

PZ-23-00094 Updates to City Code - Property Care Standards and Abandoned Vehicles

Provisions that are being deleted are shown in bold strikethrough.
Provisions that are being added are shown in bold text.

Section 1: Modify Title 6 Police Regulations, Chapter 6-07 Abandoned Vehicles as follows:

CHAPTER 6-07
ABANDONED INOPERABLE VEHICLES

SECTIONS:

6-07-001-0001 DEFINITIONS:

6-07-001-0002 **UNSHeltered Permitted** STORAGE OF ~~AN ABANDONED OR JUNKED~~ **INOPERABLE** VEHICLES **PROHIBITED**:

~~6-07-001-0003 EXEMPTION OF CERTAIN VEHICLES:~~

6-07-001-00034 ABATEMENT OF NUISANCE:

~~6-07-001-0005 NOTICE OF REQUEST FOR VOLUNTARY ABATEMENT AND REMOVAL BY CITY:~~

~~6-07-001-0006 REMOVAL BY CITY:~~

6-07-001-00047 PENALTY:

~~6-07-001-0008 ADDITIONAL POWERS:~~

6-07-001-0001 DEFINITIONS:

In this Chapter, unless the context otherwise requires:

~~A. "ABANDONED" means unclaimed or discarded. Evidence that a vehicle is without current licenses or tabs for a period of fifteen (15) successive calendar days on private property, and without any repairs during that period, shall be prima facie evidence of intent to abandon.~~

A. "INOPERABLE VEHICLE" means a vehicle that is not functioning, not drivable, or is unregistered.

~~B. "JUNKED" means dismantled, inoperable, not used for transportation, unsalvageable, stripped or scrapped. Evidence that a vehicle is inoperable and without repairs necessary to result in its operability for a period of fifteen (15) successive calendar days on private property shall be prima facie evidence of its junked status.~~

~~B.C. "PRIVATE PROPERTY" means land within the corporate limits of Flagstaff owned by any person, firm, partnership, or corporation other than the United States, the State, the County, the City of Flagstaff, or other public agency, including streets, rights of way, easements and open spaces not dedicated to the general public for unrestricted public use.~~

C. "SHELTERED STORAGE" means within a garage, carport, rear fenced yard, or under a vehicle cover if parked in a driveway or rear yard.

D. "UNSHELTERED STORAGE" means outside a ~~covering specifically manufactured for use as a vehicle cover,~~ carport, garage, or other building **within view from a public right of way.** ~~or otherwise within public view from a public right of way.~~

E. "VEHICLE" means any vehicle, trailer or semi-trailer of a type subject to registration under Title 28 of the Arizona Revised Statutes.

6-07-001-0002 ~~UNSHELTERED~~ **PERMITTED** STORAGE OF ~~AN INOPERABLE~~ **ABANDONED OR JUNKED** VEHICLES ~~PROHIBITED:~~

Inoperable motor vehicles shall be stored within a garage, carport, or under a vehicle cover if parked in a driveway. The unsheltered storage, parking, ~~standing~~ or placement of ~~an abandoned or junked motor vehicle for a period of fifteen (15) days or more~~ **an inoperable vehicle** on any private property ~~except where permitted by Title 10 of this Code relating to zoning,~~ is hereby declared to be a nuisance, ~~and dangerous to the public safety.~~

~~6-07-001-0003 EXEMPTION OF CERTAIN VEHICLES:~~

~~A vehicle eligible for licensing pursuant to A.R.S. Section 28-341 et seq., Horseless Carriages, Classic Cars, and Historic Cars, or A.R.S. Section 28-380, Street Rods, shall not be considered an inoperable vehicle abandoned or junked vehicle and seized pursuant to this Chapter while such vehicle is stored or maintained on the vehicle owner's private property.~~

6-07-001-000**34** ABATEMENT OF NUISANCE:

The owner, owners, tenants, lessees, and occupants of any private property upon which such storage of **an inoperable vehicle** is made and also the owner or owners of ~~such abandoned or junked inoperable~~ vehicles shall jointly and severally abate said nuisance by removal of the vehicle from the premises, by providing sheltered storage within the meaning of this Chapter, or by making such repairs as are necessary to operate the vehicle. The last registered owner of record shall be presumed to be the owner of the vehicle unless an affidavit has been filed that the vehicle was stolen ~~pursuant to A.R.S. Section 28-1421,~~ a stolen report has been accepted by a local law enforcement agency, or title has been transferred. ~~pursuant to A.R.S. Section 28-314.~~

~~6-07-001-0005 NOTICE OF REQUEST FOR VOLUNTARY ABATEMENT AND REMOVAL BY CITY:~~

~~Any owner, tenant, lessee, occupant or other person who fails, neglects or refuses to abate such nuisance shall be notified in writing by certified mail, return receipt requested, by the City Manager or his representative to abate said nuisance within ten (10) days from the date of receipt of such written notice or said vehicle may be removed from the private property by the City in accordance with A.R.S. Section 28-1401 et seq. If the notice is returned unclaimed or addressee unknown, the notice of the request to abate said nuisance and removal by the City shall be published once in a newspaper of general circulation in the county in which the vehicle was found and a copy of the notice of request to abate said nuisance and removal by the City shall be posted on the vehicle.~~

6-07-001-0006 REMOVAL BY CITY:

~~When any such owner, tenant, lessee, occupant or other person to whom notice as aforesaid has been mailed fails, neglects or refuses for more than ten (10) days from the date of receipt of said notice to abate said nuisance, the City Manager or his designee may remove said abandoned inoperable motor vehicle from said premises, and dispose of same according to the provisions of the A.R.S. Section 28-1401 et seq. The City Manager, or the City Manager's designee, may, upon request from any such owner, tenant, lessee, occupant or other person to whom notice as aforesaid has been mailed, grant an extension of the time required for abatement for purposes of repair, removal or sheltering of the vehicle. Such extension shall be confirmed in writing.~~

6-07-001-00047 PENALTY:

~~It shall be unlawful for any person to knowingly fail, neglect or refuse to abate any nuisance set forth in Section 6-07-001-0002. A person who is convicted of a violation of this Chapter is guilty of a Class 1 Misdemeanor and shall be sentenced to a fine of not less than twenty five (\$25.00) and not more than two hundred and fifty dollars (\$250.00). The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Chapter.~~

It shall be unlawful for any person to knowingly fail, neglect, or refuse to comply with the requirements of this Chapter. A person who knowingly fails, neglects, or refuses to comply with the requirements of this Chapter will be subject to a civil violation and if found responsible for the civil violation shall be imposed a fine of not less than twenty-five (\$25.00) and not more than two hundred and fifty dollars (\$250.00). The imposition of any fine shall not exempt the offender from compliance with the requirements of this Chapter.

6-07-001-0008 ADDITIONAL POWERS:

~~The powers described herein relating to removal of abandoned inoperable vehicles from private property are in addition to those powers vested in the City of Flagstaff by Arizona Revised Statutes Title 28, Chapter 8, Article 5, relating to removal of abandoned and junked vehicles from public property, and Arizona Revised Statutes, Title 28, Chapter 6, Article 14 relating to removal of illegally stopped vehicles on a public way, and to any other police powers vested in the City by Statute.~~

Section 2: Modify Title 7 Health and Sanitation to add Chapter 7-06 Building and Property Care Standards as follows:

**CHAPTER 7-06
BUILDING AND PROPERTY CARE STANDARDS**

SECTIONS:

7-06-001-0001 SHORT TITLE

7-06-001-0002 PURPOSE

7-06-001-0003 INTENT

7-06-001-0004 DEFINITIONS

7-06-001-0005 BUILDING AND PROPERTY CARE STANDARDS

7-06-001-0006 EXEMPTIONS

7-06-001-0007 PENALTY

7-06-001-0001 SHORT TITLE:

This Chapter shall be known and may be cited as the “Building and Property Care Standards of the City of Flagstaff”. While these standards apply to buildings, structures, and property, they shall be referred as the “PCS”.

7-06-001-0002 PURPOSE:

The purpose of the Building and Property Care Standards (PCS) is to improve and maintain the appearance of the City of Flagstaff and improve quality of life by protecting public health, safety, and welfare. These standards establish minimum exterior maintenance standards for all residential and non-residential buildings and properties in the City to protect against hazardous, deteriorating, and other dangerous conditions.

7-06-001-0003 INTENT:

These standards shall be applied and enforced fairly and consistently. The City shall provide adequate notice to affected property owners to resolve conditions and the City may provide resources to assist property owners with compliance as they are available. It is the intent of the City to work with property owners and tenants to preserve existing buildings and housing.

7-06-001-0004 DEFINITIONS:

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.

ABANDONMENT: To cease from maintaining or using.

ATTRACTIVE NUISANCE: A condition or thing that might attract a person onto land thereby causing a risk to their safety.

DEBRIS: The remains of something broken down or destroyed.

DETERIORATION: The action or process of becoming impaired or inferior in quality, function, or condition.

CONTAINERS: Receptacles (bins, carts, etc.) used to hold solid waste or recyclables for residential and commercial solid waste and recycling collection.

GARBAGE: Food waste; discarded or useless material.

HAZARD: A source of danger or risk.

INOPERABLE: Not able to be operated.

LITTER: Trash, wastepaper, debris, or garbage lying scattered about. An untidy accumulation of objects.

TRASH: Things that are no longer useful or wanted and have been thrown away; something in a deteriorated or broken condition.

7-06-001-0005 BUILDING AND PROPERTY CARE STANDARDS:

Every person who owns or leases any land, building, or structure within Flagstaff shall keep and maintain the land or building in a manner consistent with these standards.

A. Property Standards: The purpose of these standards is to protect public health, safety, and welfare by eliminating Litter, Debris, Inoperable equipment, Hazards, and Attractive Nuisances:

1. Property owners shall provide Container capacity adequate to meet the Garbage and recycling removal needs of the property to prevent the accumulation of uncontained Litter and Debris. Containers shall be secured on the property and maintained in good working condition.
2. Properties shall be kept free from the accumulation of Litter, Trash, Debris, or Garbage.
3. Inoperable equipment, vehicles, and appliances shall not be stored on a property where it is visible from the public right-of-way or accessible to members of the public.
4. Properties shall remain free from Hazards including but not limited to damaged or dead trees or vegetation, unsecured, exposed, or inoperable private utility infrastructure, or walls and fencing that are structurally unsound.
5. Unoccupied properties shall be posted "No Trespassing" and adequately secured to prevent unauthorized use of the property.

B. Buildings and Structures Standards: The purpose of these standards is to protect public health, safety, and welfare by preventing the Abandonment and Deterioration of building and structures, and eliminating Attractive Nuisances:

1. Windows and doors shall be maintained in proper working condition. Where damaged windows or doors require repair or replacement, temporary security measures may be installed for no more than 30 days.

2. All buildings and structures shall be maintained to prevent Deterioration and the appearance of Abandonment that threatens the buildings longevity. This includes but is not limited to general building maintenance such as repairs of windows, doors, roofs, and exterior structural elements.
3. Unoccupied buildings shall be posted “No Trespassing” and adequately secured to prevent unauthorized use of the property.

7-06-001-0006 EXEMPTIONS:

It shall be the sole discretion of the City of Flagstaff to suspend enforcement of these standards due to circumstances beyond the control of the property owner, such as community events, natural disasters, fires, flooding, and managing through recovery.

7-06-001-0007 PENALTY:

It shall be unlawful for any person to knowingly fail, neglect, or refuse to comply with the requirements of this Chapter. A person who knowingly fails, neglects, or refuses to comply with the requirements of this Chapter will be subject to a civil violation and if found responsible for the civil violation shall be imposed a fine of not less than twenty-five (\$25.00) and not more than two hundred and fifty dollars (\$250.00). The imposition of any fine shall not exempt the offender from compliance with the requirements of this Chapter.