

CHAPTER 9
HEALTH, SAFETY AND SANITATION

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**CHAPTER 9
HEALTH, SAFETY AND SANITATION**

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Section 9-1-1 Purpose and Scope

- A. The purpose of this article is to promote the health, safety, and welfare of the citizens of the City of Page and to protect the community from deterioration and decline by establishing minimum standards for the use and maintenance of all buildings, structures, premises and land, whether developed or undeveloped.
- B. Except as otherwise provided, this article shall apply to all land within the City of Page without regard to the use or occupancy or the date of acquisition or annexation.

[Amended Ord. 593-12]

Section 9-1-2 Definitions

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Abandoned or junk vehicle: Any vehicle that is partially or wholly dismantled, discarded, wrecked, on blocks or similar devices, stripped, or scrapped; or a vehicle with one (1) or more deflated tires or from which a wheel or tire has been removed; or any motor vehicle which is inoperable due to mechanical failure or mechanical disassembly or other reasons, whether currently registered or not. The absence of current registration or license plate lawfully assigned and affixed thereto or immobilization for 60 days shall be prima facie evidence of inoperability.

Authorized receptacle: A litter, refuse, trash, or recyclable storage and collection receptacle, which is materially unaltered and has the lid or cover secured and closed as required and authorized pursuant to the City of Page Agreement for Garbage Collection.

City of Page Agreement for Garbage Collection: The contemporary agreement for residential and commercial solid waste and recyclable collection and removal required to be on file with the City Clerk pursuant to Section 9-2-1(B) of this code.

Designated City Official: Any City of Page employee, whether directed and authorized by the City Manager, job description, statute, or by code or regulation adopted by the City of Page, having purview over the respective issue.

Dismantled: Materially altered by removal of essential parts.

Garbage: An accumulation of spoiled or discarded animal or vegetable material resulting from the handling, preparation, cooking or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition.

Graffiti: As Defined by Chapter 10, Article 2 of the Page City Code.

Grass: Barnyard, Bermuda, Bromegrass, Johnson, bluegrass, crab, foxtail, ragweed, rye, wild oats, or hybrids thereof.

Hazard: A condition that presents a threat to life or public safety or that may cause physical harm in violation of Chapter 7 of the Page City Code.

Hazardous wastes: Sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded materials, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations or from community or private activities which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of or otherwise managed .

Imminent hazard: A condition that presents an immediate threat to life or public safety or the likelihood of causing personal physical harm in violation of Chapter 7 of the Page City Code.

Improved property: Land on which buildings or other structures are located or which has otherwise been developed for a legal use.

Infestation: The apparent or presence of insects, rodents or other pests.

Junk: Items that in their present state are of little or no apparent or objective economic value, except that which is confined within an industrial or commercial area in compliance with the City of Page Zoning Code, including but not limited to discarded or scrapped furniture; glass, metal, paper, appliances, fixtures, or machinery parts; inoperative machinery or appliances; vehicle bodies or parts, including tires; building material; litter; or discarded or empty containers.

Land: All land in the City of Page, whether improved or unimproved.

Litter: Any rubbish, refuse, waste materials, paper, glass, cans, bottles, organic or inorganic trash, debris, dead animals, or any foreign substance of any kind or description, including abandoned or junk vehicles, regardless of their value.

Littering: The act of placing, dumping, throwing or depositing litter.

Manure: Animal excreta, including that accumulated in or from barns, stables, corrals, pens or conveyances used from stabling, transporting or penning of animals or fowl,

with the exception of animal excreta purposely disposed of by spreading and tilling under the soil or used as fertilizer.

Notice to Abate: A notice issued to a property owner or occupant concerning a violation of this article or other code or regulation adopted by the City of Page.

Occupant: The person occupying or having possession or custody of a structure or premises as an owner, a lessee or otherwise.

Owner: The person indicated on the public records as the owner of record of the property in question.

Person: A human being, enterprise, corporation, association, partnership, firm or society.

Plant growth: Vegetation, whether living or dead, such as grass, weeds, vines, bushes, cactus, or trees.

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

Public place: Any street, sidewalk, boulevard, alley, right-of-way, or other public way and any public park, square, space, ground, path, trail or building.

Refuse: All biodegradable or non-biodegradable solid or semisolid wastes, except human excreta, but including garbage, rubbish, ashes, trash, manure, dead animals, junk vehicles, construction materials and industrial wastes.

Responsible party: An owner, lessee, cotenant, occupant, manager or other person responsible for the maintenance or condition of the real property, including buildings, grounds, lots or premises, or a person otherwise charged with a violation of this article.

Rubbish: All non-biodegradable solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, waste metal, tin cans, yard clippings, wood, glass, bedding, crockery, construction and similar materials.

Stored: Parking, leaving, locating, keeping, maintaining, depositing, remaining, or being physically present on private property.

Street or highway: The entire width between the boundary lines or every way publicly owned or maintained.

Trash: Paper, rags, old clothing, paper containers, pieces of wood, rubber or plastic, boxes, barrels or crates, construction materials, feathers, weeds, grass and tree limbs or shrub limbs.

Unimproved property: Bare land upon which no buildings or other structures have been erected or which otherwise undeveloped for a legal use.

Unfit for human habitation: In such dilapidated or unsafe condition as to present an immediate safety or fire hazard or in such unsanitary conditions as to be a menace to health or lacking water, sewer or electrical facilities for proper maintenance of sanitary, safe and healthful conditions in violation of Chapter 7 of the Page City Code.

Vehicle: Every device by which any person or property is or may be transported.

Weeds: Any vegetation which is, or is likely to be, detrimental, destructive or unsightly and difficult to control or eradicate, including but not limited to bull thistle, cocklebur, foxtail, horseweed, lambsquarters, London rocket, mallow, milkweed, pigweed, mustards, prickly lettuce, ragweed, Russian thistle, goat heads, tumble weeds, sheperdspurse, sow thistle, White Horse-nettle, willow-weed and those types of plant growth defined as noxious weeds by A.R.S. § 3-201 regardless of whether a particular property owner or occupant who is the subject of enforcement action under this code regards the growth as desirable.

[Amended Ord. 593-12]

Section 9-1-3 Enforcement Authority

- A. The City of Page Community Resource Officer, in coordination and cooperation with such other designated city officials, is hereby authorized and directed to enforce all provisions of this article.
- B. In enforcing this article, the City Community Resource Officer, peace officer, or other designated city official, may take one (1) or more of the following actions by first utilizing the least punitive action and progressing to more severe actions only as necessary for compliance.
 - 1. Informal intervention with the responsible party.
 - 2. Where the violation is on public property, such as noncompliant posting of signs in a public right-of-way, take summary action to remove the violation and, where possible, serve notice of the action or written warning, issue a Civil or Criminal Citation.
 - 3. Issue a Notice and Order to Abate to the responsible party in accordance with the procedures set forth in this article.
 - 4. Issue a Criminal or Civil Citation to the responsible party in accordance with the procedures set forth in this article.
 - 5. In the case of an imminent hazard or a building or structure which is unfit for human habitation, with the concurrence and approval of the City Manager, take emergency remedial action or issue an order to vacate the premises in accordance with the procedures set forth in this article.
- C. The authority of the City Community Resource Officer to enforce the provisions of this article is independent of and complementary to the authority of other designated city officials to enforce the provisions of any other statute, code or regulation. The remedies provided for in this article are cumulative and in addition to any other remedies established by law, and this article shall not be interpreted as limiting the penalties, actions or abatement procedures which may be taken by the City or other officials under other laws, ordinances, or rules.

[Amended Ord. 593-12]

Section 9-1-4 Inspections

- A. The City Community Resource Officer, or such other designated city official, is hereby authorized to make inspections for violations of this article in the normal course of job duties or in response to a citizen complaint when there is reason to believe that a violation of this chapter has been or is being committed and where necessary to certify compliance with an enforcement action.
- B. In order to investigate possible violations or to determine compliance with this article, private property may be entered with the consent of the owner or occupant. If consent is denied or cannot be obtained, private property may only be entered with an Administrative Warrant issued by a court of competent jurisdiction.

[Amended Ord. 593-12]

Section 9-1-5 Public Nuisances Prohibited

The following acts, omissions, conditions, and things in or upon any land or structure in the City, or the failure to comply with any of the following standards, constitute public nuisances, the existence of which are hereby prohibited and declared to be unlawful. The provisions of this section are not exclusive and may be duplicative of other provisions, codes and regulations adopted by the City of Page; all provisions, codes and regulations of the City of Page, including those in this section, may be applied cumulatively or separately for purposes of enforcement.

- A. It shall be unlawful to maintain any condition defined as or deemed to be a nuisance or hazard to the public health, safety, or welfare by any statute of the State of Arizona or any code or ordinance adopted by the City of Page.
- B. It shall be unlawful for any person to cause or allow the storage of any abandoned or junk vehicle except where such storage is in complete compliance with this article and the City of Page Zoning Code.
 - 1. In residential areas, all abandoned or junk vehicles being stored, restored or repaired for longer than fourteen (14) days shall be kept safely within a lawful building or structure or behind a lawful fence in such a manner as to not be visible from beyond the lot boundaries.
 - 2. Abandoned or junk vehicles shall not be stored on the premises of a business enterprise unless the enterprise is lawfully licensed under the Page City Code for such purpose, or such storage is necessary to the operation of the business enterprise, and such storage is otherwise in conformance with the Page City Code and Zoning Ordinance.
- C. No person shall allow, deposit, store, accumulate or maintain garbage, trash, refuse, rubbish, litter, or junk that is visible from beyond the lot boundaries, except for temporary storage of such materials in an authorized receptacle for collection in compliance with the City of Page Agreement for Garbage Collection.

- D. No person shall deposit, discard, store, maintain, or knowingly permit to remain on land, under his control, in a place accessible to children, any icebox, refrigerator, ice chest, or other airtight or semi-airtight container or appliance which has a capacity of one and one-half cubic feet or more and/or an opening of twenty square inches or more and which has a door or lid equipped with hinge, latch or other fastening device.
- E. All persons owning or occupying land, whether improved or unimproved, shall keep the sidewalks or public places fronting or bordering their property, free of garbage, trash, refuse, rubbish, litter or junk; provided, however, this section shall not prohibit the temporary storage of such materials in authorized receptacles for collection in compliance with the City of Page Agreement for Garbage Collection. All persons owning or occupying land, whether improved or unimproved, except land designated Parks/Open Space, Future Development, or Residential Estate, shall not allow, maintain, or accumulate weeds or grass in excess of eight (8) inches high.
- F. No owner or occupant of land, whether improved or unimproved, shall allow trees, shrubs, or plant growth on that land to encroach upon or impede, obstruct or interfere with passage on, any street, sidewalk, easement or alley within the City or to obstruct visibility of any traffic control device or signal.
- G. No owner or occupant of land, whether improved or unimproved, except on land designated as Parks/Open Space or Future Development, shall allow plant growth or weeds which are dead, dormant, sticker or potentially injurious to humans or animals or so dry as to be readily flammable or combustible or that may otherwise constitute a fire hazard or other threat to public health or safety. Nothing in this Article shall prohibit plant or weed growth, with the exception of noxious weeds, utilized for grazing on land designated as Residential Estate.
- H. No person or owner shall deposit into, sweep upon or allow or permit to drain into any public right-of-way or place any hazardous material, garbage, trash, refuse, rubbish, litter or junk, or similar matter which is offensive to sight or smell or impedes passage or is detrimental to public health.
- I. It is unlawful for the owner or occupant of land to cause or permit disagreeable or obnoxious odors to emanate beyond the boundaries of the land.
- J. It is unlawful to occupy any building or other structure which is unfit for human habitation in violation of Chapter 7 of the Page City Code.
- K. It is unlawful to allow any swimming pool or similar body of water to stagnate and thereby become eutrophic, polluted, or offensive to the senses and unsafe for its intended use in violation of any applicable health and safety code.

- L. No owner or occupant of land, whether improved or unimproved, shall cause or permit unreasonable quantities of smoke, noxious fumes, gas, soot or cinders to emanate beyond the boundaries of that land except with a fire department burning permit.
- M. No owner or occupant of a building or structure within the City shall permit graffiti on any building or structure or fail to eradicate graffiti from such building or structure in violation of Article 10-2 of this code. Graffiti is defined within this code.
- N. It is unlawful for any owner or occupant of land to fail to properly repair or replace any collapsed or fallen fence adjacent to the public right-of-way.
- O. In accordance with Chapter 8 of this code, except for specific permitted or licensed activities, it shall be unlawful for any person to display any article for sale outdoors on any property, whether improved or unimproved, or on any public place; and no owner or occupant of property, whether improved or unimproved, shall allow or permit such outdoor displays. This provision shall not apply to garage or yard sales.
- P. In residential zones, it shall be unlawful for any person to park or store and for an owner or occupant of land to allow or permit any person to park or store on the owner's or occupant's land any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding fourteen thousand (14,000) pounds, except that temporary parking is permitted for the purpose of delivery or the loading and unloading of household goods.
- Q. No person shall place any sign in any public right-of-way or attach any sign to any public utility structure, traffic control device, traffic light standard, or similar structure, except signs erected by a public utility or government agency and those permitted by city ordinance or other law, but only for those places, times and specific purposes permitted.
- R. All vacant or abandoned buildings shall be secured against unauthorized entry at all times.
- S. It shall be unlawful for any person to willfully or negligently permit or cause the escape or flow of water from the municipal water system in such quantity as to cause flooding, impede vehicular or pedestrian traffic, create a hazardous condition to such traffic, create a condition which constitutes a threat to the public health and safety, or cause damage to the public streets or alleys of the City.

[Amended Ord. 593-12]

Section 9-1-6 Penalties

Penalties for violations of this article shall be pursuant to the Page City Code Section 1-8. In addition and concurrently, the City may employ all other enforcement remedies, and impose all other sanctions, available to it under this article or as otherwise provided by law. Each day in which a violation of this article continues or the responsible party fails to perform any act or duty required by this article or by a Notice and Order to Abate shall constitute a separate criminal or civil offense.

[Amended Ord. 593-12]

Section 9-1-7 Withholding of Permits

From the date a Notice and Order to Abate expires without compliance by the responsible party until the nuisance is abated or the City's costs of abatement are reimbursed (whichever occurs later), the City may withhold or suspend any permit or approval of any alteration, repair, or construction of any existing or new structure or sign on the property, as well as any permit or approval pertaining to the use or development of the property; provided, however, that no permit or approval necessary to correct the nuisance conditions shall be withheld.

[Amended Ord. 593-12]

Section 9-1-8 Enforcement

After appropriate or necessary investigation, documentation and inspection, the City Community Resource Officer, a Peace Officer, or other designated city official may take, in compliance with Section 9-1-3(B), one (1) or more of the following actions:

- A. Informal verbal or written notice to abate
- B. Informal mediation or intervention with the responsible party.
- C. Summary action to remove the violation, followed by appropriate notice, warning or enforcement action.
- D. Issue a Formal Notice and Order to Abate.
- E. Issue a Criminal or Civil Citation with notice to appear
- F. Take emergency action for abatement or vacation of premises.

Subsection 9-1-8.1 Informal Mediation or Intervention and Summary Action

- A. Informal mediation or intervention. Whenever in the judgment of the City Community Resource Officer, or other designated official, action short of formal citation or Notice and Order to Abate is likely to achieve satisfactory and timely compliance, informal intervention, including written and verbal communication providing up to fourteen (14) days in which to remedy the violation(s), may be used.
- B. Summary action. Where obvious and elemental violations occur and entry onto private property is not necessary to enforcement, e.g., in the case of illegal posting of advertising in public rights-of-way, the City Community Resource Officer, or other designated official, may remove or summarily abate the violation. In such cases, evidence of the violation shall be forwarded to the City Code Enforcement Officer, or other appropriate official for identification of the responsible party and follow-up enforcement.

Subsection 9-1-8.2 Abatement

- A. Administrative Abatement.

1. Abatement commenced pursuant to A.R.S. Section 9-499 (as amended) shall be known as an Administrative Abatement. The purpose of an Administrative Abatement is to compel the person or responsible party of the property, to remove rubbish, trash, weeds or other accumulation of filth, debris or dilapidated structures which constitute a hazard to public health and safety from buildings, grounds, lots, contiguous sidewalks, streets and alleys of the City. Notice of Abatement shall be given in accordance with the procedures set forth in this chapter and only after informal mediation or intervention has failed to remedy the violation.
2. Notice to Abate. If the City Community Resource Officer, or other designated official, determines that a violation of this article has occurred, he or she shall advise the responsible party by written notice and order to comply that the violation must be corrected and removed from the property. The notice shall be given to the responsible party not less than thirty (30) days before the date set for compliance if the violation is to be abated by administrative procedure pursuant to A.R.S. Section 9-499 (as amended). If the property owner is not the defendant or responsible party named in the action, notice shall also be given to the owner in accordance with the procedures set forth in this chapter. The notice shall include:
 - a. A legal description of the premises, street address, tax parcel number, and a summary of violations known to exist together with the code section references.
 - b. A detailed description of the condition(s) constituting the violation(s) along with legal citation(s) of applicable code, statutory or regulatory provision(s).
 - c. Re-inspection date, if any.
 - d. The estimated cost of abatement together with costs of additional inspections and other incidental connected costs.
 - e. A Description of the Appeal Process. Pursuant to A.R.S. Section 9-499 (as amended), the responsible party may appeal both the notice and the assessments by requesting a hearing before the City Council within the time set for compliance. If no timely appeal is made, or the City Council affirms the abatement, the City may remove, abate, enjoin or cause the removal of the violation after the compliance time has elapsed.

- f. Name, business address, and business phone number of the City Community Resource Officer and/or other city official who issued the notice.
3. The costs for abatement, plus associated legal costs, shall be recorded as an assessment on the property and collected as provided in A.R.S. Section 9-499 (as amended), including commencing a sale of the property and judgment of foreclosure in Superior Court. A prior assessment under the statute shall not be a bar to subsequent assessments, and any number of assessments on the same lot or tract of land may be enforced in the same action.
4. Service of the Notice to Abate shall be deemed complete on the date it is hand delivered or mailed certified mail, return receipt requested, addressed to the property owner or responsible party. If personal service or mailed service is not practicable, service of notice also shall be deemed effective upon notification through a one-time public notice published in a newspaper of general circulation within the City and by posting a duplicate notice on the property for a period of thirty (30) days. Nothing herein shall preclude the City from giving additional verbal or written notice at its discretion.
5. Notice pursuant to Subsection 9-1-8.1(A) shall occur prior to commencement of other enforcement proceedings, including civil or criminal proceedings. Abatement will not preclude also seeking civil or criminal enforcement actions.
6. Statement of account. When the City has undertaken action to abate the nuisance, the City Community Resource Officer, or other authorized official, shall prepare a verified statement of the actual costs of abatement, including an administration charge of five (5) percent and serve said statement in accordance with the procedures as set forth within this chapter.
7. Recording of violation and/or lien of assessment. The Notice to Abate and statement of account and any assessment lien recorded by the City shall run with the land. The City, at its sole discretion, may record a Notice and Order to Abate or a statement of account with the Coconino County Recorder and thereby cause compliance by an entity thereafter acquiring such property. When the property is brought into compliance, a Satisfaction of Notice to Abate shall be recorded with the Coconino County Recorder. When an assessment lien is paid off, a satisfaction of the lien shall be recorded.

B. Court Ordered Abatement.

1. In addition to any other abatement procedure provided in this chapter, in accordance with A.R.S. Section 9-500.21 the City Manager or designee, or the City Attorney's office, may apply to the Municipal Court for an order permitting the City to abate any condition that constitutes a violation of this Public Nuisance Code.
2. After notice to the owner and any responsible party, the Judge or court hearing officer shall conduct a hearing. The hearing shall be informal and open to the public. Evidence may be taken from any interested party and considered in determining whether a condition in violation of the public nuisance ordinance exists and what, if any, abatement action should be permitted. Any person who fails to appear after notice of the hearing may be deemed to have waived any right to introduce evidence. The court's determination shall be based on the preponderance of evidence.
3. If the City seeks court-ordered abatement as a remedy in addition to any sanction, penalty, incarceration, restitution, or fine, it shall assess the abatement costs as set forth in this chapter and/or those established in the judgment and sentence. The court may allow an appropriate time for compliance and abatement by the responsible party, but compliance will not preclude the City from requesting criminal penalties depending on how the violators were charged. Failure by the defendant or responsible party to comply with abatement will result in the filing of an assessment lien on the property, as described in A.R.S. Section 9-499 (as amended), and may also subject the party to additional criminal citations for interference with judicial proceedings under A.R.S. Section 13-2810 (as amended).
4. Appeal of Court Decision. Any party may appeal the judgment of the court to the Superior Court. Appeals from civil proceedings shall be in accordance with the Superior Court Rule of Appellate Procedure – Civil. Execution of any judgment shall be stayed pending appeal.

Subsection 9-1-8.3 Civil and Criminal Enforcement

- A. Authority to issue Civil and Criminal Citations. The City Community Resource Officer, any peace officer and any other city official authorized by the City Manager may issue a citation pursuant to this article.
- B. Civil or criminal enforcement in the Page Magistrate Court may be commenced by the issuance and filing with the court a Uniform Arizona Traffic Ticket Complaint form.
- C. Long form complaint. Any prosecutor, City Community Resource Officer, peace officer and any other city official authorized by the City Manager

may file a long form complaint with the Page Magistrate Court in accordance with the Arizona Rules of Criminal Procedure.

Subsection 9-1-8.4 Emergency Abatement; Vacation of Premises

- A. Imminent hazard. If a situation presents an imminent hazard to life or public safety or immediate likelihood of physical harm, the City Manager may approve an Emergency Notice and Order to Take Immediate Action as is appropriate to correct or abate the condition. In addition, or instead, the City Manager may approve immediate action on the part of city officials to summarily and unilaterally correct or abate the condition or authorize the commencement of an action in Superior Court to enjoin the responsible party to abate the imminent hazard. The inability of city officials to find or contact the responsible party, despite reasonable efforts to do so, in no way affects the City's right or obligation under this section to summarily and unilaterally correct or abate the condition.
- B. Costs of emergency abatement. The City may recover its costs incurred in abating an imminent hazard under this section in the same manner and with the same procedures provided for in section 9-4-8.2 of this article.
- C. Notice and appeal. The notice and appeal provisions of this section do not apply to emergency abatement, except that the owner or occupant or other responsible party shall be served with and have the right to appeal any statement of account for costs of abatement as set forth in section 9-4-8.2 of this article.
- D. Vacation of Premises.
 - 1. Unfit for human habitation; declaration and Order to Vacate. In the case where a building or structure which is determined to be unfit for human habitation as defined by applicable building, health and safety codes, statutes or regulations as defined in this article or any other applicable code, statute or regulation, the City Manager is authorized to approve the issuance of a Declaration and Order to Vacate the Premises. The declaration and order shall be in essentially the same form as a Notice and Order to Abate.
 - 2. Notice. Service of the declaration shall be complete upon delivery to the occupant, posting in an obvious and conspicuous place on the premises and upon mailing by certified mail, return receipt requested to the owner at his or her last known address. The Order to Vacate shall not take effect until the time for appeal under this section has lapsed.
 - 3. Appeal and stay. The occupant or owner of the property may appeal the Declaration and Order to Vacate to the Page Magistrate Court by delivering to the court clerk a written statement of appeal within five (5) days after service is complete. Timely delivery of a written statement of appeal operates as a stay on the Order to Vacate until the appeal can be heard. The appeal shall be heard

and a determination made by the City Magistrate or hearing officer within five (5) days.

4. Violation; removal of posting. Once a building or structure has been declared unfit for human habitation, it shall be a violation of this article to remove the posted notice unless and until it has been determined by the City that the conditions warranting the posting have been abated or the City Magistrate or hearing officer has ruled in favor of the responsible party on appeal.
5. Reoccupancy. Once a building has become unoccupied as the result of a notice and order to vacate under this section, it shall remain unoccupied until reinspected and approved for occupancy by the City. The City shall reinspect within two (2) business days of the receipt of a written request by the owner or responsible party.

[Amended Ord. 593-12]

ARTICLE 9-2 GARBAGE COLLECTION

9-2-1 Exclusive Right

9-2-2 Contract with Private Company- Fixing of Service and Rates

9-2-3 Use of Containers

Section 9-2-1 Exclusive Right

- A. The City has the exclusive right to engage in or authorize third parties to conduct the business of collection and disposing of all trash, rubbish or garbage, including recyclable and/or hazardous materials, for compensation within the city limits of the City of Page, except as provided by in state law. The City Council shall prescribe rules and regulations, which may include licensing requirements, governing the collection, disposal and hauling of refuse, recyclable materials and other waste management services by qualified and experienced private companies.
- B. It shall be unlawful for any person to haul or cause to be hauled on or along any public street or right-of-way in the City any trash, rubbish or garbage, including recyclable and/or hazardous material, for compensation in violation of this Code, applicable state or federal law, or rules established by the City.
- C. Except that nothing in this chapter shall be interpreted to prohibit construction contractors, subcontractors, or property owners from proper construction site cleanup and disposal at a proper landfill or “construction debris” as currently defined by A.R.S. Section 49-701.

[Amended Ord. 615-14]

Section 9-2-2 Contract with Private Company-Fixing of Services and Rates

- A. If the City Council elects to contract with a private company to provide municipal trash collection services to the residents of the City, then the method and frequency of trash collection, and the rates for trash collection and disposal shall be fixed by the City Council in a written contract with the private company providing the service. The terms of any such contract or amendments thereto, as may from time to time be adopted and approved by the City Council, are expressly incorporated by reference into this chapter and made a part hereof as though fully set forth herein.
- B. All contracts and amendments thereto which may be entered into by the City Council to provide municipal trash disposal and collection services to the City and its residents are established and declared to be a public record, and each contract which may be approved by the City Council shall be maintained in the office of the City Clerk for public inspection and review during normal business hours of that office.
- C. In the event the services, schedules, or procedures for garbage collection as provided for in the City of Page Agreement for Garbage Collection is amended or altered, the City Manager shall be responsible for taking reasonable steps to notify the community of such changes prior to their implementation.

[Amended Ord. 593-12]

Section 9-2-3 Use of Containers

It shall be unlawful for any person to deposit or cause to be deposited any refuse in any container that he does not own or is not entitled to use as a tenant.

[Amended Ord. 593-12]

ARTICLE 9-3 INTENTIONALLY LEFT BLANK

[Repealed by Ord. 593-12]

ARTICLE 9-4 INTENTIONALLY LEFT BLANK

[Repealed by Ord. 593-12]

ARTICLE 9-5 REGULATION OF SOLID FUEL BURNING DEVICES

- 9-5-1 Air Quality, Declaration of Policy
- 9-5-2 Definitions
- 9-5-3 Unlawful to Sell or Burn Unseasoned Fuel
- 9-5-4 Regulation of New Solid Fuel Burning Devices-Approved Devices Required
- 9-5-5 Limitation on Number of Solid Fuel Burning Devices in Residential Buildings
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- 9-5-7 Limitation on Number of Solid Fuel Burning Devices in Commercial Construction
- 9-5-8 Investigation and Compliance
- 9-5-9 Appeals-Building Board of Appeals
- 9-5-10 Burning of Coal Prohibited
- 9-5-11 Permit Required for Installation of Solid Fuel Burning Device
- 9-5-12 Fee
- 9-5-13 Application to Install Solid Fuel Burning Device
- 9-5-14 Unlawful to Install, Sell or Operate
- 9-5-15 Severability
- 9-5-16 Nuisance; Injunction

Section 9-5-1 Air Quality, Declaration of Policy

The City Council hereby finds and declares air quality to be an important part of the health, safety and welfare of the community, and that the City Council has a duty to protect and improve air quality in and around the City of Page, not only for the health, safety and general welfare of its citizens, but also because air pollution resulting from the use of solid fuel burning devices reduces the desirability of the community as a resort thus affecting the aesthetic and economic welfare of the community. The City Council finds and declares present levels of air pollution to be unacceptable and recognizes the need to achieve the maximum practical degree of air purity possible by requiring the use of all available practical methods and techniques to control, prevent, and reduce air pollution. It is the intent of the Council to require the installation of or conversion to approved solid fuel burning devices, and prohibiting the burning of coal, all for the improvement of the air quality, aesthetic and economic environment of the City of Page. It is to this end that this ordinance is enacted.

[Amended Ord. 299-94]

Section 9-5-2 Definitions

- A. Approved Solid Fuel Burning Device. A solid fuel burning device which the City of Page can verify as to particulate emissions of less than or equal to 4 grams per hour with testing, weather weighing and altitude adjustment and is installed in accordance with applicable City Ordinances. The term "Approved Solid Fuel Burning Device" includes "pellet stoves" which comply with the emission standard established herein.

Approved Nonsolid Fuel Burning Device. Any device that operates with nonsolid fuel (gas or liquid) which the City of Page can verify as to particulate emissions of less than or equal to 4 grams per hour with testing, weather weighing and altitude adjustment and is installed in

accordance with applicable City Ordinances, which may include a properly installed firebox, flues, and gas log apparatus.

[Amended Ord. 382-98]

- B. Coal. A mineral substance consisting of carbonized vegetable matter.
- C. Charcoal. Carbonized material obtained from heating wood or other organic substances in the absence of air, and which is normally used for outdoor cooking.
- D. Rated Device. A device that is certified by the City of Page as meeting the particulate emission standards of this ordinance.
- E. Structure. Anything constructed or erected, which requires location on the ground and is a combination of roof and supporting walls and/or columns.
- F. Wood Burning Device shall mean and include any solid fuel burning device, including but not limited to, free-standing fireplaces, airtight stoves, Franklin stoves, conventional masonry fireplaces, prefabricated zero clearance fireplaces, any similar fireplace the operation of which requires it to be built in the structure as a component of the building, a fireplace insert or another device intended for use to heat interior habitable space or for aesthetic enjoyment, providing such device is capable of burning solid fuel such as wood, coal, and/or any other solid fuel.

[Added Ord. 172-86]

Section 9-5-3 Unlawful to Sell or Burn Unseasoned Fuel

It is unlawful to sell to a resident or to any person, firm, or corporation of the City of Page any combustible material for use in a solid fuel burning device which is not in a dry, seasoned, and burnable condition or for a resident or any person, firm, or corporation of the City of Page to burn any combustible material in a solid fuel burning device which is not in a dry, seasoned, and burnable condition.

[Amended Ord. 299-94]

Section 9-5-4 Regulation of New Solid Fuel Burning Devices-Approved Devices Required

No solid fuel burning device shall be installed within any dwelling unit or commercial building within the City unless such device is an approved solid fuel burning device.

[Amended Ord. 299-94]

Section 9-5-5 Limitation on Number of Solid Fuel and Nonsolid Fuel Burning Devices in Residential Buildings

The number of approved solid fuel and nonsolid fuel burning devices installed in any new residential building, for which a building permit is issued after the effective date of this ordinance, shall not exceed the following limits:

- (a) single-family homes - one approved solid fuel or nonsolid fuel burning device per dwelling, for the purposes hereof "dwelling" includes the garage and all accessory buildings;
- (b) duplex or two-family homes - one approved solid fuel or nonsolid fuel burning device per dwelling, for the purposes hereof "dwelling" includes the garage and all accessory buildings; and
- (c) multi-family buildings including but not limited to condominiums and townhouses - one approved solid fuel or nonsolid fuel burning device per dwelling;

unless the total emissions of all of the Approved Solid Fuel and Liquid Fuel Burning Devices installed in each dwelling (including its garage and all accessory buildings) is less than or equal to four (4) grams per hour with testing, weather weighing and altitude adjustment.

In dwelling units existing on the effective date of this ordinance, installation of additional solid fuel burning devices is prohibited if the resulting emissions of all of the solid fuel burning devices including existing and those to be installed exceeds the limitations contained in this section.

[Amended Ord. 382-98]

Section 9-5-6 Elimination of Nonconforming Solid Fuel Burning Devices in Existing Dwelling Units

All nonconforming wood burning devices, except fireplaces, shall be converted to approved wood burning devices; or converted to an approved nonsolid fuel burning device, prior to any transfer of ownership which occurs after the effective date of this ordinance. Sufficient funds shall be escrowed prior to the closing by the seller to perform the removal or replacement prior to the closing of escrow.

[Amended Ord. 299-94]

Section 9-5-7 Limitation on Number of Solid Fuel Burning Devices in Commercial Construction

No more than one approved solid fuel burning device shall be installed in any commercial building constructed after the effective date of this ordinance. In commercial buildings in existence on the effective date of this ordinance, which contain one or more solid fuel burning devices, installation of additional solid fuel burning devices is hereby prohibited.

[Amended Ord. 299-94]

Section 9-5-8 Investigation and Compliance

Compliance with the requirements of Section 7 may be demonstrated by the final inspection report issued by the Building Department.

The City may inspect solid fuel burning devices to determine whether the building permit holder is in compliance with the provisions of this ordinance. If a building permit holder or person operating the solid fuel burning device refuses to consent to the City's inspection, the City may, upon a showing of reasonable grounds and for the purpose of inspecting solid fuel burning devices only, apply for an appropriate court order.

When the City has reasonable grounds based upon its investigation or upon written complaints sufficiently demonstrating reasonable grounds that a person has violated this ordinance, the City shall issue a Notice and Order setting forth the alleged violations and the corrective action that needs to be taken. The Notice shall be served personally, by certified mail or in any other manner provided by state law for the service of process and shall allow thirty (30) days for the person to take necessary actions to comply with this ordinance.

[Amended Ord. 299-94]

Section 9-5-9 Appeals-Building Board of Appeals

An appeal of the City's order to comply may be filed with the Building Board of Appeals in writing no later than thirty (30) days from the date of the City's Order.

Upon a timely filing of a Notice of Appeal to the Building Board of Appeals, the Board shall set a hearing date to review the order of the City. This hearing date shall be on a date not less than five (5) days nor more than thirty (30) days from the date of the Notice of Appeal. The hearing before the Board shall be informal. The City shall present information which it believes shows a violation of this ordinance and the appellant shall be given the opportunity to respond. The Building Board of Appeals shall issue their decision and order within ten (10) days of the date of the hearing.

The Building Board of Appeals may affirm, modify, rescind or delay the Compliance Order, if any one or more of the following criteria are met:

- (a) Owing to exceptional and extraordinary circumstances, literal enforcement of these regulations will result in extreme hardship. Such circumstances may include, but are not limited to, structural conditions which would impose extraordinary costs in order to comply with the provisions of these regulations.
- (b) Compliance with the requirements of these regulations would create a threat to the health and safety of a homeowner or occupant.
- (c) There is imminent planned termination of operations or replacement of a noncomplying solid fuel burning device with an approved device.

The Order of the Building Board of Appeals shall determine whether the ordinance was violated and shall state the time for compliance with the Order.

[Amended Ord. 299-94]

Section 9-5-10 Burning of Coal Prohibited

No coal shall be burned in any solid fuel burning device after the 1st day of August 1994, unless the solid fuel burning device is the only heat source as of the 1st day of February 1994 and such device was designed only for the use of coal as a fuel source.

[Amended Ord. 299-94]

Section 9-5-11 Permit Required for Installation of Solid Fuel Burning Device

No person shall install a solid fuel burning device without first obtaining a permit from the Building Department for such installation in accordance with the applicable provisions of the Uniform Building Code and Uniform Mechanical Code as adopted by the City of Page. A solid fuel burning device shall not be operated until after its inspection, upon completion, by a building inspector.

[Amended Ord. 299-94]

Section 9-5-12 Fee

The permit fee shall be in accordance with the applicable building and mechanical codes.

[Amended Ord. 299-94]

Section 9-5-13 Application to Install Solid Fuel Burning Device

Before a permit is issued, the applicant shall be required to submit an application on such forms as provided by the City of Page.

[Amended Ord. 299-94]

Section 9-5-14 Unlawful to Install, Sell or Operate

It is unlawful to sell to a resident of the City of Page or to any person, firm, or corporation for installation within the City of Page, a solid fuel burning device which emits more than 4 grams per hour of particulates.

[Amended Ord. 299-94]

Section 9-5-15 Severability

The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application.

[Amended Ord. 299-94]

Section 9-5-16 Nuisance; Injunction

Any violation of this ordinance is declared to be a nuisance. In addition to any other relief provided by this ordinance, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

[Amended Ord. 299-94]