



COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

MEETING DATE: October 28, 2015

TO: Mayor and City Council

FROM: Kimberly Johnson, Community Development Director

SUBJECT: Code Compliance Program

ATTACHMENTS: Staff Memo and Attachments-September 23, 2015
Comparative Matrix of Code Requirements

BACKGROUND

At the September 23, 2015 work session, the City Council continued to discuss a code compliance program for the City of Page. The Council provided feedback and came to consensus on a number of issues presented in a staff memorandum dated September 23. The items upon which there was consensus are as follows:

- Enhancement of the General Nuisance Definition as in the language in the Kanab and Sedona Codes.
- Adding Attractive Nuisance to the list of nuisances and defining it.
- Moving electric fences from Chapter 10 to Chapter 9, and ultimately adding language in this regard to the updated Zoning Ordinance.
- Adding regulations related trash and recycling containers in Service Commercial district, storage location or screening and curb location and time limits for residential trash cans, as well as provisions that lids must close completely.
- Remove Graffiti regulations from Chapter 9, leaving them in Chapter 10 (Police).

UNADDRESSED CODE ISSUES

Several code issues were undecided and are in need of additional discussion. The narrative, recommendations, and staff questions related to these issues can be found in the attached September 23, 2015 memorandum. Also attached is a Comparative Matrix of Code Requirements from other communities. Items that need additional discussion include:

- Outdoor Storage and Recreational Vehicles/Boats/Personal Watercraft/Trailers Storage and Parking
- Refrigerators/Appliances
- Unsightly Premises
- Vegetation
- Vehicle Parking/Storage

CODE ENFORCEMENT PROGRAM AND APPROACH

This topic was not discussed due to time constraints. Please find the narrative and recommendations related to this topic in the attached September 23, 2015 memorandum.

REQUESTED COUNCIL DIRECTION

Staff would like to hear from the Council its primary concerns and issues related to code enforcement as well as have a discussion of the type of proactive code enforcement approach that would be best for the City of Page and its citizens.



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TO: Mayor and City Council

FROM: Kimberly Johnson, Community Development Director

SUBJECT: Code Compliance Program

ATTACHMENTS: None

INTRODUCTION

At the July 8, 2015 work session, the City Council discussed a code compliance program for the City of Page. It was the consensus of the Council that the enforcement provisions of Chapter 9 of the Page Code of Ordinances are adequate, and that there is no need for staff to pursue the International Property Maintenance Code (IPMC). It was further the consensus of the Council that the City should establish a proactive approach to code enforcement, and that staff should move forward with staffing the program. There was no clear consensus regarding process for identifying violations or additional code provisions necessary to shore up existing nuisance items in code

The position of Community Enhancement Technician has recently been posted. Staff is reviewing software options for program management.

As noted in the July 8 work session memorandum, Chapters 9 and 10 are the Nuisance and Offenses sections of code that address the bulk of the issues related to the Code Enforcement program. In addition, the City of Page Zoning Ordinance addresses some related land use issues such as signage and parking.

The Community Development Department has worked with the Page Police Department to identify which nuisances and offences will be administered by which department. In general Chapter 9, Nuisances will be administered by Community Development and Chapter 10 Offenses will be administered by Police. Staff is recommending moving some items from one chapter to the other in this regard. It is the intent of both departments to work together to gain code compliance related to Nuisances and Offenses.

It should be noted that Chapter 9 has different Enforcement provisions than Chapter 10. Staff has included the **Chapter 9 enforcement provisions in this memorandum.**

Because this is a long memorandum with a lot of detailed information, Staff has highlighted recommendations and requests for direction in ***Bold and Italics*** for the Council's convenience.

CITY OF PAGE CURRENT CODE OF ORDINANCES

Staff has conducted a detailed review of the Page Code of Ordinances and has compared them to similar ordinances in other communities, such as Kanab, Sedona, and Flagstaff. The following issues have been identified:

General Nuisance Definition

This is a general, all encompassing statement found in most community's codes. The City of Page's definition is broad, but vague. *Staff recommends enhancing the definition as in the language in the Kanab and Sedona codes as follows:*

Any condition defined as or deemed to be a nuisance or hazard to the public health, safety, or welfare, or anything which is indecent or offensive to the senses, or which interferes with the comfortable enjoyment of life or property.

Attractive Nuisance

Current Code has no provisions related to Attractive Nuisance. *Staff recommends adding Attractive Nuisance this as a listed nuisance with language as follows:*

Any attractive nuisance, dangerous to children and other persons including, but not limited to, abandoned, broken, or neglected household appliances, equipment and machinery, abandoned foundations or excavations, or improperly maintained or secured pools.

Electric Fences

Staff recommends moving the provisions in this regard from Chapter 10 to Chapter 9, and adding language to the new zoning code when it is drafted.

Garbage/Trash/Litter

Prior to the 2012 Chapter 9 code amendment, the code addressed the following issues:

- Location of individual garbage container pick up-at the curb
- Storage of individual garbage containers-not closer than the front building line of the residence (the intent is that the containers would not be allowed in front of the principal structure)
- Timeframe allowed for containers to be curb-side-set out after 6:00 p.m. the night before scheduled pick up, and removed prior to 7:00 p.m. the day of pick up (as soon as practical)

Staff believes the lack of regulations related to refuse container storage and timeframe for curbside set out has lead to property owners leaving cans at the curb or near the sidewalk for extended durations, in some cases, permanently (corner of 4th Ave and Elm). *Staff recommends that language related to Garbage/Trash/Recycling be enhanced to include provisions related to storage of trash and recycling containers and timing of put out and take in of such containers.*

The current Zoning Code requires that trash handling areas for multi-family residential uses, Manufactured housing/RV Parks, and uses in the Central Business, General Commercial, and Business Park districts to be completely enclosed via a solid 6' tall wall and view obstructing gate, to be located on a concrete surface. There are no trash handling area provisions for the Service Commercial or Industrial Districts.

Staff recommends that at a minimum, the same trash handling area provisions be included for the Service Commercial district, and some level of provisions be added for the Industrial district.

Graffiti

Both Chapter 9 and 10 have language regarding Graffiti, with Chapter 9 just making mention of it as a nuisance. Based on state statutes related to Graffiti and the implications of extensive damage to property impacts, ***it is recommended that authority be left in the hands of Police in Chapter 10, and removed from Chapter 9.***

Outdoor Storage and Recreational Vehicles/Boats/Personal Watercraft/Trailers Storage and Parking

Current City Code requires screening of outdoor storage from adjacent properties and streets, which is good.

The language related to parking/storage of manufactured homes, recreation vehicles, utility trailers, boats, boat trailers, or personal watercraft is conflicting between the outdoor storage section and the parking section of code. In one section it says they may be stored in a front yard of a residence if on a paved or concrete surface. In another section it says they may not be stored or parked in a front yard. Further, it is not clear if such storage is exempt from screening.

Flagstaff and Sedona allow parking/storage only in the side or rear yard. Flagstaff also requires that the required minimum parking for the residential use be maintained, as would most codes.

Staff recommends that the code be amended to clarify where this type of parking/storage is allowed, and is seeking direction as to how the City Council would like to regulate it.

Refrigerators/Appliances

The language in current code is adequate to address abandoned appliances; however, it is located in both Chapter 9 and 10. ***Staff recommends deleting language in Chapter 10.***

Unsightly Premises

Sedona has broad language in this regard as follows:

Every person owning/managing/having charge, control or occupancy of a property shall not allow property visible from the street or adjoining premises to become so unsightly/untidy as to substantially detract from the appearance of the immediate neighborhood or threaten the safety and welfare of the immediate neighborhood.

Staff recommends this language be added to the Code.

Vegetation

City Code currently establishes a height of 8" for weeds or grass as a nuisance, and goes on to address dead, dormant, sticker, and dry/flammable plant growth or weeds. There is also some language regarding trees, shrubs, and plant growth in general that impacts public right of way or traffic control devices.

There is no language related to noxious weeds or vegetation that does or could harbor rats or other vermin, and no language exempting properly maintained compost bins. ***Staff recommends such language be added, as provide in Kanab and Sedona's codes.***

Vehicle Parking/Storage

City Zoning Codes prohibit parking on unimproved, vacant, or open land. Code also regulates the minimum number of parking stalls required for all land uses.

Standards that apply to one- and two-family residential properties are minimal and include that parking areas must be paved or concrete, and junk or inoperable vehicles cannot be located outside for more than 14 days unless it is not visible at the lot boundary (fence, building).

There are no provisions that regulate the maximum number of vehicles allowed on a residential property, and there are no provisions that regulate where on a one and two-family residential lot the parking can be located. Note there is conflicting language in code related to parking/storage of recreational vehicles, boats, etc. in a front yard.

It is common for communities to limit the number of passenger vehicles that can park or be stored outside on a residential property and to disallow parking or storage in the front or corner-side yard in front of the living space of the home. In the cities used for comparison, however, none regulated the number of passenger vehicles allowed on a property, except inoperable and recreational vehicles, both of which were typically limited to one each.

Staff recommends that parking in the front yard be limited to legal driveways with approved surfaces and that no parking stalls be allowed in front of the living space of a home. The one exception to this provision would be in a case where there is no garage and no car port on the property (in the case where a garage or carport has been converted to living space. In this case staff would recommend language to limit the extent to which parking can occur in front of the living area of the home.

Staff would like direction from the City Council regarding the recommended code changes above.

CODE ENFORCEMENT PROGRAM AND APPROACH

At the July work session, the consensus of the City Council was to establish a proactive program for Code Enforcement. The approach is more time, labor, and resource intense as it establishes a process for systematic inspection of all or targeted properties within the community to determine code violations and attain compliance. There are a variety of ways a proactive program can be set up to address community needs while working within staffing confines.

For a proactive program, ***staff recommends one of the following approaches be implemented:***

- Divide the community into sections and systematically inspecting each property and enforcing the codes section by section, taking one section over a specific time period, such as one section per year or season;
- Target specific property types/land uses and systematically inspect and enforce the codes on each property;

- Establishing a priority list of violation types and systematically inspecting all properties in the community and enforcing the applicable codes. This approach may need to involve dividing the community into manageable sections each of which is handled over a specific time period, as in the first approach above.

Staff would like direction from the City Council regarding the preferred proactive approach.

It should be noted that complaints would still be acted on regardless of the procedure implemented above.

CHAPTER 9, NUISANCE ENFORCEMENT PROCESS

Current City Code provides the following enforcement process for nuisance violations (Chapter 9):

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. In addition to review and adoption of existing and new codes, the City Council has asked that a Code Enforcement program be established and implemented. A new program with the intent of actively enforcing

new and/or existing codes will require personnel to support and maintain that program. There are three primary approaches to code enforcement; proactive, reactive, and inactive. A proactive approach establishes a process for seeking out and correcting code violations, while a reactive approach establishes a complaint based system for identifying and correcting violations. An inactive approach provides for code enforcement on a low priority basis, as time allows, based on work load and other higher priorities. The system of code enforcement historically used in Page is the inactive approach.

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.

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.

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.

REQUESTED COUNCIL DIRECTION

Staff would like to hear from the Council its primary concerns and issues related to code enforcement as well as have a discussion of the type of proactive code enforcement approach that would be best for the City of Page and its citizens.

Nuisance Issue/Offense	Page	Kanab	Flagstaff	Sedona
Nuisance Defined	Any condition defined as or deemed to be a nuisance or hazard to the public health, safety, or welfare	<p>-Anything which is injurious to health, indecent, offensive to the senses, or an obstruction to free use of property, interfere with the comfortable enjoyment of life or property</p> <p>- Any item, thing, manner, or condition whatsoever that it is dangerous to human life or health or renders soil, air, water, or food impure or unwholesome</p> <p>- annoys, injures, or endangers the comfort, repose, health, or safety of three or more persons</p> <p>- offends public decency</p> <p>-unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway</p> <p>- renders three or more persons insecure in life or the use of property. An act which affects three or more persons in any of the ways specified in this subsection is still a nuisance regardless of the extent to which the annoyance or damage inflicted on individuals is unequal</p>	-Any building, shed/other structure dilapidated or so unsanitary or out of repair from age, neglect or other cause, rendered unfit or unsafe for habitation for occupancy, constitutes a dangerous fire hazard or which is otherwise dangerous or detrimental	Anything which is injurious to health or indecent or offensive to the senses, or which interferes with the comfortable enjoyment of life or property or anything which unlawfully obstructs the free passage or use in a customary manner of any public place, street, sidewalk or alley in the city, is a public nuisance and subject to summary abatement.
Abandoned or junk vehicle	<p>- storage of any abandoned or junk vehicle</p> <p>- residential areas- abandoned or junk vehicles being stored, restored or repaired + 14 days unless in building or structure, behind fence, not be visible at lot boundaries</p> <p>- business enterprise- unless licensed under City Code for such purpose, or necessary to business operation and complies with Code</p> <p>-Unlawful to park boat and trailer, travel trailer, motor home, tractor, semi-trailer, or trailer on street + 24 consecutive hours (10)</p> <p>Definition: Any vehicle 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.</p>		-unsheltered storage, parking, standing or placement of an abandoned or junked motor vehicle for a period of fifteen (15) days or more on any private property	<p>-All junk vehicles, or vehicles while being repaired or restored, shall be stored in an enclosed area by the owner or occupant of the property upon which such vehicle is located, so as not to be visible from any point outside of the property upon which the vehicle is stored or parked</p> <p>-No person shall abandon a vehicle upon any street or highway or on any other public land or private property.</p> <p>- abandoned vehicle, junk vehicle, all places used or maintained as junk yards or dumping grounds, or for the wrecking, dissembling, repair or rebuilding of automobiles, trucks, tractors or machinery of any kind, storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind or of any of the parts thereof, storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to interfere with the comfortable enjoyment or the quality of life or property by and of others-not prohibit any automobile wrecking yard or other junk yard otherwise permitted by zoning ordinance and amendments thereto, which is operated in conformity therewith;</p>
Attractive Nuisance		Any attractive nuisance, dangerous to children and other persons including, but not limited to, abandoned, broken, or neglected household appliances, equipment and machinery, abandoned foundations or excavations, or improperly maintained or secured pools		

<p>Below Ground Hazards</p>			<p>-Privies, vaults, cesspools, sumps, pits or like places which are not securely protected from insects or rodents, or which are foul or malodorous, or which are not securely closed and protected or, if necessary, illuminated so as to prevent persons or objects from falling therein. Also included are septic tanks and other alternative disposal systems which are no longer in use due to connection of a property to the city wastewater system</p> <p>-Any unguarded or abandoned excavation, pit, well or hole dangerous, injurious or harmful to life or property</p>	<p>- unsightly and dangerous building, billboard, other structure, old abandoned or partially destroyed building or structure, building or structure commenced and abandoned;</p>
<p>Building/Structure/ Dangerous Constructions</p>	<p>-occupy building or other structure unfit for human habitation (9) - It is unlawful for any person to maintain or allow any signs, billboards, awnings and other similar structures over or on streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety (10)</p>	<p>-Maintain or occupy dilapidated, unsanitary, out of repair (age, neglect, other cause) unfit or unsafe -dangerous fire hazard -dangerous or detrimental to public or injurious to health/ morals</p>		
<p>Construction Equipment</p>		<p>Construction equipment or machinery of any type of description parked or stored on the street, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property, right-of-way or street, or adjoining property or when the property is zoned for the storage of construction equipment and/or machinery.</p>		
<p>Electrical Disturbances</p>		<p>Electrical installations for signs, equipment, other facilities which create electrical disturbances that cause interference with normal radio or television reception beyond the immediate vicinity of such electrical installations</p>		
<p>Fences</p>			<p>- erect or maintain electric fence</p>	

<p>Garbage/Trash/Litter</p>	<ul style="list-style-type: none"> - 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 - No person shall allow, deposit, store, accumulate or maintain garbage, trash, refuse, rubbish, litter, or junk visible from beyond the lot boundaries-except temporary storage in authorized receptacle for Garbage Collection - All persons owning or occupying land shall keep the sidewalks or public places fronting or bordering their property, free of garbage, trash, refuse, rubbish, litter or junk - Multi-Family Residential-Trash bins must be fully enclosed, enclosure should be softened with landscaping on its most visible sides. Recommended locations include inside parking courts or at the end of parking bays. Locations should be conveniently accessible for trash collection and maintenance and should not block access drives during loading operations - CBD, C-2, Business Park, MHP, RVP (none for Industrial, PD) All refuse collection areas shall be completely enclosed via a solid 6 foot wall and view obstructing gate and located on a concrete surface. Refuse collection areas shall be readily accessible to collection vehicles, without substantially encumbering adjacent parking and vehicular access. If the refuse collection area can be seen from the front of the property the enclosure should be softened with landscaping on its most visible sides. 	<ul style="list-style-type: none"> -Accumulation of soil, litter, debris, plant trimmings, or trash visible from the street or an adjoining property 30+ days - Keeping or storing of any refuse or waste matter which interferes with the reasonable enjoyment of nearby property or has the potential to be a health hazard - Bulky rubbish-trees, weeds, large cardboard boxes may be bundled not to exceed 4' in length, 50# -All other refuse shall be stored in durable, watertight, and easily washable containers which have close-fitting lids and adequate handles to facilitate collection or in two-ply fifty (50) pound, waterproof bags - Garbage/refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out on the day of collection before the hour of collection - All empty receptacles must be removed from the street as soon as practicable after being emptied, and in every case, must be removed from the street the same day they are emptied. Receptacles shall not be permitted to remain on any street longer than may be necessary for the removal of the contents - Persons owning or occupying places of business shall keep the sidewalk in front of their business premises free of litter - No person shall throw or deposit litter on any occupied private property, whether owned by such person or not -No person shall throw or deposit litter on any open or vacant private property whether or not owned by such person 	<ul style="list-style-type: none"> - store or place solid waste in any street, alley, sidewalk, utility corridor or other public place, upon private property except if placed in containers authorized for collection. Bulk waste may be placed curbside for collection. -unauthorized accumulation of solid waste on any premises is a nuisance and is prohibited - cast or cause to be cast, place, sweep or deposit anywhere solid waste so it may be carried or deposited by the elements or animals upon street, sidewalk, alley, sewer, parkway or other public place, or any occupied premises - Residential or commercial automated collection containers shall be placed at curbside by 6:00 a.m. on the day of collection. Automated collection containers shall be removed from the curbside on the same day the container is serviced - No person shall throw or deposit litter on public place or private property - unlawful to allow Litter to accumulate on Private Property unless kept in covered bins or other Authorized Container- dead vegetative matter including grass clippings, leaves and tree trimmings may be permitted for the purpose of composting, provided regularly maintained and confined so as to prevent the compost from drifting, blowing, or generating obnoxious odors onto adjoining Private Properties or Public Places - unlawful for the owner to abandon, neglect or disregard condition of property to permit the accumulation of litter - All outdoor storage areas for materials, refuse containers, mechanical equipment, or vehicles, and all loading/unloading areas or service bays shall be screened from street view by a screen wall constructed to a minimum height of six feet and designed in compliance with the standards of this division 	<ul style="list-style-type: none"> -Trash receptacles enclosed with wood fencing, solid masonry walls or other suitable screening and with gates shall be provided for each nonresidential or multifamily use - residential use which uses a 1-yard or greater trash receptacle shall also enclose the receptacle with wood fencing, solid masonry walls or other suitable screening with gates - nonresidential and multifamily receptacle enclosures shall be set back a minimum of 20 feet from any residential district boundary and shall be maintained in a neat and sanitary condition -F filthy, littered or trash-covered exterior areas, buildings, structure, areas adjacent - Accumulations of bottles, glass, cans, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, other trash and abandoned material, kept in approved covered bins or metal receptacles -Accumulation of trash, litter, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding exterior, packing straw, packing hay, or other packing material, lumber not neatly piled, scrap iron, tin, other metal not neatly piled, anything in which insects may breed or multiply, provides harborage for rodents, creates a fire hazard -putrid, unsound/unwholesome bones, meat, hides, skins, whole or part of dead animal, fish or fowl, butcher's trimmings and offal, waste vegetable or animal matter, garbage, human excreta, sewage or other offensive substances accumulated on private or public property - shall at all times maintain the premises free of litter - No person shall throw or deposit litter on any open or vacant private property - No business establishment shall deposit any litter in any receptacle without a lid of sufficient weight to prevent the escape of litter
<p>Glare/Lighting</p>				<ul style="list-style-type: none"> -artificial illumination of such intensity as to interfere substantially and unnecessarily with the use and enjoyment of public or private property by a considerable number of people, or school, public place or public street, or with any governmental or public function of the city, or constitute a hazard or threat to the public health, safety and welfare

Graffiti	-allow or fail to eradicate from such building or structure (9) -Extensive regulations and procedures in Ch 10 (Offenses-Police)	Graffiti which remains for more than 72 hours on the exterior of any building, wall, fence, sign or other structure and is visible from a public street or right-of-way.	- write, paint, draw, etch, apply inscription, figure, mark on public or private building, other real/personal property - possess aerosol spray paint container, broad-tipped indelible marker, solidified paint marker or etching implement or solution with the intent to write, paint, draw, etc. - possess an aerosol spray paint container, broad-tipped indelible marker, solidified paint marker or etching solution without consent of owner/agent	
Hazardous Conditions		Any wall, sign, fence, gate, hedge, or structure maintained in such condition of deterioration or disrepair as to constitute a hazard		
Hazardous Trees/Pruning		-dead/diseased tree on public/private property threatens the public safety, constitutes hazard to life and property, harbors insects/ diseases that threatens other trees - A tree on private property that overhangs a street or right of way that is not pruned so that there is a clear space of eight feet (8') above the surface of the sidewalk, twelve feet (12') above the street or fifteen feet (15') above an ADOT corridor. - dead/diseased/dangerous/broken/decayed limbs that constitute a menace to public safety, tree/ shrub that is not pruned and interferes with visibility of traffic control device/sign		
Improper Maintenance		Buildings/structures deemed defective, condition of deterioration/disrepair: -unfit for human habitation, unreasonable hazard to health, unreasonable fire hazard ; -building/ structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to City ordinances; premises in violation of City ordinances; -abandoned, partially destroyed, left in unreasonable state of partial construction 6+ months -dry rot, warping, termite infestation, decay, excessive cracking, peeling, or chalking as to render the building unsightly and/or in a state of disrepair; -missing doors/windows-broken/ no glass Building exteriors, walls, fences, gates, driveways, sidewalks, walkways, signs or ornamentation, or alleys maintained to render unsightly/state of disrepair; - Buildings/conditions which violate building, electrical, plumbing, fire, housing, or other code		
Manure				Animal manure in any quantity not securely protected from insects and the elements, or kept or handled in violation of any ordinance

Odors/Smoke/Dust	<ul style="list-style-type: none"> -disagreeable/obnoxious beyond property line -smoke, noxious fumes, gas, soot or cinders to emanate beyond the boundaries (without building permit) 	<ul style="list-style-type: none"> -Emanation of noxious or unreasonable odors, fumes, gas, smoke, soot or cinders -Any premise which causes excessive dust due to an altering of the natural landscape, or any activity that causes excessive dust 		<ul style="list-style-type: none"> -noxious exhalations-smoke, soot, dust, fumes or other gases, offensive odors or other annoyances, except for normal exhalation or smoke produced by normal heating devices -Burning or disposal of refuse, sawdust or other material to cause or permit ashes, sawdust, soot or cinders upon the streets or alleys, or cause or permit smoke, ashes, soot or gases to become annoying to a considerable number of people, injure or endanger the health, comfort or repose of the persons; without a permit
Outdoor Storage	<ul style="list-style-type: none"> -outdoor storage use shall be further screened from adjacent properties and streets by a solid wall, together with adequate landscaping and buffer areas as approved by the Planning and Zoning Commission -Side or Front Yard Storage-Mobile/Manufactured homes, recreation vehicles, utility trailers, boat, boat trailer or personal watercraft shall be stored, parked or located in any zone except: <ul style="list-style-type: none"> -As a permitted or conditional use as otherwise allowed by this Ordinance; - temporary storage of a utility trailer, boat, boat trailer or personal watercraft and not more than one uninhabited recreation vehicle for each residential dwelling unit- shall not be stored in the front Yard -multi-family- Outdoor storage areas shall be screened from street view and the view of adjacent residence, office and commercial districts 	<ul style="list-style-type: none"> -The keeping/storing/depositing/accumulating of dirt/sand/gravel/concrete/construction equipment or other similar materials, maintenance of such on the premises or in public right-of-way-visible from public street/adjoining property 30+ days-not if part of an active construction/landscaping project -exempt if proper fence, wall, hedge, or other well-maintained appropriate barrier reasonably blocks the visibility of the items from the street or adjoining properties 		<ul style="list-style-type: none"> -residential districts maximum area of 200 square feet may be used on lot or parcel for outdoor storage of used/secondhand materials, ibnt lumber, auto parts, household appliances, pipe, drums, machinery or furniture-shall be screened by a wall, fence, landscaping, structure, other suitable screening from adjacent properties and streets-rear or interior side yards only. -Operable motor vehicles may be parked on the driveway or access way to the garage or carport. -outside storage of objects and materials shall be permitted as an accessory use in C-1, C-2 and C-3 Districts, providing that such storage is totally screened from the view of any contiguous property, right-of-way or easement by means of a masonry wall, solid wood fence or other suitable screening and/or landscaping - Outside storage as an accessory use shall not include the display of merchandise for sale, except as provided in Article 6 SLDC. -Vending machines permanently installed against but outside a structure shall not be considered an outside display, provided the number of such machines is approved by the Director. - outside placement of metal storage containers shall be limited to C-1, C-2, C-3 and RS-70 zones. No storage unit shall exceed the individual dimensions of 20' in length by 8'wide by 10' in height
Recreational Vehicles/Boats/Trailers	<ul style="list-style-type: none"> - storage of boat with trailer + not more than one uninhabited camper or recreational vehicle for each residential unit in R1-8, R1-7, R2, RM, MHS, RE-2A and RE-1A Zoning Districts. Such vehicles may be stored in front yard if surfaced with concrete/ asphalt - temporary storage of a utility trailer, boat, boat trailer or personal watercraft + not more than one uninhabited recreation vehicle/residential dwelling unit- shall not be stored in the front Yard -Unlawful to park boat and trailer, travel trailer, motor home, tractor, semi-trailer, or trailer on street + 24 consecutive hours (12) 		<ul style="list-style-type: none"> -Camping or vacation trailer, recreation vehicle, utility trailer, or boat may be stored in the rear or interior side setback behind the front of the building, garage, or carport on any parcel in any zone, provided that: <ol style="list-style-type: none"> a. There is a principal use of the property, to which storage would be accessory; b. No living quarters or any business conducted c. The required parking on the parcel is maintained in addition to the area used for the stored vehicle(s) -Overnight parking of travel trailers, motor homes, boats or other recreational vehicles is prohibited in commercial zones where camping activities are not specifically permitted by this Zoning Code. Owners shall be prohibited from posting signs to permit 	<ul style="list-style-type: none"> -boats, trailers, motor homes, travel trailers, recreational vehicles, buses -kept in reasonable repair, operable, neatly arranged in a parked condition-rear or interior side yard only-screened from adjacent properties and streets by a wall, fence, gate, landscaping or other suitable screening - No travel trailers, motor home, recreational vehicles on residentially zoned parcels or lots shall be used or made suitable for use or occupancy - current valid building permit, permanent foundation, hook-ups to facilities, permanent piers, blocks or foundations.

Refrigerator/Appliance	-refrigerator/appliances capacity of 1 1/2 cf+ and/or twenty square " + opening with hinge/latch (9) - abandon, discard, store, keep, permit to remain accessible to children, 1 1/2 cubic feet, without doors, hinges, lids or latches removed (10)			-leave/permit to remain outside/within any unoccupied/abandoned building, dwelling or other structure in a place accessible to children- abandoned, unattended or discarded ice box, freezer, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside, without first removing said door or lid, snap lock or other locking device from said ice box, freezer, refrigerator or container
Signs	Sign Regulations	Improper maintenance of a sign, or signs, which advertise a business that is no longer in existence, or signs in violation of City Ordinance.		
Swimming Pool/Stagnant Water	- swimming pool or similar body of water to stagnate, unsafe for its intended use	Unlawful to permit any collection or retention of water, natural or artificial, so as to cause back up and overflow therefrom, or to become unsanitary, stagnant or unhealthy		
Unightly Premises				Every person owning/managing/having charge, control or occupancy shall not allow property visible from the street or adjoining premises to become so unsightly/untidy as to substantially detract from the appearance of the immediate neighborhood or threaten the safety and welfare of the immediate neighborhood
Vegetation	- weeds or grass in excess of eight (8) inches high - trees, shrubs, plant growth encroach/impede, /obstruct interfere with street/sidewalk/easement or alley /traffic control device - dead, dormant, sticker, dry/flammable or potentially injurious plant growth/weeds	-Noxious weeds, as defined by State and County Code, located on vacant lots or other property, along public sidewalks or the outer edge of any public street, or weeds in any other location which constitute a fire hazard -Dead, decayed, diseased or hazardous trees, weeds, hedges, overgrown/uncultivated vegetation in hazardous condition, obstruction to pedestrian or vehicular traffic, likely to harbor rats, vermin or other pests-does not apply to properly contained compost bins -Any weeds or grasses that, due to height or dryness, constitute a fire hazard as deemed by the fire marshal - fire marshal may allow and limit the required cutting of weeds and grasses to a firebreak		-Poison oak, poison ivy, or any noxious or toxic weeds or uncultivated plants (whether growing or otherwise), weeds, tall grass, uncultivated shrubs or growth higher than 24 inches or which present a fire hazard

<p>Vehicle Parking/Storage</p>	<ul style="list-style-type: none"> -on-street parking-boat and trailer, travel trailer, motor home, tractor, semi-trailer, or trailer up to 24 consecutive hours (12) -unlawful to park any vehicle, whether in useable condition or not, upon sidewalk (12) -unlawful to abandon or leave unattended vehicle on public property, streets, boulevards, roadways or alleys (12) - unlawful to park a truck tractor and/or semi-trailer on street in residential areas, except delivery or pick-up of merchandise, materials or equipment (12) -No unimproved/vacant lot or open land areas may be used for parking purposes (7 Z) -Manufactured Home, House Trailer, Commercial Trailer, Boat Trailer, Camper, Travel Trailer Parking- shall not be stored, parked or located -storage of a boat with trailer and not more than one uninhabited camper or recreational vehicle for each residential unit in R1-8, R1-7, R2, RM, MHS, RE-2A and RE-1A Zoning Districts-may be stored in the front yard of a residence if paved with asphalt or concrete (7.22) - On-site Side or Front Yard Storage of mobile/manufactured homes, recreation vehicles, utility trailers, boat, boat trailer or personal watercraft shall be stored, parked or located in any zone except by CUP or as otherwise allowed by Ordinance; temporary storage utility trailer, boat, boat trailer or personal watercraft and not more than one uninhabited recreation vehicle for each residential dwelling unit. Such vehicles shall not be stored in the front yard (7.42) -No standards related to parking of passenger vehicles on residential property unless they are junk vehicles. 	<ul style="list-style-type: none"> -Vehicles must be parked or stored completely and only on a driveway or driveway extension. -No more than two (2) recreational vehicles may be parked or stored in any driveway or on any driveway extension of a residence. - No more than one (1) properly secured inoperable vehicle and one (1) recreational vehicle may be parked or stored at the same time in any driveway or on a driveway extension. -"Inoperable Vehicle" means any motor vehicle that cannot be started and moved under its own power without the assistance of another person, vehicle, or gravity. It also includes any unregistered vehicle. -exemption- proper fence, wall, hedge, or other well-maintained appropriate barrier reasonably blocks the visibility of the items from the street or adjoining properties 	<ul style="list-style-type: none"> Vehicles for sale- residential lot-owners vehicle only must be only vehicle on the lot - residential-no required off-street parking to be used for storage/ parking commercial vehicles other than permitted home occupation, or owned by resident unless less than or equal to 14,000 gross vehicle weight rating (GVWR). Not for parking-belonging to employees, owners, tenants, visitors, or customers of nearby commercial or manufacturing establishments. -Commercial work on motor vehicles shall not be permitted in conjunction with accessory off-street parking. - No more than one unregistered or inoperable motor vehicle shall be stored on any residentially zoned lot or parcel of land, and no such unregistered or inoperable vehicle shall be stored within the front setback. 	<ul style="list-style-type: none"> -no person shall throw or deposit litter or place abandoned or junk vehicles on any open or vacant private property whether owned by such person or not - The owner or person in control of any private property shall at all times maintain the premises free of abandoned and junk vehicles
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