



TOWN OF HUACHUCA CITY

The Sunset City

HUACHUCA CITY TOWN COUNCIL

and

BOARD OF ADJUSTMENT SPECIAL MEETING NOTICE

Monday, June 23, 2025, 6:00 pm

COUNCIL CHAMBERS

500 N. GONZALES BLVD.

HUACHUCA CITY, AZ 85616

The meeting room will be open by 5:30 PM

AGENDA

A. Call to Order – Mayor

- a. Pledge of Allegiance
- b. Roll Call and Ascertain Quorum
- c. Invocation

Any prayer/invocation that may be offered before the start of regular Council business shall be the voluntary offering of a private citizen, for the benefit of the Council and the citizens present. The views or beliefs expressed by the prayer/invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker. A list of volunteers is maintained by the Town Clerk's Office and interested persons should contact the Town Clerk's Office for further information.

B. Call to the Public – Mayor

A.R.S. 38-431.01 states the Public Body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the Public Body. At the conclusion of an open call to the public, individual members of the Public Body may respond to criticism made by those who have addressed the Public Body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the Public Body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

C. Council Sitting as Board of Adjustment

Pursuant to the Town Code, 18.145.010, the Council serves as the Town's Board of Adjustment. The Mayor serves as the Board Chair. The Chair does not vote on contested matters, unless there is a tie vote amongst the other Board Members.

C.1 Appeal hearing for Ms. Rachel Cherry concerning property located at 107 3rd Street in Huachuca City. The property owner is appealing orders of the Building Official concerning fencing on the property.

D. New Business Before Council - Mayor

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen who wishes may speak one time for five minutes on each agenda item before or after Council discussion. Questions from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

D.1 Discussion and/or Action [Suzanne Harvey]: Approval of the purchase of 36 months of firewall protection for the Town's information technology network, in the amount of \$5778.21.

D.2 Discussion and/or Action [Suzanne Harvey]: Resolution 2025-09 - A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY ADOPTING A PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM ["PSPRS"] FUNDING POLICY. The purpose of the policy is to communicate the Council's pension funding objectives and its commitment to its employees, the sound financial management of the Town, and to comply with statutory requirements.

E. Reports of Current Events by Council

F. Adjournment

Posted at 5:00 PM on June __, 2025, at the following locations:

Town Hall Bulletin Board 500 N. Gonzales Blvd. Huachuca City, AZ 85616	Town Hall Lobby 500 N. Gonzales Blvd. Huachuca City, AZ 85616	Town Website https://huachucacityaz.gov
Huachuca City U.S. Post Office 690 N. Gonzales Blvd. Huachuca City, AZ 85616	Huachuca City Library 506 N. Gonzales Blvd. Huachuca City, AZ 85616	Huachuca City Police Department 500 N. Gonzales Blvd. Huachuca City, AZ 85616

Ms. Brandy Thorpe

Town Clerk

Note: This meeting is open to the public. All interested people are welcome to attend. A copy of agenda background material provided to the Councilmembers, with the exception of confidential material relating to possible executive sessions, is available for public inspection at the Town Clerk's Office, 500 N. Gonzales Blvd., Huachuca City, AZ 85616, Monday through Friday from 8:00 a.m. to 5:00 p.m. or online at www.huachucacityaz.gov

Individuals with disabilities who need a reasonable accommodation to attend or communicate at a town meeting, or who require this information in alternate format, may contact the Town at 456-1354 (TTY 456-1353) to make their needs known. Requests should be made as early as possible so there is sufficient time to respond.



TOWN OF HUACHUCA CITY

Dr. Jim Johnson, PhD, CBO, CCI – Building Official
500 N. Gonzales Blvd. Huachuca City, AZ 85616
520-456-1354 - Fax 456-2230 - jjohnson@huachucacityaz.gov

STOP WORK ORDER

DATE: April 15, 2025

PROPERTY OWNER: Rachael Priscilla Louise Cherry

PROPERTY IDENTIFICATION: 107 Third Street., Huachuca City, Az 85616

PARCEL ID: 106-56-080C

SITE OBSERVATIONS/INVESTIGATION: A fence made from pallet materials has been erected on the noted property. Town Code requires an approved building permit prior to construction of a fence. To date, no application for a permit has been received. On December 19, 2024, the property owner was advised by email that the construction of a fence required a building permit and an application was provided. During a review of the neighborhood in February 2025 it was noted that a fence was in the process of erection in the front yard area. During a discussion with the property owner at that time, she was advised that the fence was required to be removed since no building permit had been received. However, the erection of the fence has continued to progress.

CODE REFERENCES/VIOLATIONS: The following code references apply to this property:

1. **Section 15.10.010D of Huachuca City Town Code** amends the International Residential Code, 2018 Edition by deleting #2 of Section 105.2 for work that is exempt from a building permit. Item #2 was for fences not over 7 feet high. ***With this amendment to the Town Code, building permits are required for all fence installations within the Town.***
2. **Chapter 15.70.010 of the Huachuca City Town Code** states “Fences of all heights and materials require a building permit prior to construction.” ***A building permit was required prior to the start of construction.***
3. **Section 15.70.050A of the Huachuca City Town Code** states “Fencing shall be constructed of proper recommended fencing materials (of non-infestation material) which includes but is not limited to wood specifically treated or used for fencing, ie redwood, cedar and other woods that have been treated for insect and rot retardation. ***Pallets are not typically an acceptable fence material.***
4. **Section 16.20.030N of the Huachuca City Town Code** states “Fences and walls cannot be constructed or covered with materials not designed or commonly used for that purpose, such as pallets or tarps.” ***Pallets cannot be used as fence material.***

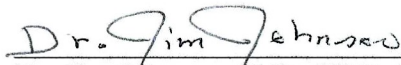
PROPERTY OWNER: Rachael Priscilla Louise Cherry
PARCEL ID: 106-56-080C

Page 2

INVESTIGATION CONCLUSION: Because the fence is being constructed without a valid building permit, it is deemed to be in violation of the above noted Town and Building Codes.

ORDER TO STOP WORK: Due to the lack of an approved building permit and since pallets are specifically noted to not be an allowable fence material, I am requiring **all work on this fence to cease immediately and all pallet fence materials be removed within 10 days.**

RIGHT TO APPEAL: Per Section 112 of the International Residential Code, any person having record title or legal interest in this property has the right to appeal this Stop Work Order and my decisions and determinations as the Building Official by filing a written request for hearing with the Huachuca City Board of Adjustment within 10 days of the date of this Stop Work Order. Failure to request the hearing within this required timeframe will constitute a waiver of all right to an administrative hearing and determination of the matter.



Dr. Jim Johnson, PhD, CBO, CCI
Town of Huachuca City Building Official

On May 1, 2025 Jim Johnson and Officer Berry trespassed on my property to deliver a stop work order for my front yard landscaping efforts and my pallet garden. In the letter Mr. Johnson stated I built a fence; which I've disclosed several times I was building a pallet garden and landscaping. The pallets are the trellis backing for the vining and climbing plants for the side garden. The notice said it was reprinted, but this is the first time I am receiving this notice and this is not a reprinted notice, it's the only printed notice received. I do have cameras on the property that verified no one other than mail carriers have delivered anything to my home and no notices or letters from the city or Mr. Johnson have been received in printed form until today.

I am requesting a hearing on this matter for the following reasons:

According to Cochise County's site the following are permit exemptions:

Permit Exemptions

SINGLE FAMILY BUILDING PERMIT EXEMPTIONS

Building permits safeguard public health, safety, and general welfare through the enforcement of various building and zoning codes. Consequently, a permit is almost always needed for any type of building, structure, structural remodel/repair, or grading project.

Per state law, building permits are required for all new structures or renovations of existing structures that meet or exceed \$1,000 in value, although some home repairs and uses are exempt from this requirement. The improvements listed in the following table are typical examples of single-family residential projects that do not require a building permit. A permit is required, regardless of the dollar value of the improvement, when there are applicable building code requirements for all non-residential uses. Also, depending on the project location, a floodplain permit may still be required. Please contact us if you have any questions.

Building

Re-roofing (when no structural changes are proposed or any reinforcement is required to add heavier roofing materials), re-siding or replacement of exterior trim.

Replacing or adding gutters or downspouts.

Replacing or adding soffit, gable, or roof ventilation.

Replacing existing windows or doors with no structural changes.

Replacing cabinets or countertops.

Painting, interior or exterior, and wallpapering.

Decks less than 30-inches in height above the lowest grade within 5 feet of deck edge.

Replacing existing appliances or internal light fixtures.

One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided that the floor area is not greater than 200 square feet and there are no utilities

Replacing like for like or repairing an existing furnace, air-conditioner, cooler, heat pump, or heater.

General landscaping including lawn sprinkler systems, subject to water conservation requirements, and retaining walls up to 4 feet in height.

Water Tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.

Swings and other playground equipment accessory to a single-family dwelling.

Window awnings supported by an exterior wall which do not project more than 54-inches from the exterior wall.

Electrical

Gas

Mechanical

Plumbing

Other

Satellite dishes and residential antennas for wireless communications.

Concrete walkways, not in County right-of-way, and patio slabs.

General landscaping including lawn sprinkler systems, subject to water conservation requirements, and retaining walls up to 4-feet in height.

Wood, concrete block or wire fences up to seven-feet high. However, if any of the following applies an informational permit is required: Located on a corner lot and greater than 3 feet in height; and/or Located within a designated FEMA Flood Hazard Area; and/or Located within a designated wash; and/or in a platted subdivision.

Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.

Oil derricks.

Landscaping:

Refers to the overall design and construction of outdoor spaces, including structural elements like patios, walkways, and water features, as well as plant life. It involves creating an aesthetically pleasing and functional environment.

Pallet Garden: A pallet garden is a raised garden bed built using repurposed wooden pallets. Pallet gardens are functional for growing plants.

Pallet Garden:

Purpose:

Primarily for growing plants in a raised bed, providing better drainage and soil aeration than direct planting in the ground.

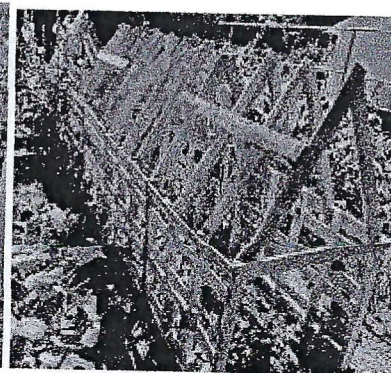
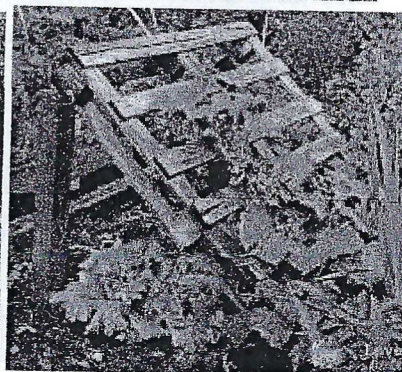
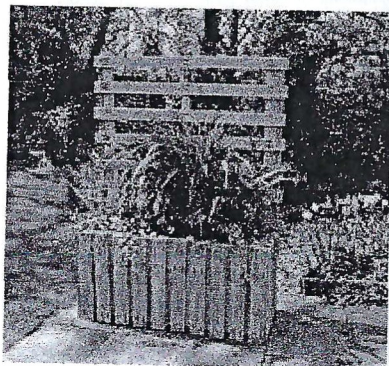
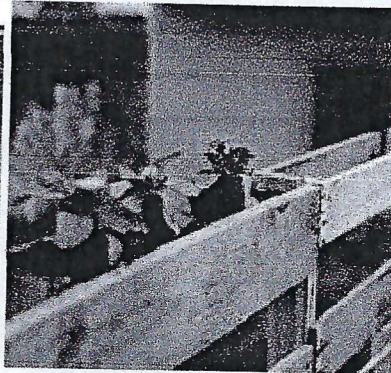
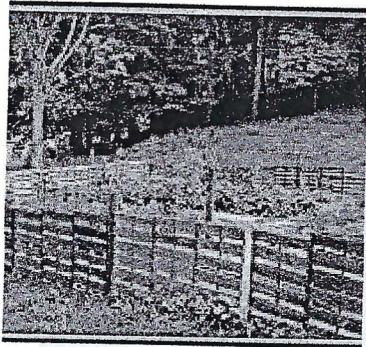
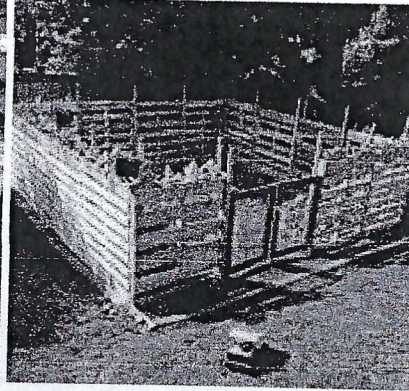
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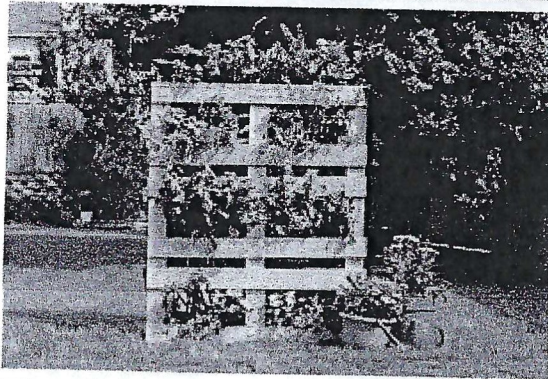
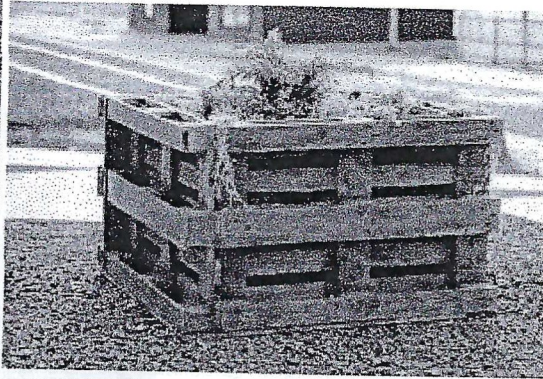
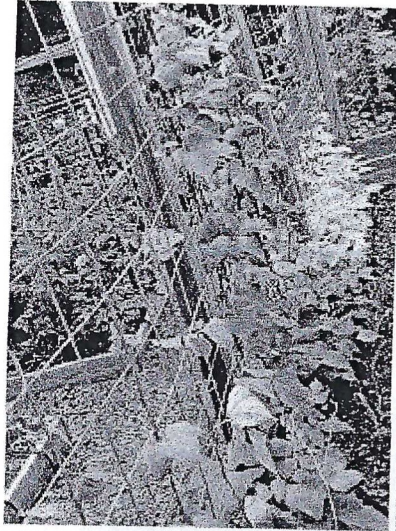
Creates a container for soil, allowing for easier access to plants and better control of the growing environment.

Common Uses:

Growing vegetables, herbs, flowers, or other plants.

The pallet garden in the front of my home not only grows plants but creates a trellis for said plants to provide shade to other needed plants in the yard. Pallet gardens are well known in the gardening community and a few examples have been placed below for reference. I combined a few of the ideas to meet my gardening needs; and am still actively working on my landscaping.





In the said letter, Mr. Johnson took the liberty to put wording that is not apart of the town code listed.

15.70.050 Material (fence construction).

A. Fencing shall be constructed of proper recommended fencing material (of noninfestation material), which includes but is not limited to wood specifically treated or used for fencing, i.e., redwood, cedar and other woods that have been treated for insect and rot retardation.


B. Prohibited Materials. No property line fence shall contain barbed wire, concertina wire, electrical current or charge of electricity, broken glass or similar hazardous materials or devices; provided, however, that fences in B/C districts which enclose storage areas may have barbed wire connected therewith, so long as said barbed wire is located more than six feet in height above grade.





C. A post shall be set not less than two feet below grade. (Ord. 23-07 § 4, 2023; Ord. 94-015, 1994; prior code § 8-10-5)

Mr. Johnson added " Pallets are not typically an acceptable fence material"
I'd like to stress again, I did not build a fence. I have a movable pallet garden, free of any infestations. There are no posts or ground holes. Every pallet is attached to a potted plant or tree. The plant/tree uses that pallet for vining, wind breaking and a source for companion plants to attract pollinators for the small space.

As stated to Mr. Johnson, I am a person with a disability and I may work slower than he feels is permissible, but there is absolutely no city code pertaining to gardening or raised garden beds, which is what is in the front of my home. I am setting up the plant areas and should not be targeted, harassed and bullied for wanting to grow my own food taking a holistic approach to my health. There are no violations regarding the code and everything on my property is attended to daily with what's grown and shared within the community.

I do not understand why the fixation with my landscaping has reached this level, but I do not feel it is warranted and am requesting to work with Mr. Johnson's manager in reference to this matter. I've seen several fences go up in the area and know there were no permits for them, but Mr. Johnson has been too busy stalking me and making me fearful of my life and safety to notice. He has been parked outside my home outside normal business days and hours. He has stated on a recorded video he was not on the clock and made a special appearance to my home because I was "towing the line" and "if I had a problem, then I could move". It is unclear to me how a city and government employee can conduct time card fraud and make visits to homes when he is not on the clock, remain parked outside a home for extended periods of time, multiple days and weeks in a row.

 Rachael Cherry
To: DLee@cochise.az.gov

 Reply  Reply all  Forward  ---
Tue 3/25/2025 3:29 PM

Jim Johnson has been stalking me for several weeks now.

Stalking is commonly defined as repeated behaviours causing fear, and apprehension. The behaviours include (amongst others) practices such as following, watching, telephoning or otherwise, contacting another person; loitering near, watching, approaching.

I reside in Huachuca City and he has approached several times trying to make up codes, threatened to have the police come and I am well read in the city code and am not violating anything.

I strongly believe this is race related as he was stalking and lurking watching me and my neighbor.

I have asked him several times to leave me alone, I am not in violation of anything. He stated don't push me... as to threaten me.

Shortly after that encounter my property was broken onto and personal property vandalized.

I have not only seen him but he is recorded on my camera stalking me.

The most recent offense was this morning moments after I departed on a quick errand. He saw me and began to back up. He sat in front of my house watching for several minutes. When he noticed me in the car he quickly drove off. Again, my cameras saw him.

It's harrasing to me and my animals and I am fearful for my life as a result of his actions.

I am unsure if he has a boss this can be reported to

You can drive all around Huachuca City and see yards being fixed and not being fixed, but to tell a person working on landscaping their property that they need to stop work, simply because it's not a medium he understands is clear discrimination and targeting. There is nothing in the right of way, but everything resides on my property. Mr. Johnson is dictating how I landscape my home when it's listed clearly as a permit exempted item is a clear abuse of power.

I have had so many compliments on my garden and my plants and the landscaping being done in my yard for people walking by and neighbors in turn. Encouraging the community to garden and showing that regardless of the size of the space, there's ways to grow your own food is not something I should be punished for. I understand you may not be able to see all the plants in the pallets from the exterior but it does not change the fact that they are there and the pallets are being used as a planter; and that is not in violation of any town code.

I am requesting that I be allowed to continue with my garden. It is not a fence, but a pallet garden and landscaping to my front yard.

Respectfully,

Rachael Cherry

Delivered to: Brandye Thorpe

Received by:  Town Clerk

MAY 1 '25 PM 1:19

make copy & date stamp
original back to you

Due to unforeseen circumstances, Catherine and Paula are here to petition the case for Rachael Cherry vs. City of Huachuca City. Proving pallet gardens are not in violation of any city code and are different than fences.

In general, gardening activities in Huachuca, Arizona, do not require a building permit, but some situations may necessitate a permit. Most gardening activities, like planting beds, landscaping, and lawn maintenance, do not require a permit. A pallet garden is resource used to house plants, provide shade, accommodate disabilities, keep vines off the ground and safely utilize small areas while promoting creativity and all the benefits of gardening.

This statement being presented and read outline various examples showing images of pallet gardens and fences to prove no violation has occurred and the city's ruthless attempts to frame me as a criminal is unwarranted.

This is part of my pallet garden visible from my front yard:



JUN 12 '25 PM 5:37

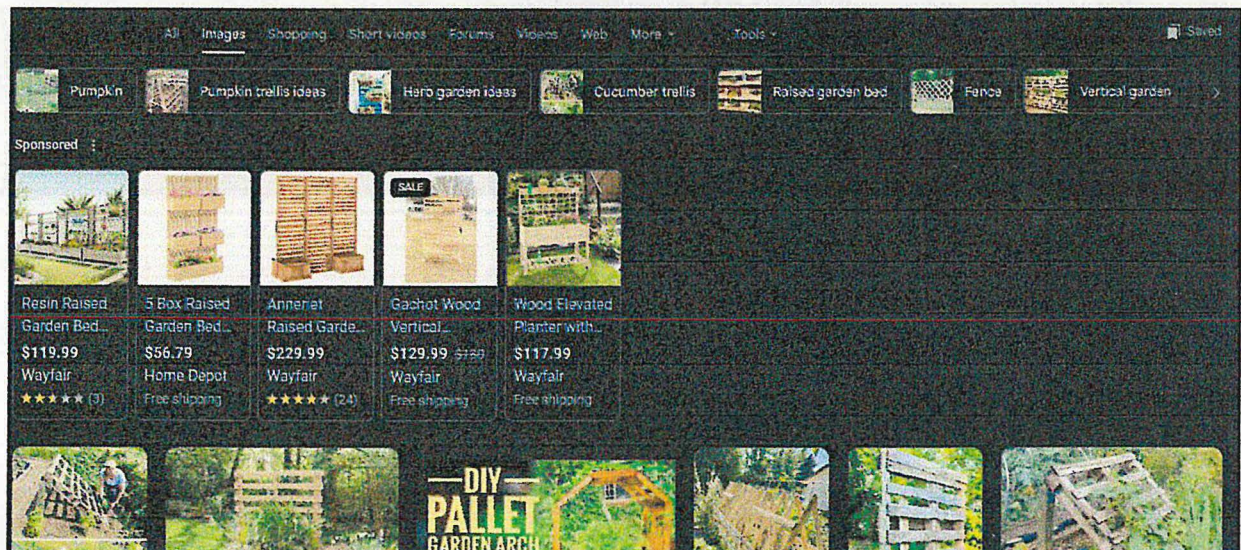
The pallets are the backing and also provides space for flowers and other pollinator attractors while hosting natural pest deterring plants.

Received
6-12-25 B. R. S.



Home Depot and Wayfair along with several other well known establishments sale various types of I pallet gardens as pallet gardens and some are pictured below. I looked at different options and decided I could build my own at a more affordable price.

Here's images of sites selling various pallet gardens. These can be joined or not but are not marketed and sold as fences but Pallet Gardens or Pallet Trellises.



In accordance to Cochise County and Huachuca City Ordiances the following are listed as permit exempted items:

Permit Exemptions

SINGLE FAMILY BUILDING PERMIT EXEMPTIONS

Building permits safeguard public health, safety, and general welfare through the enforcement of various building and zoning codes. Consequently, a permit is almost always needed for any type of building, structure, structural remodel/repair, or grading project.

Per state law, building permits are required for all new structures or renovations of existing structures that meet or exceed \$1,000 in value, although some home repairs and uses are

exempt from this requirement. The improvements listed in the following table are typical examples of single-family residential projects that do not require a building permit. A permit is required, regardless of the dollar value of the improvement, when there are applicable building code requirements for all non-residential uses. Also, depending on the project location, a floodplain permit may still be required. Please contact us if you have any questions.

Other:

Satellite dishes and residential antennas for wireless communications.

Concrete walkways, not in County right-of-way, and patio slabs.

General landscaping including lawn sprinkler systems, subject to water conservation requirements, and retaining walls up to 4-feet in height.

Wood, concrete block or wire fences up to seven-feet high. However, if any of the following applies an informational permit is required: Located on a corner lot and greater than 3 feet in height; and/or Located within a designated FEMA Flood Hazard Area; and/or Located within a designated wash; and/or in a platted subdivision.

Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.

Oil derricks.

As you can see General landscaping is listed and here's what pulls up in reference to gardening and I quote:

Permit Exemptions in Huachuca City:

General Landscaping:

This includes planting, gardening, and creating landscape features like lawn sprinkler systems, subject to water conservation requirements.

So if there is a clear exemption for general landscaping and gardening why I am being targeted, harassed, stalked and violated by the city and people associated to representing it?

My question to you, the city's representatives: Are you stating disabled individuals do not have the right to find accommodations and solutions to gardening without being accused of breaking a law, simply because they are trying to work around their disability and still remain self efficient?

Using pallets for gardening, especially for individuals with disabilities, offers several significant advantages:

Accessibility and Convenience:

Reduced need for bending or kneeling: Pallets can be stacked to create raised beds, making it easier to reach plants and perform gardening tasks without strain on the back or knees.

Wheelchair accessibility: Raised pallet gardens can be designed with sufficient clearance for wheelchairs, allowing individuals who use them to participate in gardening activities.

Vertical gardening: Pallets can be used to create vertical gardens, which save space and make it easier to access plants at eye level.

Easier weeding and plant identification: The compartments formed by pallet slats can help minimize weed growth and make it easier to identify individual plants.

Practical Advantages /Cost-effectiveness: Pallets are often available for free or at a low cost, making them an affordable option for creating garden structures.

Sustainability: Repurposing pallets for gardening promotes sustainability by reducing waste and extending the life of the materials.

Space-saving: Pallet gardens are ideal for small spaces, urban environments, balconies, patios, and rooftops.

Versatility: Pallets can be used to create various garden features, including raised beds, vertical gardens, trellises, and even decorative plant displays.

Enhanced drainage and aeration: The structure of pallets can improve drainage and aeration in the garden beds.

Other Benefits:

Creative expression: Pallet gardens offer endless possibilities for customization and personalization to suit individual preferences.

Educational and therapeutic: Gardening, in general, provides opportunities for learning, stress relief, and connecting with nature. Pallet gardening makes these benefits accessible to a wider range of people.

Community engagement: Raised garden beds in community gardens can foster social connectedness and food access for individuals with disabilities. * **Also helps with the community plant stand I operate to encourage gardening and healthy living for a "Healthier Huachuca City"**

As disclosed several times, I put up a moveable and not permanent pallet garden.

In a city where you are pushing for healthy activities and ways of life you allow residents who try to be harassed, bullied and their civil and constitutional liberties to be assaulted. You are promoting fear and terror and trying to criminalize gardening, when there is not a single ordinance stating pallet gardens or any garden structure requires a permit.

Perhaps you thought I'd be an easy target, but I choose to come before you today to protect my civil and constitutional liberties. I have not now or ever violated any ordinance in Huachuca City. I take pride in finding ways to overcome barriers set to defeat me and advocating for myself and others like me in order to lead a healthy life and grow my own food.

Why it's not a Fence:

Fences are permanent fixtures.

18.100.100 Fences, walls, and hedges.

In all residential districts, the following regulations of fences, walls and hedges shall apply:

A. Height, Front. No fence, wall, or hedge exceeding four feet in height above grade shall be erected, placed, planted or allowed to remain in or along the front or side lot line to the front line of the residence of any required front yard.

B. Prohibited Materials. No property line fence shall contain barbed wire, electrical current or charge of electricity, broken glass or similar hazardous materials or devices; provided, however, that fences in B/C districts which enclose storage areas may have barbed wire connected therewith so long as said barbed wire is located more than six feet in height above grade.

Masonry or Block/Stone Walls. To construct a masonry or block/stone wall:

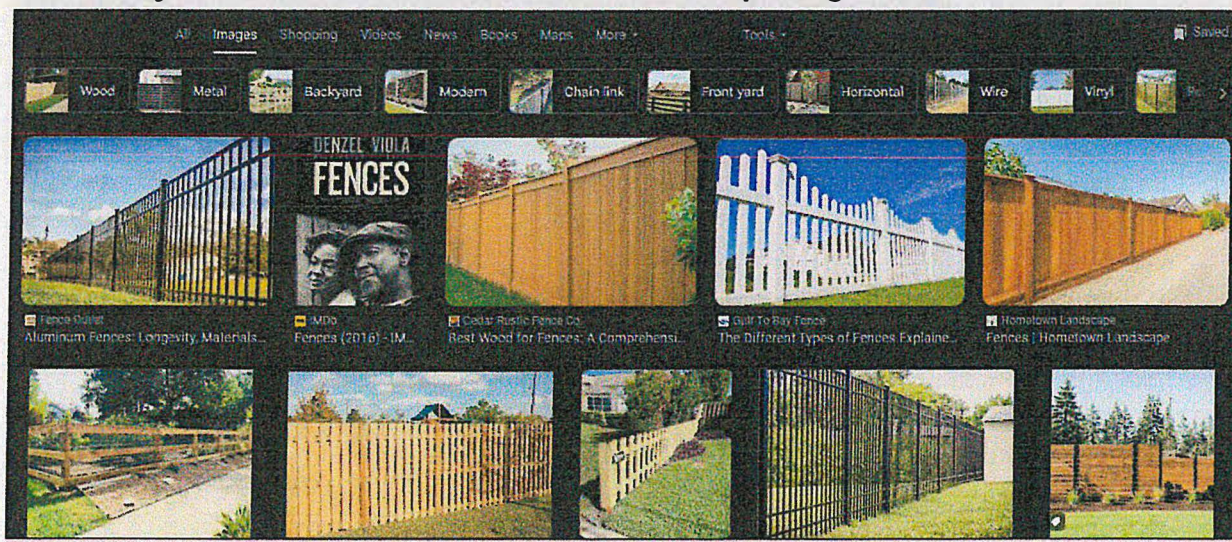
1. Requires a building permit.

2. Footers are required and shall be inspected by the building department prior to construction. (Ord. 06-10, 2006; prior code § 17-20-10)

18.100.140 Storage of junk prohibited in residential districts.

****Pallet gardens and fences are both practical options for various purposes, but they serve distinct functions. Pallet gardens are a space-saving way to grow plants, while fences provide security, privacy, and property boundaries. Pallet gardens can be a budget-friendly and creative way to utilize space, while fences offer more long-term durability and security.**

Testing out a concept should not be met with the level of hostility and force, especially when pallet gardens are sold in commercial establishments. Here are images of the fences they sell in the same establishments that sell pallet gardens:



As you can see they are very different in appearance and functionality

Discrimination is a pervasive issue that infringes upon the principles of equality and fairness. Understanding civil rights is crucial in fostering a society that values diversity.

Racial Discrimination

6

- Gender Discrimination
- Disability Discrimination
- Age Discrimination
- Religious Discrimination
- National Origin Discrimination
- Employment Discrimination
- Housing Discrimination
- Discrimination in Education
- Health Care Discrimination
- Consumer Discrimination
- Discrimination in Voting

Federal law safeguards individuals because it prohibits discriminatory practices. The prohibition extends to characteristics such as:

- Skin color
- Race
- Gender
- National origin
- Disability
- Age
- Pregnancy
- Medical background
- Religion
- Genetic information

These protections shield people from prejudice based on circumstances beyond their control. They protect minorities and other protected classes from discrimination.

Forbidding me to have a pallet garden that accommodates my disability is a targeted discriminatory act by the city.

Pallet Gardens:

Pros:

Space-saving: Vertical pallet gardens are ideal for small yards, balconies, or patios.

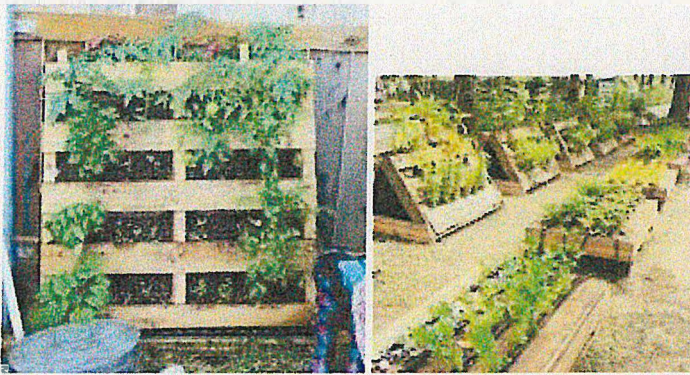
Affordable and readily available: Pallets are often free or inexpensive, making them a budget-friendly option.

Customizable: Pallet gardens can be tailored to fit specific space and plant needs.

Sustainability: Using reclaimed pallets reduces waste.

Easy to move: Pallet gardens can be easily moved or rearranged.

<insert images>



Home depot

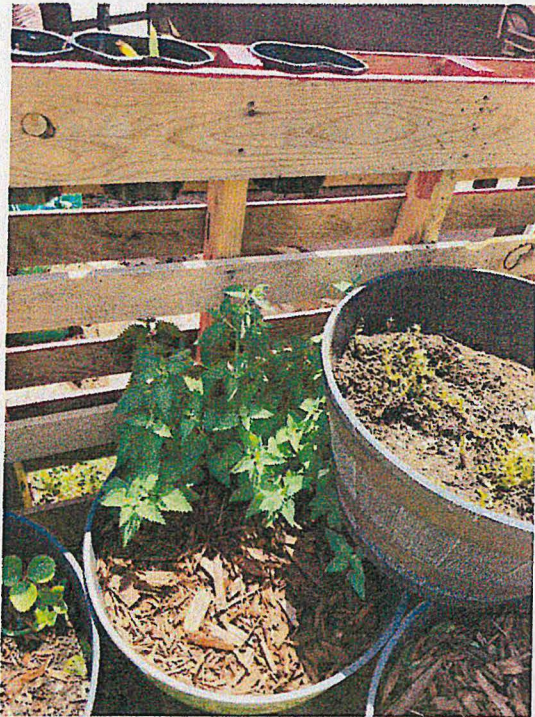
My Trellis Garden



Every pallet is connected to a whiskey barrel that serves as shade and a trellis.



Plants using pallet as trellis and keeping vines off the ground, making it easier to harvest with disability and keeping rodents from coming onto the property



Front yard view of pallet shading plants



Front yard view from my side.

Rules on City Officials and inspectors entering property in unmarked vehicles, photographing without a warrant.

No, a city permit inspector cannot show up on your property in an unmarked vehicle without identification and take pictures of you.

Here's why:

Entering Private Property: City inspectors, like any government official, usually require permission or a warrant to enter private property, especially to conduct inspections inside a home. They cannot generally enter your property without your knowledge or consent.

Identification: City inspectors are expected to present official city credentials, including photo identification, when arriving for an inspection, to prove their authority and reason for being there.

Photography: While inspectors may be able to take photos of visible conditions from public areas, entering private property to take photos, especially of individuals, without consent or a warrant may be considered an unauthorized search and potentially violate your rights.

*****No person has come in a City or Official vehicle and identified themselves before entering the property, taking pictures or stalking me while on my property gardening. I am not obligated to grant entry if uncomfortable or let them in without proper identification and justification.**

I was not building a fence and this was stated multiple times, every complaint made by me Rachael Cherry in regards to hostile activity from the city or people operating as they stated on behalf of the city with no identification or signed warrant has created a great deal of fear for my safety, anxiety and compounded medical issues.

No, generally a city permit inspector cannot show up on your private property in Arizona in an unmarked vehicle without identification and take pictures of you, especially inside your home or the immediate surrounding area (curtilage) where you have a reasonable expectation of privacy.

Here's a breakdown of why this is the case:

Your Constitutional Rights: The Fourth Amendment of the U.S. Constitution and Article II, Section 8 of the Arizona Constitution protect against unreasonable searches and seizures of your property, including your home. You have a higher expectation of privacy in your home.

Need for Consent or Warrant: Generally, government officials, including city inspectors, need either your consent or a valid search warrant to enter your private property and conduct inspections.

Administrative Warrants: For routine inspections, building inspectors may need an "administrative warrant" which is similar to a search warrant but with stricter conditions, such as prior notification.

"No Trespassing" Signs: In Arizona, a combination of a fence or enclosure around your property and a clearly visible "No Trespassing" sign can serve as sufficient notice that you have revoked the general permission for others, including law enforcement and inspectors, to enter your property without a warrant.

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*** 107 3rd Street has multiple no Trespassing signs that are visible to all. This is used to deescalate any situation, and the city has failed to respect this.**

Note that Lawmakers and the courts have put legal safeguards in place to ensure that law enforcement officers only interfere with individuals' Fourth Amendment rights under limited circumstances and through specific methods.

Generally, the government must obtain a valid search warrant to search your person or property. If a police officer performs a warrantless search of your home, it will likely be an illegal search. This occurred 4/31/25 and 5/1/25 yet officer W. refused to file the complaint, violating my constitutional and civil rights along with the Sheriff's department, which led to additional fear knowing even when criminal activities were done by someone working for the city on or off the clock, there were no repercussions; even though their reasons are not met with Legal reasons acceptable for entering a property with no Trespassing signs.

Curtilage: The area immediately surrounding your home, known as "curtilage," is considered part of your home where you have a reasonable expectation of privacy.

Regarding the unmarked vehicle and taking pictures:

While the vehicle being unmarked or not presenting identification at the time of arrival might be concerning and potentially a violation of department policy, the core issue is the unauthorized entry onto your property. Taking pictures without a warrant or your consent, especially of you inside your home or curtilage, raises significant privacy concerns.

If you believe a city inspector has violated your rights:

File a Complaint: You can file a formal complaint with the city or county's code compliance or building department.

Consult an Attorney: Consider seeking legal counsel to discuss your options, especially if you believe there has been an illegal search or seizure.

Do "No Trespassing" Signs Apply to Police Officers?

No Trespassing signs don't always stop police officers from entering property, especially when they're acting in their official capacity. While a "no trespassing" sign can give notice that unauthorized entry is prohibited, police officers may legally enter a property for various reasons, such as responding to an emergency, investigating a crime, or executing a warrant.

Here's a more detailed explanation:

Limited Protection:

"No Trespassing" signs primarily act as a notification to the general public, indicating that unauthorized entry is not permitted.

Police Authority:

Law enforcement officers have a unique role in society, and their ability to enter private property can be governed by specific legal exceptions.

Examples of Exceptions:

Emergencies: If there's an immediate threat to public safety, police may enter property without a warrant.

Probable Cause: If police have reasonable suspicion to believe a crime has been committed, they may be able to enter property.

Warrants: A valid search warrant grants police the legal authority to enter and search a specific location.

Consent: If the property owner or occupant consents to police entering, they can do so.

Curtilage:

The "curtilage" is the area immediately surrounding a home, and it's generally considered an extension of the dwelling. While "no trespassing" signs can help define the curtilage, they don't automatically prevent police from entering the area.

Standing on the Walkway:

In most cases, police officers can legally stand on a property's walkway, as anyone is generally allowed to walk up to the front door to knock.

Civil Trespass:

While police officers may technically commit a common law or civil trespass by entering property without permission, their actions are often justified under specific legal exceptions.

Asking for Leave:

You can ask police officers to leave your property, and if they refuse, they may be trespassing.

Enforcing Trespass:

If you have a "no trespassing" sign in place and you want to enforce it, you might need to back it up with additional measures like a fence or by contacting the police.

Note: There was not now or has there ever been criminal activity on my property. No officer or city official has ever come with a warrant when trespassing on my property and continue to harass and violate my constitutional rights.

Code enforcement officers inspect homes and commercial buildings to ensure local laws and zoning ordinances are being followed. What do you do if the code inspectors themselves are not following the law?

You may be able to sue a code enforcement officer, investigator, or inspector in a civil action for discrimination or entering your property without permission.

You have the right to be free from discriminatory code enforcement if you are a member of a legally protected class. You also have the right to be free from unauthorized searches of your property unless the code official has a warrant. If a code enforcement officer violates your rights, you would have the basis for a lawsuit.

What Is a Code Enforcement Officer?

One of the primary functions of local government is meeting the needs of its citizens. This includes setting standards for things that can impact public health and well-being like zoning and building codes, public health, public safety, fire safety, consumer protections, and business

practices, so that people can trust that places and services are safe. To ensure that these municipal codes are being met, local governments hire people who inspect, investigate, and enforce city and county ordinances.

These people, known as code enforcement officers, city inspectors, or investigators, patrol for possible ordinance infractions and investigate complaints as part of their code enforcement job. To do their jobs, code enforcement officers are allowed to enter both commercial and residential property for their inspections.

However, that doesn't mean that they have free reign to go wherever they want or to do whatever they want whenever they want on your private property fishing for code violations. Ensuring code compliance doesn't trump your rights.

I understand not all counsel members garden or see the beauty in this type of therapy but your ignorance and personal choices do not define what I am able to do while abiding by ordinances.

Testimonials from the community:

1 neighbor said I know God loves me because every day I walk out and see the beauty in your yard and the peaceful feeling. The birds chirping and you even share produce with me. I'm grateful.

Fry Fire department came out to remove a snake from the backyard and commented on how amazing it was that I put up a pallet garden and shared food produced in the garden to help those financially struggling who couldn't by other means have fresh produce. They even helped themselves to some of the produce picked and were excited especially seeing the prices in the store. One commented he did not understand why the City was giving me such a hard time when I was doing something positive in the city.

A stand user, expressed gratitude and stated the pallet garden and yard transformation to be able to help more was simply incredible and beautiful. She loved my expression and the love and dedication I had for gardening. She was grateful for the resource and my vast knowledge and willingness to help her get onto a healthy path.

The outreach and support for the pallet garden has been amazing; only the city has had an issue. Each time I've complained, my city utilities increase. I am being stalked and harassed regularly and made to feel uncomfortable in my own yard. My safety is in question over me building a pallet garden with so many benefits.



MCK.NET

Tucson, Arizona

Mail payments to: MCK.NET
PO BOX 31302
TUCSON, AZ 85751

Invoice

XGS 128 three year 2025

Open date: 5/21/2025

Close date: 6/19/2025

Billing Contact

Accounts Payable

Town of Huachuca City

500 Gonzales Blvd

Huachuca City, AZ 85616

Delivery Address

Town of Huachuca City

Attn: Johann Wallace

500 Gonzales Blvd

Huachuca City, AZ 85616

Category	Date	Description	Quantity	Charges	Credits
Product		XGS 128 Xstream Protection - 36 months - Sophos - XS128Z36ZZNGAA	2	4,200.00	
Product		XGS 128 Webserver Protection - 36 months - Sophos - SS128Z36ZZNGAA	2	602.00	
Product		XGS 128 Email Protection - 36 months - Sophos - ES128Z36ZZNGAA	2	602.00	
Product		XGS 128 Security Appliance - Sophos - XG128Z00ZZPCUS	2	42.00	
<i>FedEx delivered 6/9/25 1:34 PM, signed for by HHERTCH</i>					

Sales tax for 4 items: 332.21

Total charges: 5,778.21

Total payments: 0.00

Remaining charges: 5,778.21



Town of Huachuca City

The Sunset City

500 N Gonzales Blvd • Huachuca City, Arizona 85616

Phone: (520) 456-1354 • TDD: (520) 456-1353 • Fax: (520) 456-2230

RESOLUTION NO. 2025-09

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, ADOPTING A PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM [“PSPRS”] FUNDING POLICY.

WHEREAS, HB2097, adopted in the 2018 Arizona Legislative Session, requires all governing bodies of entities participating in the PSPRS to establish a Pension Funding Policy and post that policy on the jurisdictions’ websites; and

WHEREAS, the Town Manager has developed an updated policy, attached hereto as Exhibit A, and incorporated herein by this reference; and

WHEREAS, the Town Council has reviewed the proposed policy, and finds that adopting it is in the best interests of the Town, its residents and public safety employees.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Huachuca City, Arizona, that the policy attached hereto as Exhibit A is hereby approved.

BE IT FURTHER RESOLVED that the Town Manager is hereby authorized and directed to implement the policy forthwith.

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 23rd DAY OF JUNE, 2025.

ATTEST:

Johann Wallace, Mayor

Brandye Thorpe, Town Clerk

Approved as to Form:

Thomas Benavidez

Thomas Benavidez, Town Attorney

[Exhibit A]

[PSPRS Funding Policy Must Be Attached]