
CHAPTER 6-04 NUISANCES

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6-04-001-0001 NUISANCES DESIGNATED:

Any building, shed or other structure of any kind which is or may hereafter become dilapidated or so unsanitary or out of repair from age, neglect or other cause as to render it unfit or unsafe for habitation for occupancy, or which constitutes a dangerous fire hazard or which is otherwise dangerous or detrimental to the public or injurious to the health and morals of the community is hereby declared a nuisance and the same shall not be occupied or maintained and shall be abated as hereinafter provided.

6-04-001-0002 ABATEMENT OF NUISANCES:

The Mayor and Council may, on its own motion or upon complaint being made in writing by three (3) or more persons, owners of real estate residing in the City, cause any building, shed or other structure which may be reasonably regarded as a nuisance for any of the reasons set forth in the preceding Section to be inspected by the Health Authority, City Engineer and the Chief of the Fire Department, as a committee of inspectors, and if said inspectors, or a majority thereof shall report the same to be a nuisance, within the meaning of the preceding Section, setting forth the facts upon which they base their report, the Mayor and Council shall, if said report after due consideration be adopted, cause to be served by the Chief of Police upon the occupants and owners of any such premises, a notice in writing to abate said nuisance, either by repairing the same or removing it from the premises within twenty (20) days after receiving notice so to do, which said notice shall set forth the grounds for abatement and shall be signed by the Mayor and shall be served by delivering or offering to deliver a copy to the person to whom it is directed, or if such person cannot be found, by delivering a copy to his agent or by posting a copy in a conspicuous place on the premises sought to be abated.

6-04-001-0003 FAILURE TO COMPLY:

Upon the failure of the owner to abate said nuisance within the time required by said notice, the Chief of Police or any member of the Health Department may file in the Police Court a complaint against such owner charging a violation of this Chapter, whereupon the Police Judge shall cause to be served upon the owner a notice commanding him to appear before said Police Judge to show cause why said building, shed or other structure should not be abated as a nuisance.

6-04-001-0004 HEARING:

The time and place of said hearing shall be set forth in said notice and the hearing shall not be had in less than five (5) days after the service of such notice.

6-04-001-0005 SERVICE OF NOTICE:

The said notice may be served upon the owner or his agent by any member of the Police Department by delivering a copy of said notice to the agent or owner, or by leaving a copy of said notice at his usual place of

residence. And, in the event that the owner or agent as aforesaid is a nonresident of the City, said notice shall be served by publishing the same in the official newspaper of the City, one publication each week for at least two (2) weeks prior to the date set for the hearing, and a copy of such notice shall be mailed to the last known address of the nonresident agent or owner.

6-04-001-0006 JUDGMENT:

If, upon a trial of the charge, the party against whom the said complaint is issued shall be convicted, he shall be subject to a fine and the judgment of conviction, in addition to the fine, shall order the abatement of the nuisance by repair or removal of the building, shed or other structure designated in said complaint; provided, however, that if the owner be a nonresident of the City and cannot be served personally with the notice herein provided, the fine shall not be imposed and the judgment of the Court shall only require the abatement of the nuisance by repair or removal of the structure so designated.

6-04-001-0007 DUTY OF STREET SUPERINTENDENT:

Whenever there shall be a conviction under the preceding Section, if said nuisance shall not have been abated within five (5) days after judgment, the Street Superintendent shall abate and remove the structure designated in the complaint upon which said conviction was had or he may contract with some suitable person or persons for said purpose, and the same shall be at the cost of the owner or owners thereof, which cost if not paid by the owner may be paid by the City and the amount so expended may be recovered by the City by suit in any court of competent jurisdiction. (Ord. 297, 10-14-36)

The Flagstaff City Charter and City Code are current through Ordinance 2022-04, passed March 1, 2022.

Disclaimer: The City Clerk's Office has the official version of the Flagstaff City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.



CHAPTER 6-06 LITTERING

SECTIONS:

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6-06-001-0001 DEFINITIONS:

For the purposes of this Chapter, the following terms, phrases and 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 used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

ADJACENT PROPERTY: The term "adjacent property" shall mean that segment of an alley, sidewalk, or public utility easement from the centerline of the alley, sidewalk or public utility easement to the outermost corner of the private property abutting the alley, sidewalk or public utility easement, and continuing the length of the private property to the end in which the private property no longer abuts the alley, sidewalk or public utility easement.

ADJACENT PROPERTY OWNER: The term "adjacent property owner" shall mean any owner, occupant, licensee or lessee of private property in which any segment of the private property abuts an alley, sidewalk, or public utility easement.

AUTHORIZED CONTAINER: The term "authorized container" shall mean any container provided by the City of Flagstaff or an authorized private refuse collector for the collection of refuse.

HANDBILL: The term "handbill" means any advertising circular, folder, booklet, letter, card, pamphlet, sheet, poster, sticker, sample or device, leaflet, paper, notice or other written, printed or painted matter of a temporary nature calculated to attract the attention of the public. The term "Handbill" does not include newspaper. "Handbill" does not come within the definition of a sign for purposes of Chapter 10-08 and Chapter 10-14 of the City Code.

HAZARD TO THE PUBLIC HEALTH AND SAFETY: The term "hazard to public health and safety" shall mean but is not limited to the following conditions:

- (1) an accumulation of litter in excess of eight (8) cubic feet per one-quarter (1/4) acre; or
- (2) an accumulation of litter which materially hampers or interferes with the prevention of, or suppression of fire; or
- (3) an accumulation of litter which is infested or exhibits an infestation with insects, rodents, vermin or other noxious pests; or
- (4) an accumulation of litter which creates an attractive nuisance; or
- (5) an accumulation of litter which is foul or malodorous to a reasonable person of normal sensibilities; or
- (6) an accumulation of litter which presents an immediate likelihood of causing or which may cause personal physical harm; or
- (7) an accumulation of litter which interferes with passage of any street, sidewalk, or alley within the City, or visibility of any traffic, traffic control device or signal.

JUNK VEHICLE: The term "junk vehicle" means any vehicle (see A.R.S. § 28-101(52)), trailer (see A.R.S. § 28-101(49)), semitrailer (see A.R.S. § 28-101(44)), truck tractor (see A.R.S. § 28-101(51)), mobile home (see A.R.S. § 28-2063(E)), or watercraft (see A.R.S. § 5-301(16)):

- (1) that is in such a state of deterioration that it cannot be profitably dismantled or salvaged for parts and cannot be profitably restored to an operable condition; or
- (2) that is a hazard to the public health and safety as defined herein.

LITTER: The word "litter" shall mean "refuse" and "rubbish" as defined herein, and all other waste materials which, if thrown or deposited as herein prohibited, constitutes a hazard to the public health and safety. Litter shall not include "refuse", or "rubbish", as defined herein, or other waste materials authorized to be stored or otherwise kept by a conditional use permit or which constitutes a permissible use within the applicable zoning district and is in compliance with the Land Development Code.

PERSON: The word "person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind, public or private.

PRIVATE PROPERTY: The term "private property" shall mean any private property, including vacant land, a dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, or for commercial use whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any tract, lot, yard, grounds, walk, driveway, porch, steps, vestibules or mail box belonging or appurtenant to such vacant land, dwelling, house, building or other structures.

PUBLIC PLACE: The term "public place" shall mean any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

REFUSE: The word "Refuse" shall mean all putrescible and nonputrescible solid, semi-solid, and liquid wastes including but not limited to garbage, rubbish, ashes, liquid waste, street cleanings, dead animals, junk vehicles or parts thereof, and solid market and industrial waste.

RESPONSIBLE PARTY: The term "Responsible Party" means any Person who directs, permits, allows, causes or otherwise benefits from the posting, affixing, displaying, painting or otherwise attaching of handbills to or on public objects, public structures, public buildings, Public Places or utility poles; or to or on Private Property or upon any vehicle. For purposes of this section, the following Persons shall be deemed to be Responsible Parties:

- (1) The Person whose name, telephone number or address appears as the contact on any matter contained in a Handbill.
- (2) The Person whose name, telephone number or address appears as the sponsor or contact for a sporting event, theatrical performance, concert, band or musical performance, or other performance, or similar activity or event which is the subject of the Handbill advertising the subject activity or event;
- (3) The owner or lessee, if the property is leased, of property used for a commercial activity or event advertising the subject commercial activity or event in a Handbill;
- (4) The owner or lessee, if the property is leased, of property used for a yard or garage sale which property is the address at which the yard or garage sale is advertised in a Handbill:
- (5) The real estate agent, broker, brokerage firm or other Person whose name or telephone number appears on the Handbill advertising real or personal property for sale, lease or rent.

RUBBISH: The word "rubbish" shall mean nonputrescible solid wastes consisting of either combustible or noncombustible wastes including paper, wrappings, cigarettes, cardboard, tin cans, construction materials of no apparent economic value, yard clippings, dead leaves, tree trimmings, glass, bedding, crockery, paper cartons, aluminum foil, plastic materials, trash, ashes or other accumulation of filth or debris.

SHOPPING CENTER: A group of commercial establishments planned, developed, and managed as a unit with off-street parking provided on the property. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 17811, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0002 LITTERING PROHIBITED:

No person shall throw or deposit litter on any public place or private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized containers for collection in such a manner that litter will be prevented from being carried or deposited by the elements or animals upon any private property or any public place. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1871, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0003 UNAUTHORIZED ACCUMULATION OF LITTER ON PRIVATE PROPERTY:

It shall be unlawful for any owner, occupant, or lessee of Private Property to allow Litter to accumulate on the Private Property unless the same is kept in covered bins or other Authorized Container. However, dead vegetative matter including grass clippings, leaves and tree trimmings may be permitted to remain on the property for the purpose of composting, provided such compost is regularly maintained and confined so as to prevent the compost from drifting, blowing, or generating obnoxious odors onto adjoining Private Properties or Public Places.

A. It shall be a violation of this section if the owner, occupant, or lessee of Private Property has not cleared away accumulated Litter on that property by 9:00 AM of each day from the previous day's use. Each day that the

owner, occupant, or lessee fails to comply with the requirements of this section shall constitute a separate violation.

(Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99); (Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0004 LITTERING PROHIBITED, ALLEYS, SIDEWALKS AND PUBLIC UTILITY

EASEMENTS:

It shall be unlawful for an Adjacent Property Owner to allow Litter to accumulate or exist on alleys, sidewalks, or public utility easements unless the same is kept in covered bins or Authorized Containers. An individual may qualify as exempt from this Section if the individual meets guidelines established under Section 7-04-001-0007.A.1.a.

A. Each Person who is an Adjacent Property Owner will be responsible for removing Litter and cleaning the Adjacent Property, as well as that Person's own premises by 9:00 AM of each day from the previous day's use. This includes sweeping and picking up any Litter on the sidewalk and washing the sidewalk, if there is semi-solid or liquid waste on the sidewalk.

1. It shall be a violation of this section if the Adjacent Property has not been cleaned by 9:00 AM of each day from the previous day's use. Each day that the owner, occupant, or lessee fails to comply with the requirements of this section shall constitute a separate violation. (Ord. 1992, 06/01/99)

(Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0005 UNINHABITED OR VACANT PRIVATE PROPERTY:

It shall be unlawful for the owner or lessee of any uninhabited or vacant private property to abandon, neglect or disregard the condition of the property so as to permit the accumulation of litter. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0006 LOADING OR UNLOADING DOCKS:

The person owning, operating or in control of a loading or unloading dock shall maintain private containers for collection of litter and shall maintain the dock area free of litter in such a manner that litter or offensive odors from rubbish or refuse will be prevented from being carried by the elements to adjoining private properties or public places. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0007 PRIVATE RECEPTACLES, SHOPPING CENTERS:

It shall be the responsibility of the management group or persons(s) in control of a shopping center to provide one (1) receptacle for litter at a minimum of every 100 feet of store frontage allowing public ingress and egress. The minimum size of the receptacle shall be sixty (60) gallons. The receptacle shall be of sufficient weight to prohibit the container from tipping over, and shall include a lid. The design of the receptacles shall be consistent with the

architectural style of the shopping center. The receptacles shall be placed not more than twenty (20) feet from the building. It shall be the responsibility of the shopping center management group or person(s) in control of the shopping center to service the receptacles. (Ord. 1781, 11/17/92) (Ord. 1992, 6/1/99)

(Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0008 POSTING OF HANDBILLS ON PUBLIC AND PRIVATE PROPERTY:

A. Public Property: It is a violation of this Chapter 6-06 to post, affix, display, paint or otherwise attach any Handbill to or upon any street lamp post, street sign, traffic signal, traffic sign, traffic-control device, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light, power, telephone, or other utility pole, or on any other public object, public structure, public building, or Public Place except as may be otherwise required or provided by law. Handbills may be handed directly to persons in Public Places.

B. Private Property: No Person shall affix, deposit, throw or distribute any Handbill upon any Private Property, except by handing or transmitting any such Handbill directly to the owner or occupant of such Private Property. In the case of private premises which are not posted against the receiving of Handbills or solicitations, Handbills may be placed upon the premises in a non-permanent manner so as to prevent such Handbill from being deposited by the elements upon any Public Place or other Private Property, but in a manner which does no damage to the property where the Handbill has been placed. Examples of acceptable means of placing handbills on private property include but are not limited to use of plastic bags containing handbills hung from doorknobs or depositing handbills under doormats. The use of nails, staples, tacks or adhesives is forbidden.

C. Vehicles: No Person shall deposit any Handbill upon any vehicle on a Public Place without the express consent of the owner or person in control of such vehicle.

D. Clean Up: It shall be the responsibility of any person distributing Handbills to maintain the area which is utilized free of any Litter caused by or related to distribution of the Handbills. The person distributing the Handbills and the Responsible Party, as defined in 6-06-001-0001, shall be jointly and individually liable for the Litter created by the distribution of Handbills and for any verified costs incurred by the City associated with the removal of the Handbills deposited or thrown upon Public Places.

E. Whenever a Handbill is illegally posted or deposited in violation of this section, the Person(s) who illegally posted the Handbill(s) and the Responsible Party, as defined in 6-06-001-0001, shall be jointly and individually liable for the violation and for any verified costs associated with the removal of the illegally posted Handbill(s).

1. Nothing contained in this section shall apply to the posting of notices or markings on public structures, public objects, public buildings, Public Places or utility poles which may be otherwise authorized, permitted or required by law or serve a specified safety or warning purpose.

2. Any Handbill found posted, deposited, or otherwise affixed upon any property contrary to the provisions of this section may be removed by the City Manager's designee. In addition, the City's costs of removal shall be assessed against the persons who illegally posted the Handbill(s), or against the Responsible Party in accordance with the provisions of this chapter. (Ord. 1992, 06/01/99)

(Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0009 ENFORCEMENT AUTHORITY:

The City Manager of the City of Flagstaff, or designee, is hereby authorized and directed to enforce all of the provisions of this Chapter. For such purposes the City Manager shall have the powers of a law enforcement officer. Peace officers shall, in addition to all powers granted to peace officers by the State of Arizona, have the same authority as the City Manager's designee in the enforcement of this Chapter. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0010 INSPECTIONS:

The City Manager's designee is hereby authorized and directed to make inspections in the normal course of job duties; or in response to a complaint that an alleged violation of the provisions of this Code may exist; or when there is a reason to believe that a violation of this Code has been or is being committed. Unscreened exterior areas may be inspected at any time with or without the involvement of, or notice to, the owner, occupant, licensee or lessee. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

6-06-001-0011 VIOLATIONS:

It shall be unlawful for any person to cause, facilitate, or aid or abet any violation of any provision of this Chapter or to fail to perform any act or duty required by this Chapter. A violation of a provision of this Chapter may be enforced by an administrative proceeding or by a complaint for criminal penalties. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

6-06-001-0012 NOTICE OF VIOLATION:

A. The City Manager or designee may cause to be issued a Notice of Violation to any person alleged to be in violation of this Chapter.

B. If a Notice of Violation is issued, such notice shall contain the following:

1. Date of the violation, the legal description of the property, the Chapter and Section which is being violated and a description of the unlawful condition.
2. Notification of possible criminal proceedings being brought against the person by the City of Flagstaff if the unlawful condition is not abated within thirty (30) days from receipt of the Notice.
3. Notice to the alleged violator that, in addition to any fine or penalty which may be imposed for a violation of this ordinance, the alleged violator will be liable for all costs which may be assessed pursuant to this ordinance for removing, abating or enjoining the rubbish, trash, filth or debris. The Notice of Violation shall contain an estimated statement of the cost of removal or abatement of the violation including labor, disposal fees, and equipment rentals. The Notice of Violation shall state that unless the person has brought the unlawful condition into compliance with the ordinance within thirty (30) days from the receipt of the Notice of Violation, the City of Flagstaff may, at the expense of the person, perform the necessary work at a cost not to exceed the estimate given in the notice, plus a five (5) percent surcharge for an additional inspection and other administrative and incidental costs in connection therewith.

C. If the unlawful condition is not abated, the City Manager or designee may cause to be issued a criminal complaint or a Notice of Civil Violation. Each day that the alleged violator fails or refuses to comply with the

requirements of this Chapter after expiration of the thirty (30) day period from receipt of the Notice of Violation shall constitute a separate violation and shall not require further notice to the owner, occupant or lessee of the property upon which the violation exists.

(Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99); (Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0013 SERVICE OF NOTICE:

A. The Notice of Violation shall be personally served on the owner or person controlling such property by any duly authorized official, in the manner provided in Rule 4(d) of the Arizona Rules of Civil Procedure, or mailed to the owner or person controlling such property at the last known address by certified or registered mail, or the address to which the tax bill for the property was last mailed.

B. If the owner does not reside on such property, a duplicate notice shall also be sent by certified or registered mail at the last known address of the owner or person controlling of such property. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0014 APPOINTMENT OF HEARING OFFICER:

The hearing officer for administrative hearings under this ordinance shall be a judge of the Municipal Court of the City of Flagstaff.

(Ord. 2001-02, Amended, 02/06/2001)

6-06-001-0015 CIVIL VIOLATION AND ADMINISTRATIVE HEARING:

A. If the City chooses to proceed on a civil violation of the ordinance, the City shall serve or mail a Notice of Civil Violation and Administrative Hearing to the owner or person controlling the property upon which an unlawful condition exists upon expiration of the initial thirty (30) day notice period as set forth in 6-06-001-0013. A hearing shall be held no sooner than five (5) days after the date the Notice of Civil Violation and Administrative Hearing is mailed or served. The date of mailing shall be excluded in computing the time period for a hearing under this rule. Neither the City nor the party served is required to be represented by counsel at the administrative hearing, but may be if they so choose. No pre-trial discovery shall be permitted absent extraordinary circumstances. Immediately before the hearing, both parties shall produce for inspection any exhibits and written or recorded statements of any witness which are to be offered at the hearing. Failure to produce exhibits or statements may result in the hearing officer denying admission of the evidence not produced. The hearing officer may call and examine witnesses, including the party served. All testimony shall be given under oath or affirmation. No person may be examined or cross-examined at a hearing except by the hearing officer, an attorney for a party, or the party served with the Notice of Civil Violation and Administrative Hearing. The Arizona Rules of Evidence shall not apply in the hearing; any evidence offered may be admitted subject to a determination by the hearing officer that the offered evidence is relevant, material, and has some probative value to a fact at issue. The hearing officer may enter a finding for the City if the party served fails to appear for the hearing.

B. If the hearing officer determines, after hearing the parties and considering their evidence, that the City's notice to the party served was accurate, delivered to the proper party or parties, and that the estimated assessment for the actual cost of removal is supported by the City's evidence, then the hearing officer shall make a finding for the City.

C. The hearing officer shall issue a decision within five (5) days of the hearing. Intermediate Saturdays, Sundays and legal holidays shall be excluded in computing the time period for issuing a decision under this rule. The decision shall be in writing, set forth the factual basis for the decision, and be served in accordance with the provisions of 6-06-001-0013. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92)

(Ord. 2001-02, Amended, 02/06/2001; Ord. 1992, Amended, 06/01/1999)

6-06-001-0016 APPEAL OF DECISION AND COST OF REMOVAL:

A. The City Council shall hear and determine all appeals from a civil violation. A Notice of Appeal must be in writing and filed in the office of the City Clerk within five (5) days of receipt of the hearing officer's decision. The date of receipt, and intermediate Saturdays, Sundays and legal holidays shall be excluded in computing the time period for timely appeal.

B. The Notice of Appeal shall specify the grounds for reversal of the hearing officer's decision or cost of removal. The Council shall, at its next regular meeting after receiving the appeal, hear and determine the same by motion and resolution. The decision of the Council shall be final and may be appealed to Superior Court. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Enacted, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0017 SCOPE OF REVIEW:

The City Council shall have authority to affirm, reverse, amend or remand the matter to the Hearing Officer if it finds that the Hearing Officer's decision or the cost of removal is not supported by substantial evidence, is arbitrary and capricious or is not in conformance with the law. (Ord. 1781, 11/17/92)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0018 VOLUNTARY ABATEMENT; REMOVAL BY CITY:

A. When a person alleged to be in violation of this Chapter elects to voluntarily abate the unlawful condition within thirty (30) days as provided under Section 6-06-001-0012, the person shall notify the City Manager's designee after the condition has been abated. The City Manager's designee shall thereafter inspect the private or adjacent property to determine whether the condition has been brought into compliance with this Chapter.

B. If the City Manager's designee determines that the person is no longer in violation of this Chapter, the City Manager's designee shall issue a Notice of Voluntary Abatement and Compliance to the person alleged to be in violation and the administrative proceeding shall be deemed closed.

C. When any such person on whom a Hearing Officer's finding of violation has been served fails, neglects or refuses to bring the unlawful condition into compliance within ten (10) days from receipt of the Hearing Officer's finding of violation, the Public Works Director is authorized and directed to remove and dispose of the litter.

D. In the event an appeal has been filed pursuant to 6-06-001-0016, no action shall be taken by the City until the Council has heard and determined all matters contained in the Notice of Appeal. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0019 LIEN FOR REMOVAL:

If no appeal is taken from the amount assessed for removal, or if an appeal is taken and the Council has affirmed or modified the amount of the assessment, the assessment shall be recorded in the office of the County Recorder of Coconino County, Arizona, including the date and amount of the assessment and the legal description of the property. From the date of its recording, the assessment shall be a lien on said private property and the several amounts assessed against such private property until paid.

A. Any assessment recorded under this Chapter is prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes. A sale of the property to satisfy a lien obtained under the provisions of this Section shall be made upon judgment of foreclosure or order of sale. The City shall have the right to bring an action to enforce the lien in the Superior Court of Coconino County at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this Section shall not be a bar to subsequent assessment or assessments for such purposes, and any number of liens on the same private property may be enforced in the same action. (Ord. 1781, 11/17/92)

B. Assessments that are imposed under this section 6-06-001-0019 run against the property until paid and are due and payable in equal annual installments as follows:

1. Assessments of less than five hundred dollars shall be paid within one year after the assessment is recorded.
2. Assessments of five hundred dollars or more but less than one thousand dollars shall be paid within two years after the assessment is recorded.
3. Assessments of one thousand dollars or more but less than five thousand dollars shall be paid within three years after the assessment is recorded.
4. Assessments of five thousand dollars or more but less than ten thousand dollars shall be paid within six years after the assessment is recorded.
5. Assessments of ten thousand dollars or more shall be paid within ten years after the assessment is recorded.

C. An assessment that is past due accrues interest at the rate prescribed by Arizona Revised Statutes, Section 44-1201. (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0020 CRIMINAL PENALTIES:

A. A person who is convicted of a violation of this Ordinance is guilty of a Class 1 misdemeanor and shall be sentenced as follows:

First offense--not less than twenty-five dollars (\$25.00), nor more than one-hundred dollars (\$100.00);

Second offense--not less than one-hundred dollars (\$100.00), nor more than five-hundred dollars (\$500.00);

Third offense--not less than five-hundred dollars (\$500.00), nor more than twenty-five hundred dollars (\$2,500.00).

A judge shall not suspend any or all of the impositions of the sentence required by this Section.

B. Notwithstanding Subsection A of this Section, if a judge finds at the time of sentencing that by a preponderance of the evidence the violations for which the defendant has been convicted have been corrected by the defendant, and that now the defendant is in compliance with the Code, the Court may suspend all or part of the fine. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)(Ord. No. 1992, Amended, 06/01/99)

6-06-001-0021 SEVERABILITY:

Each section and each provision of any section of this Chapter shall be deemed severable and the invalidity of any portion of this Chapter shall not affect the validity or enforceability of any other portion. (Ord. 1992, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

The Flagstaff City Charter and City Code are current through Ordinance 2022-04, passed March 1, 2022.

Disclaimer: The City Clerk's Office has the official version of the Flagstaff City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.



CHAPTER 6-07 ABANDONED VEHICLES

SECTIONS:

- 6-07-001-0001 DEFINITIONS:
- 6-07-001-0002 UNSHELTERED STORAGE OF AN ABANDONED OR JUNKED VEHICLE PROHIBITED:
- 6-07-001-0003 EXEMPTION OF CERTAIN VEHICLES:
- 6-07-001-0004 ABATEMENT OF NUISANCE:
- 6-07-001-0005 NOTICE OF REQUEST FOR VOLUNTARY ABATEMENT AND REMOVAL BY CITY:
- 6-07-001-0006 REMOVAL BY CITY:
- 6-07-001-0007 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.
- 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.
- 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.
- D. "UNSHELTERED" means outside a covering specifically manufactured for use as a vehicle cover, carport, garage or other building, 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. (Ord. 1802, 05/04/93)

(Ord. No. 1802, Amended, 05/04/93)

6-07-001-0002 UNSHELTERED STORAGE OF AN ABANDONED OR JUNKED VEHICLE PROHIBITED:

The 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 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. (Ord. 1802, 05/04/93)

(Ord. No. 1802, Amended, 05/04/93)

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 abandoned or junked vehicle and seized pursuant to this Chapter while such vehicle is stored or maintained on the vehicle owner's private property. (Ord. 1802, 05/04/93)

6-07-001-0004 ABATEMENT OF NUISANCE:

The owner, owners, tenants, lessees, and occupants of any private property upon which such storage is made and also the owner or owners of such abandoned or junked 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. (Ord. 1802, 05/04/93)

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. (Ord. 1802, 05/04/1993)

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 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. (Ord. 1802, Enacted, 05/04/1993)

6-07-001-0007 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. (Ord. 1802, Enacted, 05/04/93)

6-07-001-0008 ADDITIONAL POWERS:

The powers described herein relating to removal of abandoned 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. (Ord. 1802, Ren&Amd, 05/04/1993, 6-07-001-0007)

7-04-001-0008 COLLECTION PRACTICES

A. Collection From Residential Properties:

1. Single-Family Residential Properties: Solid waste and recyclable material (except glass) accumulated by single-family residential properties shall be collected using the City's automated collection system. A minimum of one (1) automated solid waste container and one (1) automated recycling container is required for each dwelling unit. Collection will be provided at least once each week or as required by State of Arizona regulations. Special container roll-out service will be provided for those residents with a handicap or those who are otherwise determined by the Director or designee to be unable to place the automated containers out for collection. In these cases, the containers will be rolled out by Environmental Services employees and returned after collection.

2. Multifamily Residential Properties: Solid waste and recyclable material (except glass) accumulated by multifamily residential properties shall be collected using either the City's automated or bin collection system, or the services of a licensed solid waste collection company. For multifamily residential properties serviced by the City, the Director or designee shall determine the appropriate collection system based on the number of dwelling units and volume of solid waste generated. Collection will be provided at least once each week. Multiple bin service may also be provided.

3. Residential Bulk Waste Collection: Bulk waste will be collected from single-family residential properties on a once every four (4) week rotating schedule. A pile up to five (5) feet by five (5) feet by ten (10) feet of combined yard waste and bulk waste shall be collected on a scheduled bulk waste collection. A special collection for larger quantities requiring additional fees is available. All brush, tree limbs and cuttings shall not exceed five (5) feet in length and twelve (12) inches in diameter. Bulk waste shall be placed on private property within plain view as seen from the public right-of-way for pick up no earlier than the Monday immediately preceding the designated collection week and no later than Monday at 5:00 a.m. of the designated collection week. Items must be placed parallel to the street adjacent to the owner's property line for collection. Bulk waste may not be placed on sidewalks, curbing, or public right-of-way in any manner as to interfere with or be hazardous to pedestrians or vehicles, or with any mechanized collection container in such a manner as to interfere with its being emptied. Bulk waste may not be placed within four (4) feet of any structure. Appliances, air conditioners and other items that contain refrigerants are not accepted as part of normal bulk waste service. A special collection requiring prior scheduling is available. The customer must take off the locking mechanism or remove the door from any container or appliance, including freezers, refrigerators, stoves or chests, before setting them out for special collection. A refrigerant evacuation fee or certificate of refrigerant extraction may be required. Items not accepted for collection will be left. The following are unacceptable materials: disposable or unwanted material resulting from construction, repair, or demolition of the premises; large auto parts such as engines, transmissions, axles; tires; used oil; and rocks, soil, soil-like and concrete materials.

4. Residential Glass Recyclables Collection: The City will collect glass recyclables from residential properties for a monthly fee of three dollars fifty-five cents (\$3.55). If glass recyclables collection is requested through the solid waste program, the City will provide the property owner with a separate collection container for glass recyclables. Glass recyclables collection will occur on a monthly basis on the Wednesday of the property's bulk waste collection week (refer to the current bulk waste collection schedule to identify collection week).

B. Collection from Commercial and Industrial Properties: Solid waste and recyclable material (except glass) accumulated by commercial properties shall be collected using either the City's automated or bin collection system, or the services of a licensed solid waste collection company. For commercial properties serviced by the City, the Director or designee shall collect or direct the collection of solid waste according to a schedule agreed to by the City and the commercial property owner for the applicable fee described in Section [7-04-001-0010\(C\)](#). The Director or designee may refuse to collect unreasonable amounts of solid waste and/or may refuse to collect when poor conditions of handling exist, and may make an additional charge for such amounts or conditions as outlined in the current regulations.

C. Collection Procedures for Certain Types of Waste:

1. Special Wastes: All special wastes shall be disposed of as directed by the Director or designee at the expense of the owner or possessor thereof. Soil with petroleum contamination below four thousand one hundred (4,100) mg/kg and waste from shredding of motor vehicles are the two (2) special wastes recognized in the State of Arizona and must be disposed of in accordance with the following procedures:

a. Petroleum Contaminated Soils: Petroleum contaminated soil acceptance at the landfill is determined by the Arizona Department of Environmental Quality Residential Remediation level of four thousand one hundred (4,100) mg/kg. Soils with adequate sampling verifying petroleum contamination is below four thousand one hundred (4,100) mg/kg can be accepted at the landfill following approval by the Director using an exceptional waste application form. Accepted petroleum contaminated soil will be directed to a separate area of the active landfill area for burial.

b. Waste from shredding of motor vehicles is not accepted at the landfill.

2. Industrial Solid Waste: Industrial solid wastes will be accepted at the landfill in quantities regulated by the Director or designee. The cost of handling industrial wastes will be determined by the Director or designee.

3. Asbestos Waste: Friable asbestos is not accepted at the landfill. Non-friable asbestos is accepted. Advance notification is required for non-friable asbestos disposal along with approval by the Director or designee using a non-friable asbestos waste acceptance application form. Accepted non-friable asbestos will be directed to a separate area of the active landfill area for burial.

4. Septic and Liquid Wastes: Disposal of septic or liquid wastes is not allowed at the landfill.

5. Hazardous Wastes: Hazardous wastes are accepted at the City's Hazardous Products Center (HPC) located at the landfill. Collected hazardous waste is properly recycled or disposed of through a licensed hazardous waste disposal contractor. Universal wastes such as used batteries and mercury-containing light bulbs are also accepted at the HPC. Small businesses can use the HPC to dispose of hazardous waste by appointment only. Businesses will pay costs incurred by the City for disposal of the waste through a licensed hazardous waste disposal contractor plus administrative fees. Businesses must qualify as a conditionally exempt small quantity generator (CESQG) according to the Environmental Protection Agency. Any refuse deemed hazardous by the Director or designee will not be collected or disposed of in the landfill. Anyone knowingly or unknowingly depositing hazardous or prohibited waste in the landfill must remove said waste within three (3) hours at their own expense. If the City or City designee has to remove said waste, the cost of removal and disposal plus an administrative fee shall be charged to the person placing said waste in the landfill. Failure to pay this fee will result in loss of use of the landfill.

6. Medical Wastes: Untreated medical waste, with the exception of household medical sharps disposed of with homeowner waste, is not accepted at the landfill or HPC. Unused medical sharps are accepted at the landfill but are not accepted at the HPC. Landfill operators should be notified so that any sharps can be buried immediately.

D. General Provisions for Waste and Recyclables Collection:

1. Ownership of Solid Waste: All solid waste set out for collection in the City will remain the property and responsibility of the property owner or generator until collected by the City or licensed company, whereupon it shall become the property of the collector.

2. Solid waste, before being placed into containers for collection, shall be drained of any liquids and shall be wrapped in paper or plastic and sealed.

3. Ashes shall be placed in separate containers and thoroughly doused with water and extinguished before collection.

4. The occupant of the property from which solid waste material is being collected shall not place hot ashes, bricks, concrete, hazardous wastes, or any other material or solid waste harmful to the public or destructive to the container or collection vehicle in the container being set out for City pickup.
5. 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.
6. Containers must not be blocked by vehicles or other objects that may hinder their pickup by City sanitation vehicles or employees. Automated collection containers shall not be placed within four (4) feet of objects that can be damaged by the City's automated equipment.
7. Unattended Containers: No person shall place, display, or maintain any unattended container for soliciting deposit of recyclable materials or donated items in any exterior location within the City limits, except in conformance with all of the following provisions:
 - a. Such unattended containers may be located only within the parking lot of private property lawfully zoned, developed and used for commercial or industrial purposes or at schools, churches, or charitable organizations which have similar parking facilities.
 - b. Such unattended containers may be located only with the permission of the property owner, their agent, or the person in possession of the property, and the owner's name and current telephone number shall be displayed on the container in a conspicuous location.
 - c. The owner of such unattended container and the property owner shall jointly or severally maintain all exterior areas within twenty-five (25) feet of the container free from litter.
8. Nothing in this chapter shall be construed to prevent individual property owners from hauling their own solid waste from their own premises to a legal point of disposal or recycling, in accordance with Section 7-04-001-0004. (Ord. 1609, Amended, 02/21/1989; Ord. 1764, Amended, 07/22/1992; Ord. 1764, Amended, 07/21/1992; Ord. 1821, Amended, 10/05/1993; Ord. 1986, Amended, 12/01/1998; Ord. 2002-19, Amended, 11/19/2002; Ord. 2002-19, Amended, 12/23/2002; Ord. 2007-40, Amended, 09/18/2007; Ord. 2016-26, Amended, 05/31/2016. Formerly 7-04-001-0007)

7-04-001-0007 STORING OR PLACEMENT OF SOLID WASTE AND RECYCLABLES

- A. **Public Places:** No person shall store or place any solid waste in any street, alley, sidewalk, utility corridor or other public place within the City, or upon any private property within the City, whether owned by such person or not, except if placed in containers authorized for collection. Bulk waste may be placed curbside for collection. Nor shall any person throw or deposit any solid waste in any stream or other body of water.
- B. **Unauthorized Accumulation:** Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of solid waste within thirty (30) days after the effective date thereof shall be deemed a violation of this chapter.
- C. **Scattering of Solid Waste:** No person shall cast or cause to be cast, place, sweep or deposit anywhere within the City any solid waste in such a manner that it may be carried or deposited by the elements or animals upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the City.
- D. **Disturbance of Containers:** It shall be unlawful for any person to uncover or cause to be uncovered, tip or cause to be tipped over, or disturb or cause to be disturbed in any manner any container of solid waste or recyclables placed upon any street, curb, sidewalk or alley for removal by an authorized collector.
- E. The City shall provide automated collection containers for all customers serviced by the automated collection system.
- F. Automated collection containers provided by the City shall be maintained by the City or replaced when determined necessary by the Director or designee.
- G. City-owned automated collection containers and commercial bins shall be assigned to the property and not to the occupant of the property. No person who occupies any property to which containers have been assigned may remove the containers from the assigned property for any reason.
- H. The occupant of a residential property or business establishment is responsible for the solid waste container(s) provided by the City. The container(s) shall be kept in a clean and sanitary condition. The occupant of the property is responsible for the cost of replacing the container(s) when replacement is necessitated by loss of the container or damage due to the occupant's misuse.
- I. The City will provide appropriate bins for hotels, restaurants, businesses, or institutions requesting City bin service. Such bins shall be maintained by the City and replaced when determined no longer serviceable by the Director or designee.
- J. Vandalism to City-owned containers shall be reported to the Solid Waste Division and the City Police Department by the solid waste customer.
- K. **Scavenging:**
1. No person, other than the City, the property owner, or a company licensed for collection shall disturb, collect, or remove any solid waste set out for collection.
 2. No person, unless authorized by the City, may remove, collect or disturb recyclable materials deposited for collection in City containers.
- L. No solid waste or materials other than recyclables shall be placed or stored in any container provided by the City for the storage and collection of recyclables. (Ord. 1609, Amended, 02/21/1989; Ord. 1764, Amended, 07/21/1992; Ord. 1821, Amended, 10/05/1993; Ord. 1986, Amended, 12/01/1998; Ord. 2000-09, Amended, 05/02/2000; Ord. 2002-19, Amended, 11/19/2002; Ord. 2002-19, Amended, 12/23/2002; Ord. 2007-40, Amended, 09/18/2007; Ord. 2016-26, Amended, 05/31/2016. Formerly 7-04-001-0006)

Chapter 7-10 GRAFFITI ABATEMENT

SECTIONS:

- 7-10-001-0001 PURPOSE AND INTENT
- 7-10-001-0002 GRAFFITI PROHIBITED
- 7-10-001-0003 GRAFFITI REMOVAL
- 7-10-001-0004 NOTICE OF VIOLATION HEARING
- 7-10-001-0005 RIGHT OF CITY TO REMOVE

7-10-001-0001 PURPOSE AND INTENT

A. It is the purpose and intent of this section to provide a procedure for the removal of graffiti from walls, structures, or surfaces on public and private property in order to reduce blight and deterioration within the City, and to protect the public health and safety. For purposes of this chapter, "graffiti" means any inscription, word, figure, design, painting, writing, drawing or carving that is marked, etched, scratched, drawn, painted, or otherwise applied to property and that unnecessarily and substantially mars or visually impairs any surface upon the property, without permission from the property owner regardless of the graffiti content, or nature of the material used in the commission of the act, or the material of the property. There is a rebuttable presumption that the graffiti, as herein defined, was marked, etched, scratched, drawn, painted or otherwise applied to the property without permission from the property owner.

B. The City finds and determines that graffiti is obnoxious, contributes to neighborhood deterioration, provides a communication system for gangs and other vandals, damages property, and constitutes a public nuisance. Further, the City finds that graffiti must be abated as quickly as possible in order to avoid its detrimental impacts on the City and its residents, and to prevent the spread of additional graffiti. (Ord. 2014-13, Enacted, 07/01/2014; Ord. 2018-32, Renumbered, 12/11/2018. Formerly 7-01-001-0001)

7-10-001-0002 GRAFFITI PROHIBITED

All sidewalks, walls, buildings, fences, signs, utility structures, and other structures or surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or quasi-public property. For the purposes of this chapter, "quasi-public property" means any private street, highway, lane, alley or other roadway which is open to the public or to which the public is invited, and shall in this context include any and all parking lots, alleys, plazas, or similar public spaces generally open to the public. (Ord. 2014-13, Enacted, 07/01/2014; Ord. 2018-32, Renumbered, 12/11/2018. Formerly 7-01-001-0002)

7-10-001-0003 GRAFFITI REMOVAL

A. Removal by the Perpetrator. Any person applying graffiti on public or private property shall have the duty to remove the graffiti within twenty-four (24) hours after notice by the City or private owner of the property involved. Such removal shall be done in a manner prescribed by the Chief of Police, the Director of the Department of Public Works, or any additional City department head, as authorized by the City Manager. Any person applying graffiti shall be responsible for the removal or for the payment of the removal. Failure of any person to remove graffiti or pay for the removal shall constitute an additional violation of this chapter. Where graffiti is applied by an unemancipated minor, the parents or legal guardian shall also be responsible for such removal or for the payment for the removal.

B. Property Owner Responsibility. If graffiti is not removed by the perpetrator according to subsection (A) of this section, or if the perpetrator is unknown, graffiti shall be removed pursuant to the following provisions:

It is unlawful for any person who is the owner or who has primary responsibility for control of property or for repair or maintenance of property in the City to permit property that is defaced with graffiti to remain defaced for a period of five (5) calendar days after actual notice (i.e., notice provided directly in person, by telephone, or by email), or service by first class mail of notice of the defacement. The notice shall contain the following information:

1. The street address and legal description of the property sufficient for identification of the property; and
2. A statement that the property is a potential graffiti nuisance property with a concise description of the conditions leading to the finding; and
3. A statement that the graffiti must be removed within five (5) calendar days after receipt of the notice and that if the graffiti is not abated within that time the City will declare the property to be a public nuisance, subject to the abatement procedures in this chapter; and
4. A statement that in the event the owner or responsible party fails to abate the graffiti within the time period specified in the notice of violation, the City may abate the graffiti; and
5. An information sheet identifying any graffiti removal assistance programs available through the City and private graffiti removal contractors; and
6. A statement that the notice of violation may be appealed, as provided in Section 7-10-001-0004.

The property owner or responsible party has an active maintenance program that includes graffiti removal and has scheduled the removal of the graffiti as part of that program, in which case it shall be unlawful to permit such property to remain defaced with graffiti for a period of ten (10) days after service by first class mail of notice of the defacement. (Ord. 2014-13, Enacted, 07/01/2014; Ord. 2018-32, Renumbered, 12/11/2018. Formerly 7-01-001-0003)

7-10-001-0004 NOTICE OF VIOLATION HEARING

A. Any owner or responsible party aggrieved by the determination of the City in the notice of violation may appeal that determination to the City Manager within five (5) calendar days of receipt. Notwithstanding any other provisions of this code, there shall be a nonrefundable fee of two hundred fifty dollars (\$250.00) for any appeal pursuant to this subsection. Such fee must accompany any such appeal and no such appeal shall be considered filed or received until such fee is paid in full.

B. Notice. The City Manager, or his or her designee, serving as the Hearing Officer, shall provide the property owner of record and the party responsible for the maintenance of the property, if a person different from the owner, not less than forty-eight (48) hours' notice of the City's intent to hold a notice of violation hearing at which the property owner or responsible party shall be entitled to present evidence and argue that the property does not constitute a public nuisance. Notice shall be served in the same manner as a summons in a civil action in accordance with Section 1-15-001-0011, Civil Enforcement Procedures.

C. Determination of Hearing Officer. The determination of the Hearing Officer after the notice of violation hearing shall be final and not appealable. If, after the hearing, the Hearing Officer determines that the property contains graffiti viewable from a public or quasi-public place, the Hearing Officer shall give written notice in an eradication order that, unless the graffiti is removed within five (5) calendar days, the City shall enter upon the property, cause the removal, painting over (in such color as shall meet with the approval of the Hearing Officer), or such other eradication thereof as the Hearing Officer determines appropriate.

D. Eradication Effort. Not sooner than the time specified in the order of the Hearing Officer, the City Manager, or the designee of the City Manager, shall implement the eradication order. (Ord. 2014-13, Enacted, 07/01/2014;

Ord. 2018-32, Renumbered, 12/11/2018. Formerly 7-01-001-0004)

7-10-001-0005 RIGHT OF CITY TO REMOVE

In the event that the owner or responsible party fails to abate the graffiti as required by the notice of violation, or fails to appeal the notice of violation within five (5) calendar days of service, the City may proceed to abate the graffiti. The City or its authorized private contractor is expressly authorized to enter private property and abate graffiti thereon in accordance with this section. The Flagstaff Police Department shall assist in the enforcement of this chapter. (Ord. 2014-13, Enacted, 07/01/2014; Ord. 2018-32, Renumbered, 12/11/2018. Formerly 7-01-001-0005)

The Flagstaff City Charter and City Code are current through Ordinance 2022-04, passed March 1, 2022.

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10-50.50.040 General Fencing and Screening Standards

E. Enclosures for Refuse and Recycling Containers. Refuse and recycling containers shall be screened by solid fences or walls constructed to a minimum height of six feet and designed to match the building materials of the primary building on the site and the *Engineering Standards*. Where feasible, enclosures for refuse and recycling containers shall be sited to the rear or side of a building, or in a location where visibility from public rights-of-way is minimized.

10-50.60.080 Maintenance

A. Maintenance Required.

1. Maintenance of all landscaping shall be the responsibility of the applicant, lessee, heirs, assigns, agent, homeowners' association, or other liable entity of the property and shall consist of regular watering; pruning, mowing, fertilizing, weed removal, and the removal and replacement of dead plants, irrigation systems and landscape features. This shall include maintenance of approved landscaping in the public right-of-way.
2. Existing non-native invasive trees as determined by the Director, as well as trees that are dead, diseased, injured, in danger of falling upon existing or proposed structures, overhang or abut a building so as to create a potential fire hazard, interfere with the growth of other trees or existing utilities, or are located within sight lines at intersection streets and driveways may be cut down and removed. Such tree(s) are not required to be replaced with new trees.
3. The applicant or liable entity in control of any private premises shall at all times maintain the premises free of litter and weeds in compliance with City Code Title 6, Police Regulations, and this division.
4. Approved landscaping in rights-of-way, including street trees, shall be maintained in compliance with the *Engineering Standards*, Section 13-18-05, Maintenance.
5. Any plant materials included in an approved landscaping plan that do not survive after installation shall be replaced with plant material(s) of the same or like species of equal size within the next planting season but, in any event, within six months of the plant's demise. Failure to replace said plant materials within the specified time period shall be enforced in compliance with the enforcement provisions of Division [10-20.110](#), Enforcement.

B. Use of Pesticides and Herbicides.

1. **General.** If pesticides and herbicides are used in landscape areas, organic pest control methods are preferred over synthetic pesticide use. Pesticides shall be applied in compliance with the Arizona Department of Environmental Quality (ADEQ) "Groundwater Protection List" and the "Best Management Practices" for pesticide and herbicide application.
2. **Riparian Corridor Watercourse, Wetland, or Stormwater Drainage.** Pesticides, herbicides, and fertilizers shall not be applied within 50 feet of a riparian corridor watercourse, wetland, or stormwater drainage except as allowed by the Director for the following circumstances and when pesticide or herbicide applications will be done by a City approved applicator:
 - a. The State or local Health Department recommends or directs their use to address a threat to public health;
 - b. A county, State, or Federal agency with jurisdiction directs their use for control of a State-listed noxious weed or plant pests covered by the Arizona State Department of Agriculture plant pest program and non-chemical alternatives have been evaluated and deemed ineffective;
 - c. The Director finds that the use of pesticides and herbicides will have no adverse impact to fish and wildlife. Such a determination may be in the form of best management practices or an integrated pest management plan;
 - d. The use of a herbicide to control invasive plants would have less overall environmental impact than other control strategies; or
 - e. There is a serious threat to public safety, health, or the environment.

10-50.80.030 General Parking Standards

A. General to All Zones.

1. **Parking for Accessory Uses in Residential Zones.** Required off-street parking facilities shall be used for the parking of bicycles, passenger motor vehicles, or other non-commercial motor vehicles owned by occupants of the dwelling structures to which such facilities are accessory, or for the parking of passenger motor vehicles and bicycles by guests of the occupants. For single-family dwellings, this includes the driveways to the parking facilities.
2. **Parking of Commercial Vehicles in Residential Zones.** Under no circumstances shall required off-street parking facilities accessory to residential structures be used for the storage or parking of commercial vehicles associated with a business operation other than for a permitted home occupation at the same location, or a commercial vehicle owned or operated by the resident that is less than or equal to 14,000 gross vehicle weight rating (GVWR). Such residential parking facilities shall not be used for the parking of motor vehicles belonging to the employees, owners, tenants, visitors, or customers of nearby commercial or manufacturing establishments.
3. **Commercial Work on Motor Vehicles.** Commercial work of any kind on motor vehicles (e.g., the overhaul of engines) shall not be permitted in conjunction with accessory off-street parking.
4. **Storage of Unregistered or Inoperable Motor Vehicles.** 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.
5. **Reduction of Parking.** Required off-street parking shall not be reduced below the requirements of this division. Existing parking that is determined to be nonconforming in accordance with Division [10-20.60](#), Nonconforming Provisions, because less than the required number of spaces are provided, shall not be further reduced from the number of parking spaces available on the effective date of this Zoning Code.
6. **Parking of Recreational Vehicles, Campers and Other Similar Vehicles.** Unless provided otherwise, the parking and/or storage of recreational vehicles, campers, camping trailers, utility trailers, boats, and similar vehicles shall be regulated in accordance with Section [10-50.80.080\(L\)](#).

(Ord. 2016-07, Amended, 2/16/2016 (Res. 2016-02))

CHAPTER 8-04 TREES AND SHRUBBERY

SECTIONS:

- [8-04-001-0001](#) TREES TO BE TRIMMED
- [8-04-001-0002](#) HEDGES AND SHRUBBERY
- [8-04-001-0003](#) INJURY TO TREES AND/OR SHRUBBERY
- [8-04-001-0004](#) TREES OUTSIDE OF PROPERTY LINE

8-04-001-0001 TREES TO BE TRIMMED

Any owner of any real property shall trim all trees on property owned or occupied by him. overhanging any public thoroughfare, so that the branches thereon will not interfere with pedestrians or public travel.

8-04-001-0002 HEDGES AND SHRUBBERY

Any owner or occupant of any real property shall maintain all hedges and shrubbery adjacent to public sidewalks so that no part of said hedges and/or shrubbery shall extend over any part of a public sidewalk in the City.

8-04-001-0003 INJURY TO TREES AND/OR SHRUBBERY

It is hereby declared unlawful for any person not the owner thereof or without lawful authority so to do, wilfully to injure, deface, disfigure or destroy any tree or shrub, or to injure, destroy, cut or pick any flower or plant, located either on private ground or on any public place or thoroughfare.

8-04-001-0004 TREES OUTSIDE OF PROPERTY LINE

The City Council is hereby provided full and complete control over all trees which are outside the property lines of privately owned real property. (1960 Code)

**CHAPTER 8-13
PROHIBITION ON USE OF RIGHT-OF-WAY**

SECTIONS:

[8-13-001-001](#) PROHIBITION ON USE OF RIGHT-OF-WAY

8-13-001-001 PROHIBITION ON USE OF RIGHT-OF-WAY

A. It shall be unlawful for any person or entity to obstruct or encumber, in part or entirely, any portion of any public street, alley, sidewalk, multiuse path, or any other public right-of-way within the corporate limits of the City with any item, whether temporary or permanent, except as allowed with an applicable permit under this code or pursuant to an express authorization in another section of this code that authorizes certain, specific temporary use or obstruction.

B. If property is found in violation of this section it may be seized and impounded after reasonable efforts are made to locate the owner. An impoundment fee of one hundred dollars (\$100.00) shall be assessed and paid for the redemption and release of the property. If property is not claimed within ninety (90) days of impoundment it will be considered abandoned and subject to destruction or sale. (Ord. 2019-19, Enacted, 06/18/2019)

Division 13-18-005

Maintenance

Sections:

- [13-18-005-0001](#) Responsibility
- [13-18-005-0002](#) General Requirements
- [13-18-005-0003](#) Irrigation

13-18-005-0001 Responsibility

The adjacent property owner is responsible for maintenance of the right-of-way area bounded by the property line and the face of the curb (or edge of road pavement) for the full width of the property. A maintenance district, a business improvement district, homeowners' association, or the City of Flagstaff may, by prior agreement, be responsible for such maintenance. The City of Flagstaff performs maintenance of all medians. Contact the Parks Division for more information. (Ord. 2017-22, Rep&ReEn, 07/05/2017)

13-18-005-0002 General Requirements

- A. Maintenance shall be performed on an ongoing basis as needed.
- B. Required maintenance includes irrigation, weeding, mowing, pruning, replacement of dead or diseased plants, cleaning, raking, snow removal, pest control, and otherwise caring for and repairing all the landscape materials, including sidewalks and street trees. Required maintenance also includes removal of wildfire fuels such as dead plants and limbs, thinning of tree and shrub densities, and weed control.
- C. Replacement and repairs shall be in accordance with the approved streetscape plan, or in the absence thereof, in accordance with these standards.
- D. Maintenance priority shall be given to installation, placement, and planting safety items including lines of sight, blockage, and winter icing.
- E. Maintenance of plant materials, specifically including trimming and pruning, shall conform to applicable horticulture and arboriculture standards.
- F. General weeds shall not be permitted to exceed a height of six (6) inches.
 - 1. Noxious weeds shall be entirely removed.
 - 2. Cut or otherwise removed weeds shall be collected and properly disposed of and shall not be left on the ground. (Ord. 2017-22, Rep&ReEn, 07/05/2017)

13-18-005-0003 Irrigation

- A. Newly planted trees should be watered daily for the first two (2) weeks and then once a week from April through October and approximately twice a month through the winter.
 - 1. In the third year, if there has been a lack of moisture, extreme heat or drying winds, this amount of watering may still be necessary.
- B. The watering schedule for mature trees will be determined based on the species, the soil, and the weather.
- C. Irrigation shall be monitored to avoid over- or under-watering. Watering programs and automatic systems shall be adjusted as warranted.

1. Automatic irrigation systems shall receive appropriate design, installation, maintenance, repair, and winterizing so as to comply with water conservation strategies. (Ord. 2017-22, Rep&ReEn, 07/05/2017)
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The Flagstaff City Charter and City Code are current through Ordinance 2022-10, and legislation passed through May 17, 2022.

Disclaimer: The City Clerk's Office has the official version of the Flagstaff City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

