

CHAPTER 1
GENERAL

ARTICLE 1-1 How Code Designated and Cited

The ordinances embraced in the following chapters and sections shall constitute and be designated “The Code of the Town of Jerome, Arizona”, and may be so cited. Such code may also be cited as the “Jerome Town Code”.

ARTICLE 1-2 Construction Of Ordinances

The rules and the definitions set forth in this chapter shall be observed in the construction of this code and the ordinances of the Town unless such construction would be inconsistent with either the manifest intent of the Council or the context of this code or the ordinances of the Town.

ARTICLE 1-3 Definitions*

- 1-3-1 General Rule Regarding Definitions
- 1-3-2 Acts by Agents
- 1-3-3 Code
- 1-3-4 Council
- 1-3-5 Day
- 1-3-6 Daytime, Nighttime
- 1-3-7 Department, Board, Commission, Office, Officer or Employee
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- 1-3-11 Month
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- 1-3-13 Or, And
- 1-3-14 Person
- 1-3-15 Personal Property
- 1-3-16 Preceding, Following
- 1-3-17 Property
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- 1-3-19 Shall, May
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- 1-3-22 State
- 1-3-23 Tenant or Occupant
- 1-3-24 Tenses
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- 1-3-26 Time - - Computation
- 1-3-27 Town
- 1-3-28 Week

1-3-29 Writing

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* State law reference. For definitions and construction of statutes generally, see A.R.S. §§ 1-211 to 1-215.

Section 1-3-1 General Rule Regarding Definitions

All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Section 1-3-2 Acts by Agents

When an ordinance requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

Section 1-3-3 Code

The words “the code” or “this code” shall mean “The Code of the Town of Jerome, Arizona”, unless the context indicates otherwise.

Section 1-3-4 Council

Whenever the word “Council” is used, it shall be construed to mean the Common Council of the Town of Jerome, Arizona.

Section 1-3-5 Day

A “day” is the period of time between any midnight and the midnight following.

Section 1-3-6 Daytime, Nighttime

“Daytime” is the period of time between sunrise and sunset. “Nighttime” is the period of time between sunset and sunrise.

Section 1-3-7 Department, Board, Commission, Office, Officer or Employee

Whenever any “department, board, commission, office, officer or employee” is referred to, it shall mean a department, board, commission, office, officer, or employee of the Town, unless the context clearly indicates otherwise.

Section 1-3-8 Gender: Singular and Plural

Words of the masculine gender include the feminine; and words in the singular number include the plural and words in the plural number include the singular.

Section 1-3-9 In the Town

The words “in the Town” or “within the Town” shall mean and include all territory over which the Town now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

Section 1-3-10 Joint Authority

All words purporting to give a joint authority to three or more Town officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

Section 1-3-11 Month

The word “month” shall mean a calendar month.

Section 1-3-12 Oath

“Oath” includes affirmation or declaration.

Section 1-3-13 Or, And

“Or” may be read “and,” and “and” may be read “or”, if the sense requires it.

Section 1-3-14 Person

The word “person” shall extend and be applied to firms, corporations, or voluntary associations, as well as to individuals, unless plainly inapplicable.

Section 1-3-15 Personal Property

“Personal property” includes every species of property, except real property as defined in this article.

Section 1-3-16 Preceding, Following

The words “preceding” and “following” mean next before and next after, respectively.

Section 1-3-17 Property

The word “property” shall include real and personal property.

Section 1-3-18 Real Property

“Real property” shall include lands, tenements, and hereditaments.

Section 1-3-19 Shall, May

“Shall” is mandatory and “may” is permissive.

Section 1-3-20 Shall Have Been

The words “shall have been” include past and future cases.

Section 1-3-21 Signature or Subscription by Mark

“Signature” or “subscription” includes a mark when the signer cannot write, such signer’s or subscriber’s name being written near the mark by a witness who writes his/her own name; but a signature or subscription by mark can be acknowledged or can serve as a signature of subscription to a sworn statement only when two witnesses so sign their own names thereto.

Section 1-3-22 State

The words “the state” shall be construed to mean the State of Arizona.

Section 1-3-23 Tenant or Occupant

The word “tenant” or “occupant” applied to a building or land shall include any person holding a written or an oral lease of or who occupies the whole or part of such building or land, either alone or with others.

Section 1-3-24 Tenses

The present tense includes the past and future tenses, and the future includes the present.

Section 1-3-25 Time – Reasonable

In all cases where any section of this code shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

Section 1-3-26 Time – Computation

The time within which an act is to be done as provided in this code or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is a Sunday or holiday it shall be excluded; and when such time is expressed in hours, the whole of Sunday or a holiday, from midnight, shall be excluded.

Section 1-3-27 Town

Whenever the word “Town” is used, it shall be construed to mean the Town of Jerome, Arizona.

Section 1-3-28 Week

A “week” consists of seven consecutive days.

Section 1-3-29 Writing

“Writing” includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.

Section 1-3-30 Year

The word “year” shall mean a calendar year, except where otherwise provided.

ARTICLE 1-4 **Reference To Chapters, Articles, Or Sections: Conflicting Provisions**

- 1-4-1 Additional Rules of Construction
- 1-4-2 References to this Code
- 1-4-3 Conflicting Provisions – Different Chapters
- 1-4-4 Conflicting Provisions – Same Chapter

Section 1-4-1 Additional Rules of Construction

In addition to the rules of construction specified in the previous section, the rules set forth in Sections 1-4-2, 1-4-3 and 1-4-4 shall be observed in the construction of this code.

Section 1-4-2 References to this Code

All references to chapters, articles or sections are to the chapters, articles and sections of this code unless otherwise specified.

Section 1-4-3 Conflicting Provisions – Different Chapters

If the provisions of different chapters of this code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

Section 1-4-4 Conflicting Provisions – Same Chapter

If conflicting provisions are found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail unless such construction is inconsistent with the meaning of such chapter.

ARTICLE 1-5 **Section Headings**

Headings of the several sections of this code are intended as a convenience to indicate the contents of the section and shall not be deemed or taken to be titles of such section, nor as any part of the section,

nor unless expressly so provided, shall they be so deemed when any of such section including the headings, is amended or reenacted.

ARTICLE 1-6 Effect of Repeal

When any ordinance repealing a former ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be expressly so provided. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

ARTICLE 1-7 Severability of Parts of Code

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses and phrases of this code shall be severable, and if any provision of this code is held unconstitutional for any reason by a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining provisions of the code.

ARTICLE 1-8 Penalty

Unless otherwise provided in this code, any person found guilty of violating any provision of this code shall be guilty of a Class 1 misdemeanor, punishable by a fine, imprisonment, probation and/or penalties, as set forth in Title 13 of the Arizona Revised Statutes. Each day that a violation continues shall be a separate offense and shall be punishable as an individual offense.

[Ord. 342, 12/12/2006].

ARTICLE 1-9 Repeal Of Existing Ordinances

- 1-9-1 Effective date of Repeal
- 1-9-2 Ordinances Exempt from Repeal

Section 1-9-1 Effective Date of Repeal

All ordinances of the Town of Jerome except those specially exempted in this article, now in force and effect are hereby repealed effective at twelve o'clock noon on the twelfth day of September, 1973, but all rights duties and obligations created by said ordinances shall continue and exist as if this code had not been adopted and enacted.

Section 1-9-2 Ordinances Exempt from Repeal

The adoption and enactment of this code shall not be construed to repeal or in any way to affect or modify:

- A. Any special ordinance or ordinances regarding franchises, annexations, dedications or zoning.
- B. Any ordinance making an appropriation.

- C. Any ordinance affecting any bond issue or by which any bond issue may have been authorized.
- D. The running of the statutes of limitations in force at the time this code becomes effective.
- E. The continued existence and operation of any department, agency, commission or office heretofore legally established or held.
- F. Any bond of any public officer.
- G. Any taxes, fees, assessments or other charges incurred or imposed.
- H. Any ordinances authorizing, ratifying, confirming, approving or accepting any compact or contract with any other municipality, the State of Arizona, or any county or subdivision thereof, or with the United States or any agency or instrumentality thereof.

ARTICLE 1-10 Effective Date of Code

Each and every section of this code as herein contained and hereby enacted shall take effect and be in force on and after twelve o'clock noon on the twelfth day of September, 1973, except that where a later effective date is provided it shall prevail.

ARTICLE 1-11 Elections, Sample Ballots, and Informational/Publicity Pamphlets

The following procedures relating to sample ballots and informational pamphlets are hereby adopted for conducting elections at which an initiative, referendum, matter referred to the qualified electors by the Town Council or bond election for which an informational/publicity pamphlet is required are to be voted on.

- A. An informational/publicity pamphlet containing the entire text of the official ballot, shall be mailed by the Town Clerk to each household within the Town in which a registered voter resides, not less than 10 days prior to the election to which the sample ballot pertains.
- B. The pamphlet shall contain the proposition as it will appear on the ballot together with a summary of each proposition. Each summary shall be followed by any argument supporting the proposition followed by any arguments opposing the proposition.
- C. Arguments supporting and opposing propositions and bond questions appearing on the ballot shall be filed with the office of the Town Clerk by five o'clock p.m., not less than 60 days prior to the election at which the propositions are to be voted upon. Arguments supporting or opposing propositions and bond questions appearing on the ballot shall meet the following requirements:
 - 1. Arguments must relate to the propositions proposed by initiatives; referred by referendum or referred by the Town Council which appear on the ballot. Arguments on bond authorization questions must be specific to a particular question.

2. Arguments must identify the proposition or bond question to which they refer and indicate whether the argument is in support of or opposition to the proposition or bond question.
3. Arguments may not exceed 300 words in length.
4. Arguments must be signed by the person or all the persons submitting them. Arguments submitted by organizations shall be signed on behalf of the organization by an officer of the organization authorized to take such action. All persons signing documents shall indicate their residence or post office address.
5. No person or organization shall submit more than one argument for each proposition or bond question to be voted upon.
6. The Town Clerk shall have sole discretion over the translation of such submittal.
7. Each argument shall be accompanied by a non-refundable fee set by Resolution of the Town Council to offset costs of printing, paper and translation. This requirement shall not be waived on any account.
8. For arguments on bond election questions, any matter not specifically addressed in this Code shall be addressed in the manner provided by State law.

[Ord. 312, 11/16/2001; Ord. No. 473, 8/10/2021]

ARTICLE 1-12 **Initiative and Referendum; Number of Signatures; Method of Calculation**

The electors of the Town of Jerome, Arizona may initiate a local law or ordinance by securing the signatures of fifteen percent (15%) of the qualified electors of the Town of Jerome on a petition.

1. The total number of qualified electors registered to vote in the Town as of the deadline for registration for the most recent regular municipal primary election preceding the filing of an initiative petition shall be the basis upon which the number of qualified electors of the Town of Jerome required to file an initiative petition shall be computed.
2. The basis upon which the number of qualified electors of the Town of Jerome required to file a referendum petition shall be as determined by State law.

[Ord. 312, 11/16/2001]

ARTICLE 1-13 **Scrivener and Formatting Errors**

The Town Clerk is authorized to correct typographical, grammatical and punctuation errors, as necessary, in the Jerome Town Code and Zoning Ordinance; and the Town Clerk is authorized to make formatting changes as needed for purposes of clarity, form, and consistency. The Town Clerk is

authorized to make such necessary corrections to any ordinance, before, during or following codification.

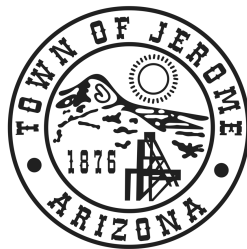
[Ord. 439, 4/10/2018]

ARTICLE 1-14 **Town Seal, Town Insignia and Town Logo**

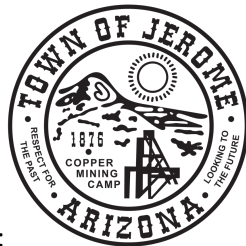
- 1-14-1 Definitions
- 1-14-2 Use of Town Seal, Town Insignia and Town Logo
- 1-14-3 Prohibited Uses of Town Seal, Town Insignia and Town Logo
- 1-14-4 Violations

Section 1-14-1 Definitions.

“Town seal,” “Town insignia” and “Town logo” may be used interchangeably herein to refer to the two designs approved by the Town Council on February 11, 2020:



Small format:



Large format:

Section 1-14-2 Use of Town Seal, Town Insignia and Town Logo.

The Town Manager or designee, acting as the custodian of the official Town seal and insignia of the Town, is authorized to determine the appropriate use of and to ensure that Town insignia is used only on documents, property, and programs that reflect official Town business, ownership, or endorsement. In deciding the manner by which the Town’s official insignia may be utilized, the Town Manager shall endeavor to protect the Town’s brand, reputation and credibility by preventing use of the insignia in such a manner as to suggest Town endorsement of events, political issues, products and other uses that are prohibited by law. The Town Council may allow use of the insignia in a manner consistent with this chapter and in a nondiscriminatory manner.

Section 1-14-3 Prohibited uses of Town Seal, Town Insignia and Town Logo.

1. It is unlawful for any person or entity to make use of the Town seal and/or the Town insignia or logo, or any portion, facsimile, mock-up, or reproduction thereof, or make use of any design, symbol, emblem, insignia or similar device that is an imitation of said Town seal, Town insignia, or Town logo, in whole or in part or that may be mistaken therefor, that is designed, intended or likely to confuse, deceive or mislead the public, for private or commercial purposes or for any purpose other than the official business of the Town without the express written consent of the Town Manager or designee under the authority granted by the Town Council.
2. No person, firm, association, corporation or other entity shall use the Town seal, Town insignia or Town logo, or any facsimile thereof, for purposes of supporting or opposing the nomination or election to any Town or other public office of him or herself or any other person, or for purposes of supporting or opposing any ballot measure, nor include such Town insignia on any writing distributed for purposes of influencing the action of the electorate, or any part thereof, in any election. This section shall not be applicable to writings and other forms of communication issued by the Town of Jerome or the Town Council pursuant to law.
3. No use of the Town seal, Town insignia or Town logo shall be made except in connection with official Town of Jerome documents, durable goods, notices, communications and any other uses which may be approved by the Town Manager and/or Town Council.

Section 1-14-4 Violation.

Any person who willfully violates this chapter is guilty of a misdemeanor and is subject to punishment as set forth in Article 1-8 of the Jerome Town Code. The Town's right to prosecute under this section shall not affect its rights to pursue civil or injunctive relief under federal or state laws, or any other relief available under the law.

[Ord. 462, 8/20/2020]