customarily conferred and required by applicable ordinance, resolution, or lawful directive. ~~The position of Chief is declared as classified service and he or she~~ The Chief shall be appointed and removed by the City Manager, and shall serve and receive compensation in accordance with any applicable classification and compensation plan and personnel ordinance.

('76 Code, § 4-3-1)

Firefighting and emergency medical services shall include, but is not limited to:

- Protection of life and property from fire.
- Suppression and prevention of fire threat to life and property.

- Provide emergency medical care at the pre-hospital level up to and including advanced life support; i.e., paramedic service.
- Respond to and attempt to mitigate hazardous materials emergencies occurring within the corporate limits.
- Conduct public programs to educate the public on fire prevention and life safety practices.
- Other duties as assigned by the City Manager.

('76 Code, § 4-3-2) (Ord. 936, passed 10-28-93; Am. Ord. 1090, passed 4-22-99; Am. Res. 2021-046, passed 6-24-21; Am. Ord. 2021-007, passed 8-12-21)

**Statutory reference:**

*Authority to establish regulations to control and prevent fires, see A.R.S. § 9-240(B)(7)*

**§ 33.26 RESERVE PERSONNEL.**

The reserve personnel shall be appointed by the Chief, who shall be responsible for the development, supervision, and direction of the Reserve Program. The personnel shall have all the responsibility, authority, and liability prescribed by statute or ordinance for firefighting and medical services personnel.

('76 Code, § 4-3-5) (Ord. 936, passed 10-28-93; Am. Res. 2021-046, passed 6-24-21; Am. Ord. 2021-007, passed 8-12-21)

**§ 33.27 RESPONSE TO CALLS OUTSIDE CORPORATE LIMITS.**

The Department is authorized to respond to alarms beyond the corporate city limits whenever the Chief, in his or her discretion, shall deem it necessary to protect lives and property, and only when the services of the responding units can be spared by the Department with a margin of safety to protect the persons and property within the city. Unless otherwise precluded or prohibited pursuant to a mutual aid agreement or intergovernmental agreement, the city shall be entitled to charge the property owner or other individual or entity requiring a response by the Department for the reasonable value of services rendered for responses beyond the corporate limits of the city.

('76 Code, § 4-3-6) (Ord. 936, passed 10-28-93; Am. Res. 2021-046, passed 6-24-21; Am. Ord. 2021-007, passed 8-12-21)

**PUBLIC WORKS SERVICES**

**§ 33.40 ESTABLISHMENT.**

The City of Sierra Vista shall provide public works services. A Director shall be the head of the Department and all officers and employees assigned thereto. All officers and employees shall perform their duties subject to the supervision of the Director. The Director shall supervise his/her Department in accordance with the applicable personnel ordinances and Chapter 40 of this code and shall exercise the powers and perform the duties as are customarily conferred and required by this code, applicable ordinance,

resolution, or lawful directive. ~~The position of Director is declared as classified service, and he/she~~ The Director shall be appointed and removed by the Manager and shall serve and receive compensation determined in accordance with any applicable classification and compensation plan and personnel ordinance.

(‘76 Code, § 3-4-1) (Ord. 302, passed 7-24-75; Am. Ord. 894, passed 1-9-92; Am. Ord. 908, passed 8-27-92; Am. Ord. 931, passed 9-23-93; Am. Ord. 1044, passed 9-11-97; Am. Ord. 1090, passed 4-22-99)

Services provided shall include, but are not limited to:

- Supervision over the care and maintenance of all streets, alleys, and other public ways under the city jurisdiction, together with the appurtenances thereto, which include the pavement, curbs, sidewalks, storm drains, and traffic control devices.
- The operation and maintenance of all buildings owned by the city, together with the appurtenances thereto, to include parking lots and driveways.
- Charge of and management supervision over the administration, planning, operation and maintenance of the enterprise activities and services of the city which include the airport, fleet services, sewer system, water system and refuse system; and the administration and planning of the city’s environmental programs, which include ground water conservation, storm water conservation, energy conservation and recycling.
- Design and construction of assigned engineering projects and assure public improvement plans are designed and constructed in compliance with city standards.
- Other duties as assigned by the City Manager.

(Am. Res. 2021-046, passed 6-24-21; Am. Ord. 2021-007, passed 8-12-21)

## **PARKS, RECREATION, AND LIBRARY SERVICES**

### **§ 33.50 ESTABLISHMENT.**

The City of Sierra Vista shall provide parks, recreation, and library services. A Director shall be the head of the department and all officers and employees assigned thereto. All officers and employees shall perform their duties subject to the supervision of the Director. The Director shall supervise his or her department in accordance with the applicable personnel ordinances and shall exercise the powers and perform the duties as are required by code, applicable ordinances, resolutions, or lawful directives. ~~The position of Director is declared as classified service and he or she~~ The Director shall be appointed and removed by the City Manager, and shall receive compensation determined in accordance with any applicable classification and compensation plan and personnel ordinance.

(‘76 Code, § 3-7-1) (Ord. 317, passed 4-8-76; Am. Ord. 894, passed 1-9-92; Am. Ord. 907, passed 8-27-92; Am. Ord. 908, passed 8-27-92; Am. Ord. 1090, passed 4-22-99)

***Cross-reference:***

*Public Parks regulations, see [Chapter 94](#)*

Services provided shall include, but are not limited to:

- Administration of the care, expansion, operation, and maintenance of all existing parks and recreation areas, facilities, and programs.
- Plan for the acquisition, development, operation, and maintenance of all proposed recreational facilities and programs in accordance with policies and lawful directives of the City Council.
- Administer the care, expansion, operation of the library facilities and programs; plan for development and operation of all library facilities and programs.
- Inform the public of the services and facilities provided by the Department.
- Other duties as assigned by the City Manager.

(Am. Res. 2021-046, passed 6-24-21; Am. Ord. 2021-007, passed 8-12-21)

## **COMMUNITY DEVELOPMENT AND PLANNING SERVICES**

### **§ 33.60 ESTABLISHMENT.**

In accordance with A.R.S. § 9-461.03, the City of Sierra Vista shall provide community development and planning services. It shall consist of a Director, who shall be the head of the Department, and all the officers and employees assigned thereto. All officers and employees shall perform their duties subject to the supervision of the Director.

The Director shall supervise his or her Department in accordance with the applicable personnel ordinances and Chapter 40 of this title, and shall exercise the powers and perform the duties as are customarily conferred and required by this code, applicable ordinance, resolution, or lawful directive. ~~The position of the Director is declared as classified service, and he or she~~ The Director shall be appointed and removed by the City Manager and shall serve and receive compensation determined in accordance with any applicable classification and compensation plan and personnel ordinance.

Services provided by the department shall include, but are not limited to:

- The Department shall be the planning agency for the city.
- Supervision of the preparation and/or the updating of the Sierra Vista General Plan, specific plans and the other plans and studies as are necessary and appropriate, which shall be prepared in accordance with the provisions of A.R.S. Title 9, Chapter 4, Article 6.
- Other duties as assigned by the City Manager.

(‘76 Code, § 3-12-1) (Ord. 867, passed 9-27-90; Am. Ord. 894, passed 1-9-92; Am. Ord. 1044, passed 9-11-97; Am. Ord. 1058, passed 1-22-98; Am. Ord. 1090, passed 4-22-99; Am. Res. 2021-046, passed 6-24-21; Am. Ord. 2021-007, passed 8-12-21)

### **§ 33.61 STOP ORDERS.**



The Director shall have the power to order all work stopped on construction or alteration or repair of buildings in the city when the work is being done in violation of any provision of any code provision or ordinance relating thereto, or in violation of the Development Code. The work shall not be resumed after the issuance of an order except on the written permission of the Director provided that, if the stop order is an oral one, it shall be followed by a written stop order within 24 hours. The written stop order may be served by any Department employee.

('76 Code, § 3-12-4) (Ord. 867, passed 9-27-90; Am. Ord. 894, passed 1-9-92; Am. Ord. 1058, passed 1-22-98; Am. Res. 2021-046, passed 6-24-21; Am. Ord. 2021-007, passed 8-12-21)

### **§ 33.62 ENTRY POWERS.**

The Director shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structure is going on, for the purpose of making inspections, at any reasonable hour.

('76 Code, § 3-12-5) (Ord. 867, passed 9-27-90; Am. Ord. 894, passed 1-9-92; Am. Ord. 1058, passed 1-22-98; Am. Res. 2021-046, passed 6-24-21; Am. Ord. 2021-007, passed 8-12-21)