

## **Title 8 HEALTH AND SAFETY**

### **Chapters:**

Chapter 8.08 - REFUSE COLLECTION AND DISPOSAL\*

Chapter 8.09 - RECYCLABLE MATERIAL COLLECTION AND DISPOSAL\*

Chapter - 8.12 RESERVED

Chapter 8.16 - NOISE

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## **Chapter 8.08 REFUSE COLLECTION AND DISPOSAL\***

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### **8.08.010 Definitions.**

In this chapter unless the context otherwise requires:

"Commingled" means to blend or cause to blend together.

"Contaminate" means to spoil, pollute or make unclean so as to make something unfit for use.

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"Container" means any plastic or metal container with a tight fitting lid, regardless of who owns the container, provided by the town or recyclable material or recyclables collector for collection of refuse or collection of materials from the public to be donated or left to be recycled, reclaimed, processed or reused.

"Garbage" means all putrescible wastes, except sewer and body wastes, including all organic wastes prepared for or intended to be used as food or which have resulted from the preparation of food, including all such substances from public and private establishments and residences. "Recyclable material or recyclables" shall not constitute "garbage" for purposes of this chapter or Chapter 8.09.

"Hazardous waste" means any items that can be hazardous and/or harmful including, but not limited to, the following items: Paint, polishes, varnishes, art or hobby supplies, paint-related material, adhesives, aerosols, poisons, gardening supplies, fire extinguishers, automotive products, flammables, cleaners/waxes, batteries, lubricants, antifreeze, gasoline, motor oil, fuel additives, transmission fluid, tires, computers, commercial or industrial waste, radioactive material, explosives, ammunition, medical waste, propane tanks.

"Recyclable material or recyclables" means any solid waste separated from other solid waste for the purpose of being recycled. Recyclables may include, but are not limited to, metals, plastics, glass, cardboard and paper. "Recyclable material or recyclables" shall not constitute "garbage," "trash" or "refuse" for purposes of this chapter or Chapter 8.09.

"Recycling" means the process of collecting, separating, cleansing, treating, and reconstituting post-consumer materials that would otherwise become solid waste and returning them to the economic stream in the form of raw material for reconstituted products.

"Refuse" means all garbage and trash. "Recyclable material or recyclables" shall not constitute "refuse" for purposes of this chapter or Chapter 8.09.

"Refuse collector" means any person, firm or entity authorized by the town to operate within the town for the purpose of providing solid waste collection services or recycling collection services to commercial solid waste generators.

"Trash" means yard waste, rubbish, waste, debris, and all other nonputrescible wastes. "Recyclable material or recyclables" shall not constitute "trash" for purposes of this chapter or Chapter 8.09.

"Yard waste" brush, grass and vegetation clippings, weeds, twigs, leaves, limbs, branches and trunks from trees, palm fronds and general yard, garden and tree rubbish and waste materials.

(Ord. 03-15 § 1 (part))

(Ord. No. 10-03, § I, 3-4-10)

### **8.08.020 Refuse collectors.**

- A. The town, or other refuse collectors authorized by the town, shall collect all refuse within the residential areas of the town in compliance with this chapter. No person or business shall collect or gather refuse within the residential areas of the town unless authorized by the town. For the purpose of this section, apartment complexes with more than two units are commercial properties.
- B. Refuse collectors may collect commercial and industrial refuse in compliance with this chapter and without separate authorization from the town.

(Ord. 03-15 § 1 (part))

### **8.08.030 Collection hours.**

The hours of refuse collection shall be between the hours of six a.m. and six-thirty p.m.

(Ord. 03-15 § 1 (part))

**8.08.040 Containers.**

- A. Standard Containers. Refuse collectors shall provide semiautomated or automated collection technology and ninety-six (96) gallon containers. Any standard container not provided by the refuse collector will be removed by the town and disposed of.
- B. Accessory Containers. It is unlawful to place an accessory container on a residential lot without first obtaining a permit from the town.
  - 1. For purposes of this section, "accessory container" means any solid waste container larger than ninety-six (96) gallons. "Accessory container" includes, but is not limited to, roll-off containers.
  - 2. Accessory solid waste container permits shall be issued free of charge for a period of fourteen (14) days or less. The town manager may issue up to one fourteen (14) day extension of the permit for good cause, no more than four permits shall be issued for any one property address within any twelve (12) month period, except that accessory containers placed at a property for disposal of construction materials may be placed at the property subject to the limitations in subsection 3., below.
  - 3. Accessory containers may be identified in a building permit, if requested, for demolition, remodeling, additions or other construction activities. The building permit must not only identify the use of an accessory container but must include a description of the work to be performed and the building permit must be visibly posted on the property with the red inspection card. Where a building permit is granted that contains identification of an accessory container, then the accessory container may remain at the property in excess of the time limitations set forth in subsection 2., above, provided that the accessory container shall be removed when no longer being used for the project and must be removed prior to final inspection and approval of the project subject to the building permit.
  - 4. An accessory container shall only be used for solid waste generated by the property on which it is located and for which the permit was issued.
  - 5. An accessory container shall only be used for disposal of solid waste generated by construction, remodeling and yard cleanup activities. No other residential waste may be placed in an accessory container.
  - 6. Accessory containers shall be emptied as needed to prevent unsightly, odorous, unhealthy or otherwise unsafe accumulation of solid waste.
  - 7. Every accessory container shall be clearly and legibly marked with the owner's name and telephone number.
  - 8. No accessory container may be placed in or obstruct a public street, alley, right-of-way or sidewalk.
  - 9. Any accessory container not in compliance with this section shall be subject to removal by the town at the expense of the owner.

(Ord. 05-03 § 1; Ord. 03-15 § 1 (part))

(Ord. No. 10-03, § I, 3-4-10; Ord. No. 10-05, § I, 3-18-10)

**8.08.050 Covers of containers.**

The covers of all containers shall at all times be kept secure so that flies and other insects may not have access to the contents and shall only be removed while the containers are being filled, emptied or cleaned.

(Ord. 03-15 § 1 (part))

**8.08.060 Location for pick up.**

- A. All refuse prepared for collection shall be placed in approved containers at the rear of the lot or property, at the edge of the alley, and in an easily accessible manner, providing such alley exists and is used as a refuse collection route. Where alleys do not exist or are not open for refuse collection, refuse shall be set at the back of the street curb on the sidewalk or parkway. All containers shall be so located as to not block the alley, sidewalk or gutter, or otherwise be a hazard to pedestrian or vehicular traffic.
- B. When necessary to set containers at the front curb, they may be set out after six p.m. of the day preceding regular collection and shall be removed from the curb by ten p.m. the day of collection.

(Ord. 03-15 § 1 (part))

**8.08.070 Use of containers.**

It is unlawful for any person to deposit, or cause to be deposited, any refuse in any container that he or she does not own or is not entitled to use as a tenant. It is also unlawful for any person to dispose of any hazardous waste in residential, commercial or industrial containers unless the containers are specifically designed for that type of use.

(Ord. 03-15 § 1 (part))

**8.08.080 Spilled refuse.**

Any refuse collector or other person hauling any refuse within the town shall immediately replace in the conveyance used for such hauling any refuse, which may fall upon any street and/or property.

(Ord. 03-15 § 1 (part))

**8.08.090 Dumping refuse.**

It is unlawful for any person to place or cause to be placed any refuse upon any public or private property within the town, except as specifically permitted in this chapter.

(Ord. 03-15 § 1 (part))

**8.08.100 Burning prohibited.**

It is unlawful for any person to burn or attempt to burn refuse of whatever manner within the town except in accordance with the provisions of any permit that is issued by the county or fire department having jurisdiction.

(Ord. 03-15 § 1 (part))

**8.08.110 Solid waste collection services required; exemptions.**

- A. Every person owning, occupying or in control of a dwelling unit within the town shall obtain residential garbage, trash or refuse disposal services at regular intervals from an authorized provider. A list of authorized providers shall be maintained in the town manager's office.
- B. An exemption from the requirements of this section may be granted upon written application to the town and approval of the town manager or designee where:
  - 1. It can be demonstrated to the satisfaction of the town manager or designee that the customer's garbage and refuse collection requirements exceed the authorized providers' equipment

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abilities or capacities or that the customer has direct responsibility for disposing of the refuse under applicable laws and regulations.

2. The property is vacant, unoccupied, and not receiving any utility service.
3. The property is a model home complex not used as a dwelling unit.

The town manager or designee shall act on an application for an exemption within ten (10) working days.

- C. Nothing in this section shall be interpreted to prohibit a person from contracting with a licensed solid waste contractor for the collection of horse manure or other animal or hazardous waste.
- D. Residential garbage, trash or refuse disposal service shall not be suspended to any dwelling unit in the town unless all utility services are to be discontinued.
- E. Violation of this section is a Class 1 misdemeanor subject to the penalty provisions of Section 1.12.010 of the Town Code.

(Ord. No. 14-12, § I, 11-20-14)

### **Chapter 8.09 RECYCLABLE MATERIAL COLLECTION AND DISPOSAL\***

#### **Sections:**

[8.09.010 Definitions.](#)

[8.09.020 Recyclable material collectors.](#)

[8.09.030 Collection hours.](#)

[8.09.040 Containers.](#)

[8.09.050 Location for pick up.](#)

[8.09.060 Use of containers.](#)

[8.09.070 Spilled recyclable material.](#)

[8.09.080 Dumping recyclable material.](#)

[8.09.090 Burning prohibited.](#)

#### **8.09.010 Definitions.**

This chapter adopts all definitions used in Chapter 8.08, refuse collection and disposal.

(Ord. No. 10-03, § I, 3-4-10)

#### **8.09.020 Recyclable material collectors.**

- A. The town, or other recyclable material collectors authorized by the town, shall collect all recyclable material and recyclables within the residential areas of the town in compliance with this chapter. No person or business shall collect or gather recyclable material and recyclables within the residential areas of the town unless authorized by the town. For the purpose of this section, apartment complexes with more than two units are commercial properties.
- B. Recyclable material collectors may collect commercial and industrial recyclable material in compliance with this chapter and without separate authorization from the town.

(Ord. No. 10-03, § I, 3-4-10)

**8.09.030 Collection hours.**

The hours of recyclable material collection shall be between the hours of six a.m. and six-thirty p.m.

(Ord. No. 10-03, § I, 3-4-10)

**8.09.040 Containers.**

- A. The town or a recyclable material collector may require that all recyclable material and recyclables be contained in a standardized container, suitable for hand, semiautomated, or automated collection technology in a container that will accommodate up to ninety-six (96) gallons.
- B. The town or a recyclable material collector may remove and dispose of any container that does not meet the requirements adopted by the town or recyclable material collector, should such requirements be adopted or enacted.
- C. Any standardized container or other container used to contain recyclable material or recyclables must have a tight fitting lid be kept secure so that flies and other insects may not have access to the contents and shall only be removed while the containers are being filled, emptied or cleaned.
- D. Unless and until the town or recyclable material collector adopts requirements regarding standardized containers, all recyclable material and recyclables shall be set out in a manner so that the contents thereof will not be strewn about by wind, animals, or other cause, and shall be cleaned sufficiently that flies and other insects are not unreasonably drawn to the recyclable material or recyclables.
- E. No recyclable material or recyclables may be set out for collection in any manner that obstructs a public street, alley, right-of-way or sidewalk.

(Ord. No. 10-03, § I, 3-4-10)

**8.09.050 Location for pick up.**

- A. All recyclable material or recyclables prepared for collection shall be placed in approved containers. These containers must be placed in an easily accessible manner and may not block any alley, sidewalk, gutter, or otherwise be a hazard to pedestrian or vehicular traffic.
- B. All containers for recyclable material or recyclables collection shall be located at an area designated by agreement between the town and the collector, which may include, but is not limited to, the front or back of the street curb, rear of the lot or property, or in an alley.
- C. When necessary to set recyclable material or recyclables at or along a street curb, they may be set out after six p.m. of the day preceding regular collection and any containers shall be removed from the curb by ten p.m. the day of collection.

(Ord. No. 10-03, § I, 3-4-10)

**8.09.060 Use of containers.**

It is unlawful for any person to deposit, or cause to be deposited, any recyclable material on any property that he or she does not own or is not entitled to use as a tenant.

(Ord. No. 10-03, § I, 3-4-10)

**8.09.070 Spilled recyclable material.**

Any recyclable material collector or other person hauling any recyclable material within the town shall immediately replace in the conveyance used for such hauling any recyclable material, which may fall upon any street and/or property.

(Ord. No. 10-03, § I, 3-4-10)

**8.09.080 Dumping recyclable material.**

It is unlawful for any person to place or cause to be placed any recyclable material upon any public or private property within the town, except as specifically permitted in this chapter.

(Ord. No. 10-03, § I, 3-4-10)

**8.09.090 Burning prohibited.**

It is unlawful for any person to burn or attempt to burn recyclable material of whatever manner within the town except in accordance with the provisions of any permit that is issued by the county or fire department having jurisdiction.

(Ord. No. 10-03, § I, 3-4-10)

**Chapter 8.12 RESERVED <sup>(1)</sup>**

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FOOTNOTE(S):

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**Editor's note**— Ord. No. 12-09, § I, adopted Nov. 15, 2012, repealed Ch. 8.12, §§ 8.12.010—8.12.100, in its entirety, which pertained to litter and derived from Ord. 02-02 § 3 (part); Ord. 01-03 § 1; Ord. 98-20 § 1; prior code §§ 10-4-1—10-4-9. ([Back](#))

**Chapter 8.16 NOISE**

**Sections:**

[8.16.010 Unreasonably loud and disturbing noises prohibited.](#)

[8.16.020 Noises detrimental to the life and health or public peace and welfare prohibited.](#)

[8.16.030 Enumeration of loud, disturbing and unnecessary noises—Enumeration not exclusive.](#)

[8.16.040 Exemptions.](#)

**8.16.010 Unreasonably loud and disturbing noises prohibited.**

Subject to the provisions of this chapter the creating of any unreasonably loud, disturbing and unnecessary noises within the limits of the town is prohibited.

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(Prior code § 11-1-9(A))

**8.16.020 Noises detrimental to the life and health or public peace and welfare prohibited.**

Noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is prohibited.

(Prior code § 11-1-9(B))

**8.16.030 Enumeration of loud, disturbing and unnecessary noises—Enumeration not exclusive.**

The following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this chapter, but this enumeration shall not be deemed to be exclusive, namely:

- A. Blowing Horns or Signal Devices. The sounding or blowing of any horn or signal device on any automobile, truck, bus, motorcycle or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and sounding of such devices for any unnecessary and unreasonable period of time;
- B. Radios, Phonographs, Etc. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling, hotel or other type of residence, or of any persons in the vicinity;
- C. Yelling, Shouting, Etc., on Streets. Yelling, shouting, hooting, whistling or singing on the public streets so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence, or of persons in the vicinity;
- D. Pets. The keeping of any animal, bird or fowl which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity;
- E. Use of Vehicle. The use of any automobile, truck, bus, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise;
- F. Exhaust Discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- G. Building Operations, Excavation of Streets. The erection (including excavating), demolition, alteration or repair of any building in any residential district or section and the excavation of streets and highways in any residential district or section, other than between the hours of six a.m. and seven p.m. from the first day of May to and including the thirtieth day of September and between the hours of seven a.m. and seven p.m. beginning the first day of October to and including the thirtieth day of April on weekdays, except in case of urgent necessity in the interest of public health and safety and then only with a permit from the building inspector, which permit may be granted for a period not to exceed thirty (30) days while the emergency continues. If the council should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or excavation of streets and highways, other than within the hours specified herein, and if they shall further determine that loss or inconvenience would not result to any party in interest, they may grant permission for such work to be done at times other than specified herein, upon application being made at the time the permit for work is awarded or during the progress of the work;



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- H. Noises Near Hospitals, Churches, Etc. The creation of any excessive noise on any street adjacent to any institution of learning, church or court while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings or session thereof;
- I. Loading and Unloading Operations. The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;
- J. Noises to Attract Attention. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance show or sale or display of merchandise;
- K. Loud-Speakers or Amplifiers on Vehicles. The use of mechanical loud-speakers or amplifiers on automobiles, trucks, busses or other moving or standing vehicles for advertising or other purposes.

(Prior code § 11-1-9(C))

### 8.16.040 Exemptions.

None of the terms or prohibitions of this chapter shall apply to or be enforced against:

- A. Any vehicle of the town while engaged upon necessary public business;
- B. Excavations or repairs of bridges, streets or highways by or on behalf of the town, at night, when the public welfare and convenience renders it impossible to perform such work during the day;
- C. Emergency vehicles on emergency trips.

(Prior code § 11-1-9(D))

## Chapter 8.20 ABANDONED VEHICLES ON PRIVATE PROPERTY

### Sections:

[8.20.010 Definitions.](#)

[8.20.020 Outdoor storage of dismantled, partially dismantled, inoperative or abandoned motor vehicles or parts prohibited.](#)

[8.20.030 Removal of dismantled, partially dismantled, inoperative or abandoned motor vehicles or parts from private property.](#)

[8.20.040 Nuisance designated.](#)

[8.20.050 Front yard parking.](#)

### 8.20.010 Definitions.

In this chapter unless the context requires otherwise:

"Abandoned" means any one of the following terms: abandoned, stripped, unclaimed, junked, discarded, currently unlicensed, currently unregistered, or a vehicle being repaired where such repairs have not been completed within three days.

"Dismantled" and "partially dismantled motor vehicle" means a motor vehicle from which some part, ordinarily a component of such motor vehicle, has been removed or missing.

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"Dwelling" means any house, building, structure or portion thereof located in a residential area which is occupied in full or in part as the home, residence, living or sleeping place, or which is intended to be occupied by one or more human beings.

Improved Parking Surface.

1. "Front yard" means a driveway or pad that is maintained for parking that is concrete or asphalt.
2. "Side yard" means a driveway or pad that is maintained for parking that consists of gravel and is weed and grass free.
3. "Back yard" means a driveway or pad that is maintained for parking that is dustproof and weed and grass free.

"Inoperative motor vehicle" means a vehicle which by reason of dismantling, disrepair or other causes is incapable of being propelled under its own power.

"Motor vehicle" means any vehicle designed to operate on land, water or air, that is self propelled, was self propelled, or intended to be self propelled.

"Store" or "storage" means the presence or locating of any dismantled, partially dismantled, inoperative or abandoned motor vehicle.

(Ord. 00-11 §§ 1, 2; Ord. 96-05 § 1; prior code § 11-3(A))

### **8.20.020 Outdoor storage of dismantled, partially dismantled, inoperative or abandoned motor vehicles or parts prohibited.**

Except as hereinafter provided, it is unlawful for any person to store on, place on, or permit to be stored on or placed on or allowed to remain on, any property in a residential area within the town a dismantled, partially dismantled, inoperative or abandoned motor vehicle or any parts thereof; provided, however, not more than one dismantled, partially dismantled, inoperative or abandoned motor vehicle and parts thereof may be stored in a wholly enclosed garage or other wholly enclosed structure on property upon which there is a dwelling. A fenced or walled area shall not be considered a wholly enclosed structure hereunder if any vehicle, or part of the vehicle may be seen from a street, alley or other private or public property.

(Prior code § 11-3(B))

### **8.20.030 Removal of dismantled, partially dismantled, inoperative or abandoned motor vehicles or parts from private property.**

- A. The police department is authorized and empowered to notify the owner or agent of such owner of any property within the corporate limits of the town to properly dispose of dismantled, partially dismantled, inoperative or abandoned motor vehicle or parts located upon such owner's property which are subject to this chapter and are dangerous to the public health, safety or public welfare. Such notice shall be certified or registered mail with return receipt requested and addressed to the owner at his or her last known address.
- B. Upon failure of any owner to properly dispose of dismantled, partially dismantled, inoperative or abandoned motor vehicles or parts within fifteen (15) days after receipt of written notice provided for in subsection A of this section or within fifteen (15) days after the date of such notice in the event the same is returned to the police department because of inability to make delivery thereof; provided, that the same was properly addressed to the last known address of such owner or agent, the police department is authorized and empowered to dispose of such dismantled, partially dismantled, inoperative or abandoned motor vehicles or parts or to order their disposal by the town.

(Prior code § 11-3(C))

**8.20.040 Nuisance designated.**

The presence of a dismantled, partially dismantled, inoperative or abandoned motor vehicle or part of a motor vehicle on any parcel of land in violation of the terms of this chapter is declared to be a public nuisance.

(Prior code § 11-3(D))

**8.20.050 Front yard parking.**

- A. Unless otherwise prohibited by the provisions of this chapter for being parked in the front yard of a single-family or two-family residence lot, a motor vehicle may be parked in the front yard except that such vehicles must be parked on an improved driveway or upon an improved parking surface and provided that the total width of the parking area does not exceed either thirty (30) feet or fifty (50) percent of the lot width as measured at the front yard setback, whichever is less. For the purposes of this section, improved driveway or improved parking surface shall consist of concrete or asphalt. No part of any vehicle parked in the front yard of a single-family or two-family residence lot shall extend over the public sidewalk or sidewalk area where no side walk exists.
- B. No recreational vehicle, boat and/or boat trailer or utility trailer may be parked in the front yard. "Front yard" is defined in Section 8.24.020(B), except that for purposes of parking, the front yard shall be measured from the front edge of the foundation.
- C. No one may drive over any grassy portion of their yard to reach a driveway or parking pad.

(Ord. 96-05 § 2; Ord. 91-1 § 1: prior code § 11-3(E))

**Chapter 8.24 RECREATIONAL VEHICLE PARKING AND STORAGE**

**Sections:**

[8.24.010 Definitions.](#)

[8.24.020 Parking limitations.](#)

[8.24.030 Parking prohibition.](#)

[8.24.040 Use as living accommodations unlawful—Exceptions.](#)

[8.24.050 Presumption regarding parking.](#)

**8.24.010 Definitions.**

As used in this chapter:

"Boat" means any watercraft designed to be propelled by oar, paddle, sail or motor.

"Boat trailer" means any trailer designed to carry a boat.

"Camper" means a manufactured unit designed for temporary sleeping quarters capable of being installed in the bed of a pickup truck.

"Factory built building" means a structure as described by the state of Arizona. A.R.S. Section 41-2142(14)

"Manufactured housing" means a structure as described by the state of Arizona. A.R.S. Section 35-701(5) and A.R.S. Section 41-2142(24)

"Mobilehome" means a structure as described by the state of Arizona. A.R.S. Section 2142(26)

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"Recreational vehicle" means any vehicle, self-propelled or pull type, that is designed as temporary living quarters for recreational camping and traveling, such as motor homes, campers and travel trailers.

"Travel trailer" means a mobilehome that is not intended for use as a permanent residence, but is intended for use only as temporary quarters for camping and recreational purposes and includes camping trailers.

"Utility trailer" is any trailer designed to carry goods, household or construction debris, trash or tree trimmings and the like, horses, motorcycles, all terrain vehicles or automobiles.

(Ord. 02-04 § 3 (part); Ord. 96-04 § 1 (part): prior code § 11-2(A))

### **8.24.020 Parking limitations.**

- A. It is unlawful to park more than one recreational vehicle, one boat and/or boat trailer, and one utility trailer on a single-family residential lot. Such recreational vehicles shall be parked in side or back yards and shall be parked on an improved surface only. Said recreational vehicle shall not be used for storage or sleeping accommodations except as otherwise allowed in this code. Utility trailers may only be parked in the rear yard.
- B. An improved parking surface shall be defined as follows:
  - 1. Front yard: A driveway or pad that is maintained for parking that is concrete or asphalt.
  - 2. Side yard: A driveway or pad that is maintained for parking that consists of gravel and is weed and grass free.
  - 3. Back yard: A driveway or pad that is maintained for parking and is dust proof, weed and grass free.
- C. Front yard shall be defined as set forth in Section 17.04.030 except that for purposes of recreational vehicles, boats, boat trailer parking, the front yard shall begin at the front edge of the foundation rather than at the edge of any projection of the building.

(Ord. 02-04 § 3 (part); Ord. 02-02 § 3 (part))

### **8.24.030 Parking prohibition.**

The parking of mobilehomes, manufactured houses or factory-built homes is not allowed on single-family residential lots.

(Ord. 96-04 § 1 (part): prior code § 11-2(C))

### **8.24.040 Use as living accommodations unlawful—Exceptions.**

It is unlawful for a person to use a recreational vehicle, boat, or utility trailer as living accommodations or for a person to permit a recreational vehicle, boat or utility trailer to be used for living accommodations on property that the person owns or has control over except:

- A. Guests of the owner or the person in control of the property may use a recreational vehicle as temporary sleeping accommodations for not more than three days if the recreational vehicle is parked or stored in compliance with the town code.
- B. Upon application by the owner of the property or by a joint application by the person in control of the property and the owner on a form designated by the town building inspector/code compliance officer, the building inspector/code compliance officer may issue a permit to authorize the use of a recreational vehicle as temporary sleeping accommodations for a period not to exceed two weeks. One extension of the permit may be granted for a period not exceeding two weeks. The permit shall contain a complete description of the recreational

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vehicle, its location, license number and the name, address and telephone number of the property where it will be parked, as well as the telephone number of any other person in control of the property. No permit shall be issued:

1. If the applicant's property has been the subject of a permit effective within the last preceding thirty (30) days;
2. If the applicant has been convicted of a violation of this chapter within the last preceding twelve (12) months;
3. If the recreational vehicle is to be parked or stored in violation of this chapter and/or any code provision or ordinance of the town.

(Ord. 02-02 § 3 (part); Ord. 01-08 § 1; Ord. 96-04 § 1 (part): prior code § 11-2(D))

### **8.24.050 Presumption regarding parking.**

- A. In any prosecution charging a violation of this chapter or Chapter 8.20 governing the parking or storing of a recreational vehicle, motor vehicle, mobilehome, boat trailer or utility trailer, the person in whose name such recreational vehicle, motor vehicle, boat trailer or utility trailer is registered shall be prima facie responsible for such violation and subject to the penalty therefor.
- B. The provisions of subsection A of this section shall apply to those persons in whose names such vehicle is jointly registered. The persons shall be jointly and severally prima facie responsible for such a violation and subject to penalty therefor.

(Ord. 96-04 § 1 (part): editorially amended during 2001 codification; prior code § 11-4)

## **Chapter 8.28 DUST CONTROL\***

### **Sections:**

[8.28.010 Definitions.](#)

[8.28.020 Dust control relating to parking restrictions on vacant lots and parking lots.](#)

[8.28.030 Parking restriction on vacant lots.](#)

[8.28.040 Operation of vehicles on public and private property.](#)

[8.28.050 Dust control during weed abatement activities.](#)

[8.28.060 Leaf blower restrictions.](#)

[8.28.070 Compliance monitoring.](#)

[8.28.080 Penalties—Violation a public nuisance.](#)

### **8.28.010 Definitions.**

As used in this chapter:

"County dust control permit" means a permit issued by Maricopa County evidencing that a dust generating operation has a satisfactory dust control plan in place approved by the Maricopa County air quality department.

"Designated or opened trail system" means roads or routes that are part of a system of trails and that are designated or opened by a government land management agency by order, sign, and/or map approved by such agency.

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"Dust free" means that the parking surface has been paved with concrete or asphalt paving material approved by the town building inspector.

"Fugitive dust" means the particulate matter not collected by a capture system, that is entrained in the ambient air and is caused from human and/or natural activities, such as, but not limited to, movement of soil, vehicles, equipment, blasting, and wind. For the purpose of this chapter, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, or from piledrivers.

"Leaf blower" means any air blowing machine which uses a concentrated stream of air to blow leaves, grass cuttings, trash, or other debris.

"Off-road vehicle" means any self-propelled conveyance specifically designed for off-road use, including, but not limited to, off-road or all terrain equipment, trucks, cars, motorcycles, motorbikes, or motor buggies.

"Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law.

"Person in control" means a person who has possession or the use and enjoyment of property, whether or not said person is the owner of the property.

"PM-10" means the standard adopted by the environmental protection agency that focuses on smaller particulates in the air that are likely responsible for adverse health effects because of their ability to reach the lower regions of the respiratory tract. The PM-10 standard includes particles with a diameter of ten (10) micrometers or less (0.0004 inches or one-seventh the width of a human hair).

"Premises" means any building, lot parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

"Road or highway" means the entire width between the boundary lines of every way publicly maintained by the town if any part of the way is generally open to the use of the public for purposes of vehicular travel. For purposes of this chapter, the term "road or highway" includes designated or opened trail systems and service roads regardless of surface composition.

"Town" means the town of Youngtown, Arizona.

"Unpaved parking lot" means any area larger than three thousand (3,000) square feet that is not paved and that is used for parking, maneuvering, or storing vehicles, including off-road vehicles.

"Vacant lot" means any of the following: (1) an unsubdivided or undeveloped tract of land; (2) a subdivided residential, industrial, institutional, governmental, or commercial lot that contains no approved or permitted buildings, structures, or uses of a temporary or permanent nature; or (3) a partially developed residential, industrial, institutional, governmental, or commercial lot. For the purposes of this chapter, a vacant lot is not a road or highway.

"Vehicle" means a self-propelled device and its appurtenances, excluding devices moved by human power or used exclusively on stationary rails or tracks, including, but not limited to, off-road vehicles.

(Ord. 08-04 § 1 (part))

### **8.28.020 Dust control relating to parking restrictions on vacant lots and parking lots.**

- A. All improved parking lots and structures for new construction shall be dust free and shall be completed before the town will issue an occupancy permit.
- B. All persons in control of an existing commercial unpaved parking lot shall stabilize the surface area(s) of the lot on which vehicles enter and park by implementing one of the following measures after first obtaining approval of the town engineer or designee: (1) pave with concrete or asphalt paving material; (2) apply chemical/organic stabilizers in sufficient concentration and frequency to maintain a stabilized surface; or (3) apply and maintain surface gravel uniformly to stabilize the surface.

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- C. All persons in control shall maintain parking, maneuvering, ingress and egress areas at nonresidential developments with three or fewer units with one or more of the following dustproof paving methods:
  - 1. Asphaltic concrete;
  - 2. Cement concrete;
  - 3. Penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate;
  - 4. A stabilization method approved by the town.
- D. All persons in control shall maintain parking, maneuvering, ingress and egress areas that are three thousand (3,000) square feet or more in size at residential buildings with three or fewer units with a paving or stabilization method authorized by this chapter.
- E. The person in control of any lot on which vehicles will be parked for the purposes of any special event shall dust proof the lot prior to, and during and subsequent to the special event. No special use permit shall be issued until such dust proofing is in place.  
(Ord. 08-04 § 1 (part))

### **8.28.030 Parking restriction on vacant lots.**

It is unlawful to park or use a vehicle, including an off-road vehicle, on a vacant lot within the town. If a vacant lot is in excess of five acres, the person in control of the vacant lot shall either erect a split rail-type fence or ditch and berm the perimeter of the vacant lot to prevent vehicular access. Persons in control of vacant lots less than five acres may be required to erect a split rail-type fence or take other actions to prohibit vehicular access to the vacant lot if more than one complaint is received about unauthorized vehicular access on the property. This section does not apply to sites that have been issued a county dust control permit.

(Ord. 08-04 § 1 (part))

### **8.28.040 Operation of vehicles on public and private property.**

- A. A person shall not operate any vehicle, including but not limited to an off-road vehicle, on unpaved public property within the town without lawful authority. Lawful authority shall consist of rules, regulations, or orders of a federal agency, this state, a county or municipality, which shall be made available to the public by any one of the following:
  - 1. A sign to designate the property is open to such use. Such sign shall be in compliance with the standard travel management sign protocol used by Southwest Land Management Agencies and shall at a minimum be conspicuously placed at all points of vehicular access and contain the following information: "Travel Must Remain on Designated Routes." Copies of the standard travel management sign protocol are available for review at the Maricopa County Air Quality Department, 1001 North Central Avenue, Phoenix, AZ, 85004.
  - 2. Orders of a government land management agency.
  - 3. Most current maps approved by such government land management agency.
  - 4. Virtual posting from a government land management agency.
- B. A person shall not operate any vehicle, including but not limited to an off-road vehicle, on unpaved private property within the town without the written consent of the person in control consent of the person in control shall include the following:
  - 1. The name, address, and telephone number of the person granting permission for the use of the property;

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2. Describe the interest the person granting permission has in the property (i.e., property owner, lessee, or agent);
  3. Specify the period of time for which permission for the use of the property is being granted; and
  4. The signature of the person granting permission for the use of the property.
- C. No person shall operate an off-road vehicle on paved or unpaved private or public property that is not held open to the public for such vehicle use within the town without the written consent of the person in control. Consent of the person in control shall include the following:
1. The name, address, and telephone number of the person granting permission for the use of the property;
  2. Describe the interest the person granting permission has in the property (such as a property owner, lessee, or agent);
  3. Specify the period of time for which permission for the use of the property is being granted; and
  4. The signature of the person granting permission for the use of the property.
- D. Whenever any person is stopped by an enforcement officer for a suspected violation of this chapter, he or she shall, upon the request of the enforcement officer, identify or present the lawful authority or consent of the person in control required in this section.
- E. The person in control of property or a person authorized by the person in control may operate such vehicles on the property if such use does not violate any other applicable laws.
- F. This section shall not apply to operations directed by utilities for operation, distribution, and transmission systems provided that both of the following conditions are met:
1. Operations are performed in, or using, a marked company vehicle; and
  2. If operations are performed in, or using, a personal vehicle, then identification of the company shall be visible and readable by the public without having to be asked by the public (such as including or posting a sign on the vehicle or in the vehicle window that is visible to the public).
- G. This section shall not prohibit the use of a vehicle that is either designed primarily for travel on, over, or in the water, or is used in installation, inspection, maintenance, repair or repeated activities involving facilities for the provision of railroad service.
- H. For the purposes of this section, unpaved public or unpaved private property does not include roads or highways.

(Ord. 08-04 § 1 (part))

### **8.28.050 Dust control during weed abatement activities.**

The following dust control measures shall be applied when weed abatement activities are occurring. The person in control of such vacant lot shall:

- A. First apply dust suppressants to the total surface area subject to disturbance prior to or during weed abatement;
- B. Prevent or eliminate material tracked out onto paved surfaces;
- C. Immediately apply dust suppressants, gravel compaction or alternative control measures following weed abatement to the entire disturbed surface area such that the surface is stabilized.

Any person in control of a disturbed vacant lot that remains vacant for more than fifteen (15) days must either establish a ground cover vegetation on all disturbed surface areas, apply a dust supplement to all disturbed surface areas, restore to a natural state, or apply and maintain surface gravel to stabilize all disturbed surfaces.



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(Ord. 08-04 § 1 (part))

### **8.28.060 Leaf blower restrictions.**

It is unlawful for any person to use leaf blowers to blow landscape debris into roads.

(Ord. 08-04 § 1 (part))

### **8.28.070 Compliance monitoring.**

- A. Right of Entry: Inspection. The town shall be permitted to enter and inspect property subject to regulation under this chapter when necessary to determine compliance with this chapter.
  - 1. If a person in control has security measures in force which require proper identification and clearance before entry into its property, the person in control shall make the necessary arrangements to allow access to representatives of the town.
  - 2. Any temporary or permanent obstruction to safe and easy access to the property to be inspected shall be promptly removed by the property owner at the written or oral request of the town and shall not be replaced. The costs of such access shall be borne by the person in control.
- B. Search Warrants. If the town has been refused access to any part of the premises and the town is able to demonstrate probable cause to believe that there may be a violation of this chapter on the premises, or that there is a need to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the town may seek issuance of a search warrant from any court of competent jurisdiction.
- C. If any other ordinance, rule, regulation, or other provision of law imposes more restrictive or higher protective standards for human health or the environment, such more restrictive or higher protective provisions shall control.
- D. Exemption. This chapter shall not apply during a period of emergency or if the operation is directed by a peace officer or other public authority.

(Ord. 08-04 § 1 (part))

### **8.28.080 Penalties—Violation a public nuisance.**

In addition to the enforcement process and penalties provided in Article 1, Chapter 1.12 of this code, any condition caused or permitted to exist in violation of any of the provision of this chapter is a threat to public health, safety and welfare and is deemed a nuisance, subject to the abatement procedures set forth in Chapter 8.32 of this title.

(Ord. 08-04 § 1 (part))

## **Chapter 8.32 NUISANCES**

### **Sections:**

[8.32.010 Purpose, findings and scope.](#)

[8.32.020 Definitions.](#)

[8.32.030 Owner, occupant or person in control to maintain premises.](#)

[8.32.040 Public nuisances defined.](#)

[8.32.050 Authority to inspect.](#)

[8.32.060 Abatement in lieu of or in addition to criminal complaint.](#)

[8.32.070 Emergency abatement.](#)

[8.32.080 Interference with inspection, abatement.](#)

[8.32.090 False information.](#)

[8.32.100 Abatement procedures.](#)

### **8.32.010 Purpose, findings and scope.**

- A. Purpose. The purpose of this chapter is to define and prohibit and abate public nuisances pursuant to the police powers of the town and to ensure the public health, safety and welfare insofar as they are affected by public nuisances.
- B. Findings. The town council finds that the failure of a property owner, occupant or person in control to maintain property in a safe and sanitary manner as required by this chapter creates a public nuisance and is hazardous to the public health, safety and welfare. Public nuisances promote the spread of disease, endanger the physical safety of occupants and cause neighborhood blight.
- C. Scope. This chapter shall apply to all land within the town without regard to the use or occupancy or the date of acquisition, alteration, or improvement of such land and to all existing residential and nonresidential structures and all existing premises.

(Ord. 03-07 § 1 (part))

### **8.32.020 Definitions.**

"Abatement" means the removal, stoppage, prostration, or destruction of that which causes or constitutes a public nuisance, whether by breaking or pulling it down, or otherwise destroying or defacing it.

"Alley" means a public passageway affording a secondary means of access to abutting property.

"Building, enclosed" means a building with a perimeter composed of rigid walls and a roof.

"Hazard" means a condition that may cause serious personal harm.

"Imminent hazard" means a condition that presents an immediate likelihood for causing serious personal harm.

"Infestation" means the apparent presence of insects, rodents or other pests.

"Junk" means items that in their present state are of little or no apparent economic value that are not confined within an industrial area in compliance with the Youngtown zoning code, such as an accumulation of the following materials: discarded or scrapped furniture; glass, metal, paper or machinery parts; inoperative machinery or appliances; building material wastes; litter; or discarded or empty containers.

"Land" means all land in the town, whether improved or unimproved.

"Litter" means refuse as defined in this chapter and all other waste materials including, but not limited to, all discarded or unused appliances, vehicles, equipment, junk and any of the following items set forth in Section 8.08.010: garbage, trash, recyclables, appliances, vehicles, building materials, by-products, dangerous waste, soil and concrete, whether abandoned, left unattended, thrown, deposited or stored in such manner as to create a danger to the public health, safety and welfare or to create a nuisance which would make the premises offensive, unsightly, foul or in any way obnoxious to public senses. Litter shall also include all garbage, hazardous waste, trash and yard waste as set forth in Section 8.08.010.

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"Occupant" means the person occupying or having custody of a structure or premises as a lessee or otherwise.

"Outdoor light fixtures" means outdoor artificial illuminating devices, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices include, but are not limited to, search, spot or flood lights for buildings and structures, recreational areas, parking lot lighting, landscape lighting, billboards and other signage and street lighting.

"Owner" means the owner of record based on the records of the Maricopa County recorder's office.

"Person in control" means a person who has possession or the use and enjoyment of private property, whether or not said person is the owner of the property.

"Plant growth" means vegetation, whether living or dead, such as grass, weeds, vines, bushes, cactus, or trees, excluding cultivated crops.

"Polluted" means a condition that exists in water and is characterized by bacterial growth, algae, insect infestation, the remains of litter, debris, garbage or any other foreign matter which, because of its nature or location, constitutes an unhealthy, unsafe or unsightly condition.

"Property" means any real property, premises, structure or location on which a public nuisance is alleged to exist.

"Residential real property" means property that is used solely as leased or rented property for residential purposes.

"Stored" means parking, leaving, locating, keeping, maintaining, depositing, remaining or being physically present on private property.

(Ord. 03-07 § 1 (part))

(Ord. No. 12-09, § I, 11-15-2012)

### **8.32.030 Owner, occupant or person in control to maintain premises.**

The owner, occupant or person in control of any private property shall, at all times, maintain the premises and adjoining alleys free of public nuisances, except that the owner or person in control of any private property may maintain litter in containers for refuse collection and disposal in accordance with Chapter 8.08 of Title 8 of this code and in a manner that prevents the litter from being carried or deposited by the elements upon any other property.

(Ord. 03-07 § 1 (part))

(Ord. No. 12-09, § I, 11-15-2012)

### **8.32.040 Public nuisances defined.**

Acts, omissions, conditions and things in or upon any private lot, building, structure or premises, or in or upon any public right-of-way, wash, street, avenue, alley, park, parkway or other public or private place in the town which are injurious to the public health, safety and general welfare, which interfere with the comfortable and reasonable use and enjoyment of property by any person, significantly impair property value or which unlawfully obstruct the free passage or use of any public park, wash, square, alley, sidewalk, street or highway are hereby declared to be public nuisances, and creating, causing, allowing or maintaining a public nuisance shall be unlawful and may be abated as set forth in this chapter. Public nuisances include, but are not limited to, the following:

- A. Any abandoned vehicle as defined in Chapter 8.20
- B. Depositing, storing or maintaining any garbage or junk, or an accumulation of materials including but not limited to: vehicle parts, appliances, scrap iron, tin and other metals, unless stored safely within a lawful, enclosed building or structure.

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- C. Causing, allowing or permitting any outdoor light fixture to be of such intensity as to interfere substantially and unnecessarily with the use and enjoyment of public or private property by any considerable number of people, with the lawful use of any school, public place or public street, with any governmental or public function of the town, or as to constitute a hazard or threat to the public health, safety and welfare of the people of the town; provided, however, this subsection shall not apply where the person causing, allowing or permitting said outdoor fixture is authorized by any school or by any ordinance of the town.
- D. The construction, continuance or use of any building, room or other place in the town for the exercise of any trade, employment or manufacture which, by noxious exhalations, including, but not limited to, smoke, soot, dust, fumes or other gases, offensive odors or other annoyances, is discomforting or offensive or detrimental to the health of individuals or of the public except for normal exhalation or smoke produced by normal heating devices. Nothing in this subsection shall be deemed to prohibit uses named herein when such are necessary and incidental to an agricultural use on land defined in this chapter as "property used for agricultural purposes."
- E. Any unguarded or abandoned excavation, pit, well or hole dangerous, injurious or harmful to life or property.
- F. Litter as defined in Chapter 8.12.
- G. Depositing in, sweeping upon, or permitting to drain into any public right-of-way or public place of the town any garbage, junk, obstruction, or similar matter or any hazardous material which is offensive to sight or smell or impedes passage or is detrimental to public health.
- H. Allowing any swimming pool or similar body of water to stagnate and thereby become atrophic, polluted or offensive to the senses and unsafe for its intended use.
- I. Erecting or maintaining any electric fence or to attach to any fence any glass, nails, metal objects or other materials in such a manner that is likely to injure any person who comes in contact with such object, or to erect or maintain any barbed wire or razor wire except that no more than three strands of barbed wire or one coil of razor wire not less than six feet and two inches above the ground are permitted at the top of an otherwise lawful fence enclosing a municipal, institutional or commercial use. Barbed wire fencing is not prohibited on premises larger than one acre used for agricultural or livestock purposes. Barbed wire or razor wire shall not extend beyond the premises, permitted to be enclosed.
- J. Failing to secure a vacant or abandoned building against unauthorized entry at all times.
- K. Offering to sell, selling or planting any male mulberry tree (*Morus alba*) or olive tree (*Olea europea*) in the town unless it is one of the non-pollinating varieties of such trees. The town shall maintain a current list of non-pollinating varieties, which shall be available for public review and shall be based on industry standard for non-pollinating varieties, applicable horticultural and scientific research and data, review and evaluation by qualified experts, and other appropriate information.
- L. Allowing water to flow or failing to prevent water from flowing onto the property of another including streets, roads or rights-of-way.
- M. The doing of any act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or other thing either:
  - 1. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous the free passage or use, in the customary manner, of any stream, public park, parkway, square, sidewalk, street or highway in the town and is no less a nuisance because the extent of the annoyance or damage inflicted is unequal; or
  - 2. Obstructs the free use of property so as to essentially interfere with the comfortable enjoyment of life and property by an entire community or neighborhood.
- N. A residential rental property that has been designated as a slum property pursuant to Chapter 8.36
- O. Graffiti as defined in Section 9.08.111

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- P. Other acts the council determines to be and defines as nuisances.

Nothing in this section shall prohibit the council from adopting an ordinance providing for different procedures for specific classes of nuisances not included in this section, in which case, the abatement procedure in such ordinance shall apply.

(Ord. 03-07 § 1 (part))

### **8.32.050 Authority to inspect.**

- A. The code enforcement officer is hereby authorized to make inspections for violations of this chapter in the normal course of job duties or in response to a citizen complaint that an alleged violation of the provisions of this chapter may exist or when there is a reason to believe that a violation of this chapter has been or is being committed.
- B. In order to determine compliance with this chapter, private property may be entered with the consent of the owner, occupant or person in control or as authorized by a court of competent jurisdiction.

(Ord. 03-07 § 1 (part))

### **8.32.060 Abatement in lieu of or in addition to criminal complaint.**

In addition to or in lieu of filing a criminal complaint, the town may file notice to abate any nuisance as defined in this chapter. Such abatement shall proceed independently of any criminal violation filed pursuant to Section 1.12.010 of this code and the town code enforcement officer, town prosecutor and town attorney are authorized to proceed with the filing of criminal complaints to abate a public nuisance.

(Ord. 03-07 § 1 (part))

(Ord. No. 12-09, § I, 11-15-2012)

### **8.32.070 Emergency abatement.**

If a situation presents an imminent hazard to life or public safety, the town may issue a notice to abate directing the owner, occupant, or person in control to take such action as is appropriate to correct or abate the emergency upon notice by the enforcement official to the responsible person(s). In addition, the town may act to correct or abate the emergency. In the event the town is unable to contact the owner, occupant, or person in control, it in no way affects the town's right to correct or abate the emergency. The owner, occupant, or person in control shall be granted a hearing before the council on the matter upon his or her request, as soon as practicable, but such appeal shall in no case stay the abatement or correction of such emergency.

(Ord. 03-07 § 1 (part))

### **8.32.080 Interference with inspection, abatement.**

Any person who interferes, prevents, or attempts to interfere or prevent an individual employed by the town or other person contracted for by the town from investigating an alleged violation of this chapter, or from correcting or abating a violation of this chapter, is guilty of a Class 1 misdemeanor.

(Ord. 03-07 § 1 (part))

### **8.32.090 False information.**

Any person who knowingly makes a false or fraudulent statement, or knowingly misrepresents a fact, or misleads an individual employed by the town or other person contracted for by the town, when that

individual is investigating, correcting or abating a violation of this chapter, is guilty of a Class 1 misdemeanor.

(Ord. 03-07 § 1 (part))

### **8.32.100 Abatement procedures.**

#### **A. Notice to Abate.**

1. If, after an inspection, the town finds one or more violations of this chapter, and the town elects to use the abatement process, the town shall, in writing, notify the owner; such notice shall be actual notice as evidenced by a signed certified mail return receipt or affidavit of service.
2. The notice to abate shall set forth the following information:
  - a. The owner has thirty (30) days from the mailing of the notice to abate or correct the violation;
  - b. Identification of the property in violation by street address, if known, and if unknown, then by book, map and parcel number;
  - c. Statement of the violation in sufficient detail to allow a reasonable person to identify and correct the violation(s);
  - d. An initial cost is calculated at a rate of one hundred seventy dollars (\$170.00) per hour and includes up to three laborers, hand tools, and equipment, plus landfill disposal fees. In the event that a job requires fewer or additional laborers and/or equipment, the public works director shall charge the property owner for the actual costs incurred. An additional surcharge of one hundred and fifty dollars (\$150.00) or five percent, whichever is greater, shall be added to the final cost assessed to the property owner by the town for administrative costs, reinspections and other fees as authorized under Arizona law.
  - e. Re-inspection date and time;
  - f. Name, address and telephone number of the building official who sent the notice to abate;
  - g. A warning stating that if the violations are not corrected within the thirty (30) day period the town can abate the problem and assess the owner the cost of such abatement and record a lien on the property for the assessment;
  - h. A statement that the owner may appeal in writing to the council within fifteen (15) days from the date the notice is mailed by the town.

The fifteen (15) calendar day notice set forth in this section shall not apply to emergency abatements.

#### **B. Service of Notices.**

1. Any notice required to be given for any purposes under this section shall be by having the code enforcement officer deliver the notice to the property owner, or by mailing the notice to the property owner by certified mail, return receipt requested.
2. Notice is deemed effective on the date it is hand-delivered or deposited in the United States mail.
3. Nothing in this chapter shall preclude the town from giving additional oral or written notice at its discretion. If the town does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situation.

#### **C. Recording a Violation.** The notice to abate shall run with the land. The town, at its sole option, may record a notice to abate with the county recorder and thereby cause compliance by an entity thereafter acquiring such property. The non-filing of any notice to abate shall in no way affect the

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validity of such notice as to entities so notified. When the property is brought into compliance by the responsible party, a satisfaction of notice to abate shall be filed with the county recorder.

### D. Appeals to the Council.

1. Any notice to abate or assessment can be appealed to the council.
2. An appeal must be filed within fifteen (15) calendar days of the service of the notice to abate or assessment and must be filed with the town clerk's office.
3. Failure to timely file an appeal shall constitute a waiver of the right to a hearing of the appeal before the council and such person shall be stopped to deny the validity of any notice or assessment which could have been timely appealed.
4. The notice of appeal shall set forth, in writing, the owner's reasons for believing he or she is not in violation of this chapter or that the assessment is excessive.
5. The appeal shall be accompanied by an appeal fee of twenty-five dollars (\$25.00), such sum to be deposited in the general fund of the town.
6. In case of financial hardship, the fee may be suspended until the decision on appeal is rendered. The town council may also waive the fee upon a finding of financial hardship.
7. Grounds for Appeal. Any person may appeal a notice to abate or assessment to the council:
  - a. When it is claimed the property or building subject to the notice is not in violation of this chapter;
  - b. When it is claimed the true intent of the section or standards described in this chapter have been incorrectly interpreted; or
  - c. When it is claimed that the statement of costs for correcting or abating the violation is excessive.
8. Procedure on Appeal.
  - a. The town council shall set a date for hearing an appeal within fifteen (15) days of the receipt of notice of appeal by the town clerk.
  - b. The town council shall take testimony from all parties to the appeal. The parties may if they choose be represented by an attorney.
  - c. The town council shall prepare a written summary of the hearing and shall set forth the decision reached. The findings and decision shall be mailed to all parties to the appeal within seven days of the hearing.

### E. Conflicting Provisions; Special Assessment.

1. Conflict of Ordinances.
  - a. In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the town existing on the effective date of this chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
  - b. It is not intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter, or with private restrictions placed upon the property by covenant, deed or other private agreement.
  - c. In cases where two or more provisions of this chapter are in conflict, the most stringent or restrictive shall prevail.
2. Special Assessment Lien.

- a. In the event the town is required to correct or abate a violation of this chapter, the town shall prepare a verified statement and account of the actual cost of such removal or abatement, including a one-hundred-and-fifty-dollar surcharge or five percent, whichever is greater, for administrative cost, re-inspections and other fees authorized under Arizona laws. The verified statement and account shall be an assessment upon the property from which the town corrected or abated the violations and shall be collected at the same time and in the same manner as other town assessments are collected. Such assessment shall be recorded in the office of the Maricopa County Recorder and from the date of its recording shall be a lien on the property. Such lien shall be subject to and inferior to the lien for general taxes and to all prior recorded mortgages. A sale of the property to satisfy a lien obtained under the provisions of this chapter shall be made upon judgment of foreclosure and order of sale. The town may institute an action to enforce the lien in the superior court of the county at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings prior to the recording thereof.
- b. A prior assessment pursuant to this chapter shall not be a bar to a subsequent assessment, and any numbers of liens on the same lot or tract of land may be enforced in the same action.

(Ord. 03-07 § 1 (part))

(Ord. No. 12-09, § I, 11-15-2012)

## **Chapter 8.36 SLUM PROPERTIES**

### **Sections:**

[8.36.010 Slum property designation.](#)

[8.36.020 Appeals.](#)

[8.36.030 Hearing.](#)

[8.36.040 Inspections.](#)

### **8.36.010 Slum property designation.**

If the building official finds that a residential rental property constitutes a "slum property" within the meaning of A.R.S. Section 33-1901(3), then the building official shall issue to the property owner or the owner's statutory agent a written notice of designation, either personally or by certified mail. The notice of designation shall be issued pursuant to Section 8.32.100. Such notice shall identify what conditions exist on the property that meet the statutory criteria for designation of a slum property.

(Ord. 03-05 § 1 (part))

### **8.36.020 Appeals.**

An owner of a residential rental property that has been designated as a slum property pursuant to Section 8.36.010 may file an administrative appeal contesting the designation by submitting an appeal in writing to the town clerk and paying the prescribed fees for processing. Such appeal shall be filed within twenty (20) days after the day notice of designation of a slum property was issued.

(Ord. 03-05 § 1 (part))



**8.36.030 Hearing.**

If an appeal of a designation of a slum property is timely filed, a hearing shall be held pursuant to Section 8.32.100.

(Ord. 03-05 § 1 (part))

**8.36.040 Inspections.**

The building official may inspect a residential rental property if (1) the owner has failed to register the property as a residential rental property pursuant to A.R.S. Section 33-1902, or (2) the property has been designated as a "slum property" pursuant to Section 8.36.010 of this code. The owner shall be responsible for the costs of the inspection, which shall be fifty dollars (\$50.00) per hour per inspector, with a four-hour minimum fee.

(Ord. 03-05 § 1 (part))