

Article 10-5. - PROPERTY MAINTENANCE ORDINANCE _GENERAL PROVISIONS

Section 10-5-1 Title

This ordinance shall be known as the "Property Maintenance Ordinance of the Town of Wickenburg, Arizona." Within the ordinance text, the following terms (whether capitalized or not) shall be synonymous with the Property Maintenance Ordinance of the Town of Wickenburg: "this ordinance," "Wickenburg Property Maintenance Ordinance," and "the property maintenance ordinance."

Section 10-5-2 Scope and intent

- A. This ordinance shall apply to all buildings, structures, and lands within the Town without regard to the use, the date of construction, improvement, or alteration.
- B. This ordinance shall be construed to secure its expressed intent, which is to ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. unless specifically exempted in subsection 10-5-2(C) below. Existing structures and premises that do not comply with the provisions of this ordinance shall be altered or repaired to provide a minimum level of health and safety as required herein, repairs, alterations, additions to and change of occupancy in existing buildings shall comply with Town Codes, ordinances, and regulations.
- C. This ordinance shall not require changes in existing buildings and utilities when alterations were installed and have been maintained in accordance with the Town Codes in effect at the time of construction or alteration of the subject building or utilities. This subsection does not apply when the building has been determined to be an imminent hazard, unsafe, unhealthy, blighted or deteriorated.

Section 10-5-3 Conflict of ordinances and effect of repeal of prior ordinance

- A. In any case where a provision of this chapter is found to conflict with a provision of any other ordinance or code of the Town, the provision that establishes the highest standard for the promotion and protection of the health and safety of the public shall prevail.
- B. In cases where two (2) or more provisions of this chapter conflict, the most stringent or restrictive shall prevail.
- C. Nothing in this ordinance shall be construed to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically

repealed by this ordinance, or with private restrictions placed upon property by covenant, deed, or other private agreement.

Section 10-5-4 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 10-5-5 Definitions

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

- A. *Abandoned or inoperable vehicle*: Any vehicle that is partially or wholly dismantled, discarded, wrecked; or on blocks, stands or similar devices; or stripped or scrapped; or inoperable due to mechanical disassembly; or with a deflated tire or tires, or physically incapable of operation; or is incapable of operation for other reasons that may include an expired (more than one month) license plate or the absence of a license affixed or assigned there
- B. *Abate*: To correct that which causes or constitutes a public nuisance by removal, rehabilitation, repair, relocation, stoppage, elimination, demolition, or destruction.
- C. *Adopted codes*: Any of the provisions of the building code, the mechanical code, the electrical code, the plumbing code, the residential code, the fuel gas code, or the energy conservation code, as amended and adopted by the Town.
- D. *Animal waste*: Household pet waste, waste from stables, kennels, pet pens, chicken coops, veterinary establishments, and any other domesticated or undomesticated animal feces.
- E. *Blight, blighted or blighting*: Any unsightly, deteriorated, dilapidated, withered or decayed condition of a building, structure, accessory building, fence, landscaping or property characterized by neglect, lack of maintenance, damage or any other similar condition. Examples include, but are not limited to, the accumulation of debris, wood, unless used for cooking or heating, scrap iron or other metal, boxes, paper, vehicle parts, tires, abandoned or inoperable equipment or vehicles; discarded appliances; or any items that may harbor insect or vermin infestation or create a fire hazard; landscaping that is overgrown, dead or damaged; fences that are broken, rotted, damaged or leaning; buildings or structures exhibiting general disrepair or dilapidation including but not limited to deteriorated shingles, peeling or chipping paint, broken doors or windows or any other evidence of neglect or lack of maintenance.
- F. *Building*: Any structure, either temporary or permanent, having a roof and used or built for the shelter and enclosure of persons, animals, chattels, or property of any kind. This shall

include tents, awnings or vehicles situated on private property and used for purposes of a building.

- G. *Code official*: The Executive Official in charge of enforcing violations of this ordinance; the Code Official shall be the Town Manager or his/her authorized designee.
- H. *Construction materials*: Any material commonly used in construction or landscaping including, but not limited to, asphalt, concrete, plaster, tile, rocks, bricks, sand, dirt, lumber, blocks, or other similar materials.
- I. *Debris*: Substance or material of little or no apparent value including, but not limited to, deteriorated lumber, old newspapers, cardboard material, scrap metal, vehicle parts, discarded furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, abandoned, broken or neglected equipment, or the scattered remains of items.
- J. *Deteriorate, deteriorated, deterioration*: A lowering in quality of the condition of a building, structure or parts thereof including, but not limited to, holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, neglect, or lack of maintenance.
- K. *Driveway*: An unobstructed area directly connecting a public or private street with vehicle parking, loading, or maneuvering areas.
- L. *Exterior property*: The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- M. *Fence (includes screen walls or retaining walls)*: A self-standing structure constructed of wood, chain link, metal, masonry, or similar materials designed for and commonly used to provide semi-privacy, security, screening, or bank retention between grade separations.
- N. *Graffiti*: The writing, drawing, inscribing, etching, spray painting, sketching, or otherwise applied message, initials, designs, drawing, slogan, sign, symbol, or mark of any type that is made on any public or private building, structure, or surface, and that is made without the express permission of the building, structure, or surface owner.
- O. *Imminent hazard*: A condition that could cause serious or life-threatening injury or death at any time.
- P. *Inspection warrant*: An order, in writing, signed by a judge of a court of competent jurisdiction authorizing entry into private property to inspect for violations of the Wickenburg Town Code or other relevant laws and regulations.
- Q. *Judge*: A Town of Wickenburg Municipal Court Judge.
- R. *Municipal court*: Town of Wickenburg Municipal Court.

- S. *Occupant*: Any individual living or sleeping on premises, in a building or structure, or having possession or custody of a space on or within a premises, building or structure.
- T. *Owner*: Any individual, association, corporation, limited liability company, partnership, limited partnership, trust, or real estate investment trust.
- U. *Person*: An individual, proprietorship, partnership, corporation, or other legal entity.
- V. *Private property*: Land owned by any person other than the United States, the State of Arizona, a county, a Town, a school district, or a special district.
- W. *Premises*: A lot, plot, or parcel of land including any buildings thereon.
- X. *Potential hazard*: A condition that can cause an unreasonable risk of death or serious personal injury or serious damage to property and which can become an imminent hazard if further deterioration occurs.
- Y. *Sound condition*: Free from decay or defects and capable of performing the task for which it was designed and in the manner it was intended.
- Z. *Structure*: Any piece of work artificially built up or composed of parts joined together in some definite manner.
- AA. *Trash*: All non-putrescible wastes consisting of both combustible and noncombustible solid waste material, excluding ashes.
- BB. *Unsafe equipment*: Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property, or safety of the public or occupants of the premises or structure.
- CC. *Unsafe structure*: A structure that is found to be dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants, in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- DD. *Unsheltered*: Any area on a premises located outside a garage or other building or structure in such a manner as to be visible to a person standing upon any public street, sidewalk, or at ground level upon any adjoining piece of property.
- EE. *Vehicle*: Every device by which any person or property is or may be transported or drawn; including, but not limited to, automobiles, all-terrain vehicles, recreational vehicles, motor

homes, travel trailers, utility trailers, horse trailers, watercraft, and watercraft trailers. Devices moved by human power or used exclusively upon stationary rails or tracks are exempt.

FF. *Vehicle parts*: Any part(s), component(s) or accessory of a vehicle.

GG. *Vehicle repair*: The service, repair, or routine maintenance of a vehicle, including, but not limited to, lubrication, minor repair and tune-up of engines, tire rotation, engine or transmission overhaul or replacement, body or frame repair or replacement work or other repair, replacement, restoration, or other similar activities.

HH. *Weed*: Any valueless, undesirable, invasive, or troublesome plant growing wild or where it is not wanted including, but not limited to, vegetation which bears seeds of a downy or wingy nature; tumbleweed, sagebrush, chaparral and any other brush or vegetation of uncontrolled growth which may provide harborage for insects or other infestations or which is likely to become a fire hazard when dry; and vegetation that is otherwise noxious or dangerous; or dry grass, stubble, or brush or other flammable material which may endanger the public health or safety.

II. *Yard, front*: A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

JJ. *Yard, rear*: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

KK. *Yard, side*: A yard lying between the side lot line of the lot and the line drawn through the nearest point of a principal building extending from the front yard to the rear yard, or in the absence of either of said yards from the front to the rear lot lines respectively.

LL. *Zoning ordinance*: Land Use and Zoning Ordinance of the Town of Wickenburg, Arizona.

Section 10-5-6 Enforcement- general

- A. The Community Development Department shall be charged with the administration of this ordinance. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Code Official shall have the authority to appoint deputy Code Officials, code inspectors, and other related technical officers and employees.
- B. The Code Official shall have authority, as necessary in the interest of public health, safety, and general welfare, to adopt and promulgate rules and procedures, to interpret and implement the provisions of this ordinance and to secure the intent thereof.

- C. The town may proceed either civilly or criminally against any person who is found to be responsible for aiding or abetting, causing, permitting, or facilitating any violation of any provision of this ordinance or for failing to perform any act or duty required by this ordinance. A written notice of violation shall be issued to the alleged violator, in accordance with the provisions of Section 10-5. If the violation is not remedied within the time frame specified in the notice of violation, a citation may be issued.
- D. Each day a violation of any provision of this ordinance or the failure to perform any act or duty required by this ordinance continues shall constitute a separate violation or offense.
- E. It shall be unlawful for any responsible party who has received a notice of a violation to sell, transfer, mortgage, lease, or otherwise dispose of such property until the provisions of this ordinance have been complied with, or until such responsible party first furnishes the grantee, transferee, mortgagee, or lessee a true copy of any notice issued by the Code Official or his/her authorized designee and furnishes to the Code Official or his/her authorized designee a signed and notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging the receipt of such notice and fully accepting the responsibility without condition for making the corrections or repairs required by such notice.
- F. When two (2) or more persons have liability to the town or are responsible for a violation of this ordinance, their responsibility shall be joint and several.
- G. Violations of this ordinance are in addition to any other violation enumerated within the Town Code and in no way limit the penalties, actions, or procedures which may be taken by the town for any violation of this ordinance which is also a violation of any other provision of the Town Code or any other applicable law. The remedies specified herein are cumulative and the town may proceed under these, or any other remedies authorized by law.
- H. Any responsible party failing to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor for those offenses deemed criminal under this ordinance or responsible for a civil violation for all other offenses.
- I.

Notice shall be personally served on the owner, person, controlling the property, and on the occupant or lessee by a code enforcement officer or police officer, or a vendor who provides such services, or mailed certified mail to the owner or person controlling the property at his or her last known address, or the address to which the tax bill for the property was last mailed. If the owner does not reside on the property, a duplicate notice shall be sent to him or her by certified or registered mail at his or her last known address. In the event that the post office address of the owner or person controlling the property is unknown or if he owner or person controlling the property cannot be reached by mail, a notice may be posted at or on the property in a conspicuous place, and that posting shall have the same effect and force as if personally served upon the owner or user of the property.

Section 10-5-7 Owner of record

The owner(s) of record, as recorded in the Maricopa County or Yavapai County Recorder's Office or as stated on the County Assessor's Office tax bill, may be presumed to have lawful control over any building or parcel of land.

Section 10-5-8 Notice of violation

The Code Official or his/her authorized designee shall seek voluntary compliance with the provisions of this ordinance before issuing a civil citation or criminal complaint, as applicable. This shall include a written notice of violation served on the responsible person or persons.

- A. A notice of violation may be issued by the Code Official, any code inspector, police officer, or other town agent or employee duly authorized by the Town Manager.
- B. A notice of violation shall include:
 - 1. Identification of the property or location of the violation;
 - 2. A statement of the violation(s) in sufficient detail to allow a responsible party to identify and correct the problem;
 - 3. A re-inspection date; and
 - 4. The Town may abate the violation itself if the responsible party does not correct the violation prior to reinspection, as per ARS 9-499
 - 5. The name of the person at the town to contact for further information.
- C. A notice of violation shall be deemed effective on the date when the written notice is either:
 - 1. Hand delivered in person to the owner, occupant, manager, or agent of the premises where the violation has occurred, or to the person responsible for the violation.
 - 2. Posted on or about the entrance of the premises where the violation occurred.
 - 3. Mailed by certified or first-class mail, postage prepaid addressed to the owner, occupant, agent, manager, or responsible person at the last known mailing address and three (3) business days have elapsed.
 - 4. Served on the owner, occupant, agent, manager, or responsible person by the same manner as provided in the Arizona Rules of Civil Procedure.
- D. Failure of the responsible party, property owner, occupant, manager, or authorized agent of the property owner to receive a notice of violation shall not preclude the subsequent issuance of a civil citation or criminal complaint, as applicable.
- E. Nothing in this section shall prevent the Town from taking immediate action to protect the public from an imminent hazard to health or safety as otherwise provided by law.

Section 10-5-9 Civil citations

- A. Unless otherwise designated as a criminal offense in this ordinance, if a violation continues past the time provided for voluntary compliance in the notice of violation, a civil citation may be issued to the person responsible for the violation.

- B. A civil citation may be issued by the Code Official, any code inspector, police officer, or other town agent or employee duly authorized by the Town Manager.
- C. The citation shall include the date of the violation, the location of the property, and reference(s) to the section(s) of this ordinance violated.
- D. The citation shall direct the defendant to appear in Wickenburg Municipal Court no more than thirty (30) calendar days of the issuance of the citation.
- E. The citation shall provide notice that if the defendant fails to appear in Wickenburg Municipal Court as directed, a default judgment will be entered for the violation. In addition, a default fee may be imposed for failure to appear as set forth in Section 10-5-11 of this ordinance.
- F. Service of the citation may be accomplished and will be deemed proper and complete by any of the following means:
 - 1. Hand delivering the citation to the defendant.
 - 2. Mailing a copy of the citation by certified or registered mail, return receipt requested, to the defendant's last known address. If the citation is returned showing that the certified mail was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such citation.
 - 3. Any means allowed by the Arizona Rules of Civil Procedure for the Superior Court.

Section 10-5-10 Civil procedure

- A. The defendant shall appear in Wickenburg Municipal Court on the date indicated in the citation to admit or deny the allegations contained in the citation. The defendant may appear in person or through an attorney. If the defendant admits the allegations, the court shall immediately enter a judgment against the defendant in the amount of the fine for the violation charged. If the defendant denies the allegations contained in the citation, the court shall set a hearing date for the matter.
- B. If the defendant fails to appear in Wickenburg Municipal Court as directed by the citation, the court shall enter a default judgment and impose the fine and default fee required by Section 10-5-11 of this ordinance.
- C. If the defendant fails to appear at the time and place set for hearing by the court, the court shall enter a default judgment and impose the fine and default fee required by Section 10-5-11-b this ordinance.

Section 10-5-11 Civil penalties

- A. Any person that violates this ordinance shall be subject to a civil penalty of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for a second violation in any twelve (12) month period. The dates of the offenses are the determining factor for calculating the twelve (12) month period. In addition, the court may enter an order requiring the defendant to abate the violation within a prescribed period of time.
- B. Any defendant that fails to appear in Wickenburg Municipal Court as directed by a citation issued pursuant to this ordinance, or who fails to appear at the time and place set for hearing of a matter arising under this ordinance, shall be subject to an additional default fee as established by the Wickenburg Municipal Court.
- C. Any judgments issued by the Wickenburg Municipal Court shall be subject to all surcharges and fees imposed by state law in addition to the civil fines required by this ordinance.
- D. Judgments shall be collected in the same manner as any other civil judgment as provided by law.

Section 10-5-12 Recidivist offenders

Any person deemed to be a recidivist offender shall be penalized and fined subject to the provisions of Section 1-8(D) of the Town Code.

The recidivist process is designed to provide relief via an expedited enforcement process for problems with persons or entities who repeatedly violate any provision of this code or town ordinance and who have demonstrated an inability or unwillingness to comply with this chapter. Any violation of this chapter, whether initially deemed civil or criminal in nature, which is committed by a person deemed a recidivist as set forth in this subsection, shall be deemed a Class 1 misdemeanor and shall be addressed as set forth in Section 1-8(D).

A person shall be deemed a "recidivist" if such person has been issued a notice of violation and/or civil citation, and/or criminal charges filed for two (2) or more times within the last two year period relating to violations of the same provisions of this code.

To address frequently occurring violations on recidivist parties or properties, the town manager or an authorized designee may initiate non-complaint based inspections/code compliance on recidivist parties or properties after case resolution to check for a recurrence of the same violation(s).

Cases for which the persons involved have been designated as recidivist may be submitted to the Town Prosecutor for further action consistent with this chapter.

Section 10-5-13 Criminal complaints

The Code Official or any other town agent or employee duly authorized by the Town Manager may seek the issuance of a complaint by a police officer or the Wickenburg Town Prosecutor for criminal prosecution of any person who commits a criminal offense as set forth in this ordinance.

- A. Every criminal action and proceeding under this ordinance shall be designated a class one misdemeanor and commenced and prosecuted in accordance with the laws of the state of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.
- B. Upon conviction of a person for a criminal offense, the court may impose any combination of the following:
 - 1. A sentence of incarceration not to exceed six (6) months in jail.
 - 2. A base fine not to exceed two thousand five hundred dollars (\$2,500.00), exclusive of penalty assessments prescribed by law.
 - 3. A term of probation.
 - 4. An order requiring the defendant to abate the violation within a prescribed period of time.
 - 5. Notwithstanding the elective penalty above, a recidivist offender shall be subject to the penalties set forth in Article 1-8 of the Town Code.

Section 10-5-14 Abatement costs

- A. If the owner or occupant of any property within the town does not remove or abate from their property a violation that constitutes a hazard to public health and safety within thirty (30) days after written notice has been served by the town, the town may, at the expense of the owner or occupant, remove or cause the removal thereof and the record owner shall be liable for all costs incurred. The notice shall include the estimated cost of such removal to the town if the owner or occupant does not comply.
- B. Any person who places, deposits, leaves, or causes in or upon any public street, alleyway, sidewalk, park, or other town building or property a violation that constitutes a hazard to public health and safety shall be liable for all costs incurred by the town to remove or clean up such violation.
- C. When the town has effected removal or abatement of a violation that constitutes a hazard to public safety from any building or property pursuant to this section, the actual cost of such removal, including twenty-five percent (25%) for additional inspection and other incidental costs in connection therewith, shall become an assessment upon the building or real property from which such violation is removed. The owner of record of such property shall be liable for the payment of same. If the actual cost for removal, including twenty-five percent (25%) for additional inspection and other incidental costs in connection therewith, has not been paid within thirty (30) days of billing by the town, such notice of assessment shall be recorded in the Office of the County Recorder. From the date of the recording it shall be a lien on such building or property until paid. Such liens shall be prior and superior to all other liens, obligations, mortgages, or other encumbrances, except liens for general taxes.

- D. A prior assessment against the building or property shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same property may be enforced in the same action.
- E. A notice of abatement or abatement costs may be appealed to the Town Manager or designee for an administrative hearing for review of such notice or costs. A request for an administrative hearing shall be made within the time frame prescribed for compliance in the notice of abatement or within thirty (30) calendar days from the date of billing of abatement cost by the town.

Section 10-5-15 Inspection warrants

- A. As set forth herein, the Code Official or designee may seek the issuance of an inspection warrant by a judge if the Code Official or his/her authorized designee is denied access to any property, building, or structure that the Code Official has authority to inspect. The supporting affidavit shall establish that there is probable cause that a violation of this ordinance or the Town Code exists and that the proposed inspection is reasonable and necessary. Probable cause may be established based on any of the following:
 - 1. Previous inspections have shown violations and the present inspection is necessary to determine whether those violations have been abated.
 - 2. Complaints have been received by the Community Development Department and presented to the issuing code inspector from persons, who by status or position have personal knowledge of the Town Code violations occurring on the subject property, building, or structure.
 - 3. The inspection of the premises in question was to be made pursuant to an administrative plan containing neutral criteria supporting the need for the inspection.
 - a. In executing an inspection warrant on an occupied property, the code inspector shall, before entry, make a reasonable effort to present the person's credentials, authority and purpose to the owner, occupant, agent, manager, or person in possession of the property and produce the warrant or a copy thereof upon request. A copy of the warrant shall be left with the owner, occupant, agent, manager, or person in possession of the property.
 - b. In executing an inspection warrant on an unoccupied property, the code inspector authorized to execute the warrant need not inform anyone of the person's authority and purpose but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case, a copy of the inspection warrant shall be conspicuously posted on the property.
 - c. Any person who willfully refuses to permit an inspection lawfully authorized by warrant issued pursuant to this section is guilty of a class 1 misdemeanor.
 - d. An inspection warrant shall be executed within five (5) calendar days from its issuance. The warrant shall be returned to the judge within three (3) court business days after the inspection warrant is executed.

Section 10-5-16 Reserved

Section 10-5-17 Buildings and Structures

All buildings, structures, accessory structures, detached garages, fences, walls, and storage structures shall be maintained in a structurally sound condition, free from blight and in good repair, and must not be erected, altered, or occupied contrary to applicable law.

- B. Upon issuance of a stop work order, no person shall continue any work on any building, structure, accessory structure, detached garage, fence, wall, or storage structure that has been erected, altered, or occupied contrary to applicable law.
- C. All exterior surfaces of any buildings or structures including, but not limited to, appurtenances, fences, walls, roofs, windows, window frames, screens, doors, garage doors, door frames, canopies, awnings, cornices, porches, stairways, railings, or similar items shall be properly maintained and shall not otherwise present a blighted or deteriorated appearance.
- D. All exterior doors, garage doors, door frames, skylights, windows, and window frames shall be maintained in sound condition, securely fit in their frames, be substantially weather tight and shall not otherwise present a deteriorated or blighted appearance. Window screens, if present, shall be free from excessive tears or holes or bent or broken frames. All glazing materials shall be maintained free from cracks and holes. Boarded window or door openings on an occupied structure are prohibited. Temporary boarding prior to repairs is acceptable.
- E. All fences, screen walls, and retaining walls on the property shall be maintained in a safe and structurally sound condition and shall not otherwise present a deteriorated or blighted appearance. This includes, but is not limited to, leaning or damaged fences, use of tarps, fences missing slats or blocks, deterioration of paint or materials or any other materials that are otherwise broken, damaged or rotting in such amounts as to present a deteriorated or blighted appearance. All materials shall be of typical fence type, uniform, compatible in color and structure and consistent with the design thereof.
- F. All exterior surfaces exposed to weather, except decorative brick, stone, or decay resistant woods, shall be protected with paint or other protective covering. All exterior painted surfaces shall be maintained in sound condition. Painted surfaces that represent a blighted or deteriorated appearance including, but not limited to, substantial fading, excessive peeling, flaking, chipping, or cracking shall be eliminated, and surfaces repainted. This subsection shall apply to any exterior surfaces of any buildings or structures including, but not limited to, fences, walls, or appurtenances including, but not limited to, rooflines, fascia, windows, window frames, window screens, doors, garage doors, doorframes, canopies, awnings, cornices, porches, stairways, railings, or similar items in public view.

- G. Roofs and all appurtenances shall be structurally sound and maintained in a safe condition. Roof coverings shall be substantially free from broken, rotted, split, or curled materials and shall not otherwise present a deteriorated or blighted appearance. All materials shall be uniform, compatible, and consistent.
- H. All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- I. All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained free from deteriorated or blighted appearance or hazardous conditions.
- J. Buildings shall have approved premises identification address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be numerals or alphabet letters. Numbers shall be a minimum of four (4) inches high with a minimum stroke width of one-half (½) inch.

Section 10-5-18 Land maintenance

- A. No person shall place any personal property, materials, goods, wares, merchandise, or similar items of any kind in or upon any public street, sidewalk, alleyway, or right-of-way. Items placed by or approved by the Town are exempt from this subsection.
- B. No person shall place, deposit, or leave in or upon any public or private property, public street, alleyway, sidewalk, rights-of-way, park, or other Town building or property any waste materials, trash, weeds, bottles, glass, cans, pieces of scrap metal, metal articles, paper, or other accumulation of debris or items other than placement of refuse for collection in accordance with Chapter 10 of the Town Code.
- C. No person shall allow the accumulation of rubbish, debris, trash, garbage, refuse, or other wastes, except that which is deposited in proper containers for sanitation collection, in unsheltered areas of private property, including items such as, but not limited to, cardboard, bottles, glass, cans, pieces of scrap wood, metal, metal articles, paper, plastic, boxes, tires, vehicle parts, or other such materials or items which constitute a hazard to the health and safety of the occupants, the neighborhood, the public or others or creates a blighted condition.
- D. No person shall place or store furniture, except furniture designed and placed for outdoor use, household, or personal items, equipment, appliances, vehicle parts, landscape material, or construction material (except in accordance with Section 10-5-18 (E) below),

cardboard material, plastic material, or sheeting, tarps, canvases, debris, or any similar materials in public view or any unsheltered area of any property.

- E. No person shall store construction materials or any similar materials in public view or any unsheltered area of any property. This section shall not apply to any construction material when active construction activities and a valid building permit exists for the property on which the construction material is located, and the construction material is intended to be incorporated in the project for which the permit is issued.
- F. No owner or occupant of any property shall allow or permit any trees, shrubs, or other plant growth on the property to impede, obstruct, or interfere with the free passage upon any public street, sidewalk, or alleyway; obstruct the visibility of drivers; or interfere with any traffic control device or signs or street lighting. Tree limbs must be maintained to hang no lower than fifteen (15) feet above any public street or alleyway and eight (8) feet above any public sidewalk. Trees below eight (8) feet, shrubs, or other plant growth must be maintained away from any public sidewalk.
- G. No person owning or occupying any property fronting on any street, alleyway, or public place in the town, shall allow thereon grass or weeds characterized as uncontrolled, unmaintained, or overgrown, including those areas between the property line and the street, when such conditions create a blighted condition or may harbor infestations or are likely to become a hazard to the public health or safety.
- H. No person shall allow or permit to remain any exterior property condition that presents a blighted or deteriorated appearance including, but not limited to, yards, ground covers, trees, shrubs, or other landscaping vegetation that is substantially dead or damaged, characterized by uncontrolled growth or lack of maintenance, or any other similar conditions. Immunity to desert vacant property.
- I. No person shall allow any palm tree to have an excessive accumulation of dead or dry fronds that descend downward from the base of the lowest living frond that may result in insect or other infestations or result in other conditions that are likely to become a hazard to public health or safety.
- J. No person shall allow graffiti on any sidewalk, wall, building, fence, or sign, or on any other structure or surface owned by such person. The owner shall keep such property free from graffiti when the graffiti is visible from the street or other public way, or any other public or private property. Any surface that has been defaced with graffiti must be restored to its original state by the owner.
- K. No person shall attach or place any sign, placard, poster, banner, or any other advertising device to any tree, public utility structure, traffic control device, streetlight standard, or any other device upon the public streets, alleyways, sidewalks, or rights-of-way unless pursuant to a permit, license, or other approval from the town.

Section 10-5-19 Vehicles

- A. No person shall park or permit to be parked any vehicle displayed for sale upon any public street or private property including vacant property except where the sale of a vehicle is customary and incidental to the principal use of the property and in accordance with the zoning ordinance, except as follows:
 - 1. The display of one (1) vehicle for sale is permitted at a residence when the vehicle is titled to the owner or occupant of the property, is parked on an improved parking surface on the property and is not being sold in connection with an automobile sales business.
 - 2. No more than three (3) vehicles may be displayed for sale at the same residence within a calendar year.
 - 3. No more than one (1) vehicle shall be displayed for sale at any one (1) time.
- B. No person shall park or permit to be parked any vehicle on any property or vacant property except where the parking of such vehicles is customary and incidental to the principal use of the property and in accordance with zoning ordinances.
- C. A vehicle cover placed on any vehicle that is visible from any public street or sidewalk must be properly maintained and made exclusively for covering vehicles. A proper cover does not include bed linen, paper, cardboard, plastic sheeting, tarps or any other item or material not manufactured specifically as a vehicle cover. The use of a vehicle cover on any abandoned or inoperable vehicle as defined in this ordinance is limited to a vehicle that is stored in a carport.
- D. No person shall store an abandoned or inoperable vehicle, including any vehicle being repaired or restored, that is visible from any public street or sidewalk except where the storage, repair, or restoration is customary and incidental to the principal use of the property and in accordance with the zoning ordinance. An abandoned or inoperable vehicle, including any vehicle being repaired or restored, may be stored in a carport if the vehicle is covered with a properly maintained vehicle cover made exclusively for covering vehicles as described in subsection 10-5-19(C) above.
- E. Within any residentially zoned district, no person shall perform any vehicle repairs except as follows:
 - 1. All vehicle repairs performed must be customary and incidental to the principal use of the property.
 - 2. Any vehicle undergoing repair must be titled to the owner or occupant of the property.
 - 3. Vehicle repairs shall not exceed ten (10) calendar days unless removed from public view.
 - 4. The painting of vehicles in any residentially zoned district is prohibited.
- F. No person shall leave, place, or park any abandoned vehicle or inoperable vehicle upon any public street, alleyway, public or private parking lot or town property.

Section 10-5-20- Miscellaneous

- A. No person shall erect, maintain, use, place, deposit, cause, allow, leave or permit to be or remain in or upon any private lot, building, structure or property or in or upon any public street, alleyway, sidewalk, right-of-way or other public or private place, any condition, thing or act that is injurious to health or safety, an obstruction to the free use of property, or so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by a considerable number of persons, or that unlawfully obstructs the free passage or use, in the customary manner, of any stream, public park, square, street, or highway, is a public nuisance, and is no less a nuisance because the extent of the annoyance or damage inflicted is unequal. In addition, any violation of this Town Code that is continuous with respect to time is a public nuisance.
- B. No person shall abandon, discard, store or keep in any place accessible to children, a refrigerator, or any other self-latching container of a capacity greater than one and one-half (1½) cubic feet which is outside of any dwelling unit or within any unoccupied or abandoned building or structure without removing the doors, lids, hinges, latches, or securing it to prevent access.
- C. All property shall be maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water (with the exception of approved retention areas and reservoirs) which may cause a hazardous or unhealthy condition or breed insects.
- D. No person shall allow any swimming pool, architectural pool, hot tub, spa, or pond to remain or be maintained in a condition that is breeding insects, or may result in insect or other infestations, is polluted or stagnant, or is creating a blighted condition.
- E. No person shall fail to maintain a swimming pool area enclosure as required in the Town Zoning Code.
- F. No person shall permit or cause the discharge of water from any swimming pool, architectural pool or spa into any public street, alleyway, rights-of-way, or any abutting or adjacent public or private property.
- G. No person who keeps or controls any animal shall cause, allow, or permit any manure of such animal to be unloaded, left, or dumped in or upon any ditch, permit to be deposited onto any street, alleyway, sidewalk, wash, place, vacant lot, or adjacent public or private property within the town.
- H. Within residential and commercial zoned properties, animal waste such as, but not limited to, manure or droppings shall be removed from pens, kennels, stables, yards, and other enclosures at least twice weekly, or more frequently if the conditions so necessitate, and from the property at least once each week.

- I. It shall be unlawful for any person to deposit, or permit to be deposited, in an unsanitary manner, upon public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, sewage, household, or industrial wastes, or other polluted water or objectionable waste.
- J. No person shall cause, allow, leave, or permit to be or remain in or upon any private lot, building, structure, or property any vector, vermin, or other noxious pest infestation of any kind, including but not limited to insects, bees, wasps, pigeons, rats, or rodents. All premises shall be kept free from the presence or apparent evidence of vector, vermin, or other noxious pest infestation, including nesting places, or any other unsightly or unsanitary condition which could harbor infestations.

Section 10-5-21 Vacant structures and premises; unsafe structures and unsafe equipment; condemnation

- A. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause blight or adversely affect public health or safety.
 - 1. All vacant premises, including those areas between the property line and the street, shall be maintained to prevent grass, weeds, and other vegetation characterized as uncontrolled, unmaintained, or overgrown when such conditions create a blighted condition or may harbor infestations or are likely to become a hazard to the public health or safety. Parcels with existing undisturbed natural desert vegetation are exempt from this subsection when the Code Official determines there is a sufficient separation between the vegetation and adjacent property lines.
 - 2. All unsecured vacant or abandoned buildings or structures must be permanently secured to prevent entry by unauthorized persons pursuant to approved board-up specifications. Any wood or similar material used to secure a building or structure must be painted a color compatible with the building or structure. A copy of board-up specifications may be obtained from the Community Development Department.
 - 3. Unsecured vacant structures and land which have been subject to dumping on more than one occasion shall have signs stating "no dumping" erected thereon in accordance with applicable laws and shall be secured to prevent future occurrences of dumping by installing permanent fencing, ditches, or berms, or by placing four (4) foot high posts at four (4) foot intervals, or any other equally effective method approved by the Code Official or adopted codes.
- B. When a structure or equipment is found by the Code Official, to be (1) a potential or imminent hazard, (2) an unsafe structure, (3) unsafe equipment, or (4) unfit for human use or occupancy, the Code Official is authorized to condemn such structure or equipment pursuant to the provisions of this subsection.
 - 1. When the Code Official or his/her authorized designee has condemned a premises, building, structure or equipment, the Code Official shall post a notice bearing the word "condemned" and a statement of the penalties provided for occupying the premises, building and structure, operating the equipment or removing the notice. The notice

shall be served to the owner or the person responsible for the property in accordance with Section 10-5-8 of this ordinance.

2. No person shall occupy any unsafe building or structure condemned by the Code Official.
3. No person shall operate any unsafe equipment that has been condemned by the Code Official.
4. No owner or responsible party of any property or premises shall allow anyone to occupy any unsafe building or structure condemned by the Code Official.
5. No person shall deface or remove a condemnation notice without the approval of the Code Official.
6. Notwithstanding other provisions of this ordinance, whenever, in the opinion of the Code Official, if applicable, there is imminent danger due to an unsafe condition of an unsecured vacant or abandoned building or structure, the Code Official shall order the necessary work to be done, including the boarding up of openings to render such structure temporarily safe whether or not the legal procedure herein described have been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency. For purposes of this subsection, a vacant or abandoned building or structure shall also include any building or structure that has sustained fire, water, or other substantial damage and is currently unoccupied due to such damage.

Section 10-5-22 Demolition

- A. No person shall allow or cause to remain on any property any damaged or dilapidated building or structure that is unreasonable to repair, contributes to urban blight, adversely affects property values in the Town, serves as attractive nuisance, or constitutes a hazard to the public health or safety.
- B. The Code Official, may require the owner or responsible party of any property where a dilapidated building or structure is located to demolish or remove the dilapidated building or structure within thirty (30) days after written notice has been served by the town. The notice shall include the estimated cost of such removal or demolition to the town if the owner or responsible party does not comply.
- C. If the owner or responsible party fails to comply with the notice within the time frame provided for compliance, the town may, at the expense of the owner or responsible party, remove or demolish the dilapidated building or structure and the owner or responsible party shall be liable for all cost incurred.
- D. When the town has removed or demolished the dilapidated building or structure, the actual cost of such removal or demolition, including twenty-five percent (25%) for other incidental costs in connection therewith, shall become an assessment upon the property from which the dilapidated building or structure was removed. The owner of record of such property

shall be liable for the payment of same. If the actual cost for removal, including twenty-five percent (25%) for other incidental costs in connection therewith, has not been paid within thirty (30) days of billing by the town, such assessment shall be recorded in the Office of the County Recorder. From the date of the recording it shall be a lien on such property until paid. Such liens shall be prior to and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes.

- E. A prior assessment against the property shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same property may be enforced in the same action.
- F. A notice of removal or assessment may be appealed to the Town Manager, or designee, for an administrative hearing for review of such notice. A request for an administrative hearing shall be made within the time frame prescribed for compliance in the notice and within thirty (30) days from the date of the assessment.