

ORDINANCE NO. 2023-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 7, HEALTH AND SANITATION AND TITLE 6, POLICE REGULATIONS BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED “PZ-23-00094 UPDATES TO CITY CODE - PROPERTY CARE STANDARDS AND ABANDONED VEHICLES”; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City of Flagstaff wishes to adopt Title 7 Health and Sanitation, Chapter 7-06 Building & Property Care Standards; and

WHEREAS, the City of Flagstaff wishes to amend Title 6 Police Regulations, Chapter 6-07 Abandoned Vehicles; and

WHEREAS, the Flagstaff City Council directed staff to draft Property Care Standards and propose amendments to City Code that will support the Property Care Standards; and

WHEREAS, a citizens working group reviewed City Code and recommended adopting Building & Property Care Standards that will be supported by code sections on Littering, Abandoned Vehicles, and Nuisances; and

WHEREAS, the Housing Commission and the Commission on Inclusion & Adaptive Living have reviewed the proposed standards and amendments; and

WHEREAS, the Council has held a series of work sessions to review draft standards and amendments, and received public comment; and

WHEREAS, the adoption of Chapter 7-06 Building & Property Care Standards and the amendments to Chapter 6-07 Abandoned Vehicles are (1) consistent with and conform to the goals of the Regional Plan (General Plan), (2) will not be detrimental to the public interest, health, safety, convenience, or welfare of the City, and will add to the public good as described in the General Plan, and (3) are internally consistent with other applicable provisions of this Code; and

WHEREAS, that certain document known as “PZ-23-00094 Updates to City Code - Property Care Standards and Abandoned Vehicles”, one (1) paper copy and one (1) electronic copy of which are on file with the City Clerk in compliance with A.R.S. § 44-7041, was declared to be a public record by Resolution No. 2023-66.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. The foregoing recitals are incorporated as if fully set forth herein.

SECTION 2. That certain document known as “PZ-23-00094 Updates to City Code – Property Care Standards and Abandoned Vehicles”, one (1) paper copy and (1) electronic copy of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona, has been declared a public record by Resolution No. 2023-66 of the City of Flagstaff, Arizona, and is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

SECTION 3. Penalties

The civil penalties for violations of Chapter 6-07 and Chapter 7-06 are as follows:

6-07-001-0004 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.

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.

SECTION 4. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.

SECTION 5. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 6. Clerical Corrections

The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Flagstaff City Code.

SECTION 7. Effective Date

This Ordinance shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 19th day of December 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY