TITLE 8

HEALTH AND SAFETY

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CHAPTER 8.01

DEFINITIONS

For purposes of this title, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

"Abatement" means the removal, remediation, halt, or destruction of that which causes or constitutes a public nuisance, whether by breaking or pulling it down or otherwise destroying, replacing, repairing, or effacing it.

"Abandoned vehicle" means a (I) vehicle or any major portion thereof, which is incapable of movement under its own power and will remain so without repair and/or reconstruction or (II) a vehicle being repaired when such repairs take more than thirty (30) days. It shall be presumed that a vehicle or part thereof is abandoned if any of the following conditions exist for more than three (3) consecutive days:

1. The vehicle cannot be started with its own battery, or
2. The vehicle is on blocks or similar devices, or
3. The vehicle has a deflated tire or tires, or
4. A wheel or tire has been removed from the vehicle, and/or
5. The vehicle does not have a current, fully-paid registration from the State of Arizona; or
6. The vehicle is partially or wholly dismantled.

"Accumulation of filth" or **"filth"** means littered, trash covered areas, including debris, weeds, garbage, rubbish, rubble or refuse on or about the premises or any condition which constitutes a breeding place for flies, rodents, mosquitoes and other insects which are capable of carrying and transmitting disease-causing organisms.

"Animal" means all types of animals, both domestic and wild, male and female, singular and plural.

"Authorized private receptacle" means a storage and collection receptacle as required and authorized in this code.

"Blight" or **"blighted"** means unsightly condition, including the accumulation of filth, weeds dilapidation and other similar conditions of disrepair and deterioration.

"Blighted exteriors" means exterior surfaces deteriorated, so as to be a threat to health, safety or welfare.

"Building" means a structure having a roof used for, intended for or capable of support, housing, shelter, and/or enclosure of any person, animal or tangible goods.

"Building service, equipment and utilities" means plumbing, piping and/or fixtures that convey or dispose of liquid or waste, electric wiring, components or fixtures, mechanical heating/cooling equipment, ductwork or fixtures.

"Bulk Trash" means all manmade materials that are bulky or cumbersome such as washers, hot water heaters and other appliances, sofas, tables, beds and other large household furniture, yard waste and other refuse items which by size, shape or quantity will not fit into a residential trash container. (Ord. No. 348, 2016)

"Commercial Account" means any utility, garbage, or trash customer account that is not for a single family residence. (Ord. No. 348, 2016)

Construction Waste" means all waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on commercial, institutional and

industrial establishments, dwelling units, garages, pavements, streets, alleys, trenches, ditches, underground utilities, excavations and other structures. Construction waste includes but is not limited to rocks, debris, dirt, brick, fill, plaster, and all types of scrap building materials, including but not limited to lumber scraps, shingles, plaster, brick, stone and concrete. (Ord. No. 348, 2016)

"Excavation" means a well, shaft, basement, cesspool, septic tank, fish pond and other like or similar conditions more than six inches (6") in diameter and eighteen inches (18") deep.

"Exterior opening" means a window, door or passage between interior and exterior spaces.

"Garbage" means putrescible animal, vegetable wastes and other organic waste material subject to rapid decomposition or rot.

"Hardship" means a condition that would cause substantial suffering or privation due to a lack of either financial resources or knowledge or support.

"Hazard" means a condition that may cause serious personal harm.

"Hazardous waste" means any discarded material hazardous by reason of its pathological, explosive, flammable, radiological, corrosive, reactive, or toxic nature. The term shall mean any material that can cause damage or injury to property or persons. Hazardous waste includes but is not limited to any chemical, compound, mixture, substance product or other material which is a hazardous waste pursuant to A.R.S. § 49-921 as may be amended from time to time, or Code of Federal Regulations Part 261. (Ord. No. 348, 2016)

"Health hazard" means any item which adversely impacts or jeopardizes the well-being or health of an individual or the public, including human, animal, medical, or biological waste, gaseous or combustible materials, radioactive waste, dangerous or corrosive chemicals or liquids, flammable and/or explosive materials, friable asbestos, offal and decay matter.

"Imminent hazard" means a condition that presents an immediate likelihood for causing physical harm or injury to person or property.

"Improved property" means land on which buildings or other structures are located.

"Infestation" means the presence of unpleasant, damaging or unhealthful insects, rodents or reptiles.

"Junk" means items that, in their present state, are of little or no apparent economic value that are not confined within a junk or salvage yard. Junk shall also include litter and solid waste.

"Litter" means all solid wastes not contained or prepared for pick-up by the Town or a commercial solid waste contractor that is visible from beyond the boundaries of the property on which it is located when viewed from any public place or from private property at a height of six feet (6') or less above the grade of the site on which the litter is located, including but not limited to the following:

1. Garbage, street cleanings, severed plant growth, dead animals, automobile parts, solid commercial and industrial waste, paper, empty barrels, crates, packing cases, boxes, cartons, packing material, wrappings, cardboard, wood, landscape clippings, leaves, metal, mattresses, bedding, household furniture and appliances, crockery, cans, cloth, glass, plaster, plastic, asphalt, tile rock, bricks, clean fill, fill dirt, excavation material or rubbish;
2. Non-cultivated plant material grown to a height of over ten inches (10"), except in a properly cultivated pasture or agricultural field;
3. Notwithstanding the above, stored material not visible from beyond the property upon which it is located is not litter, unless the storage of such material presents a hazard to the health or safety of any person.

4. Bulk trash properly prepared and placed for pickup in compliance with this code is not litter.

"Medical sharps" means discarded sharps used in human or animal care, medical research, or clinical laboratories. This includes hypodermic needles, syringes, pipettes, scalpel blades, blood vials, needles attached to tubing, broken and unbroken glassware, and slides and coverslips. The term medical sharps shall have the same definition as set forth in the Arizona Administrative Code R18-13-1401 as may be amended from time to time. (Ord. No. 348, 2016)

"Medical waste" means any solid waste that is generated in the diagnosis, treatment, or immunization of a human being or animal or in any research relating to that diagnosis, treatment or immunization, or in the production or testing of biologicals, and includes discarded drugs, but does not include hazardous wastes as defined in A.R.S. § 49-921 other than conditionally exempt small quantity generator waste, and shall have the same meaning as set forth in in A.R.S. § 49-701 as may be amended from time to time. (Ord. No. 348, 2016)

"Occupant" means the person or legal entity having actual use, possession, control or custody of a
structure and/or premises as a lessee or otherwise.

"Owner" means the legal entity listed as owner of the real property in the official records of the Gila County Recorder's office.

"Park" means a public area devoted to recreational use, including reservation, playground, or recreation center.

"Person in control" means a person who has responsibility for the care and maintenance of the private property, whether or not the person has possession or the use and enjoyment of said property. The "person in control" may be the property owner, occupant, property manager, or designated agent of the owner.

"Private premises" means any real property and buildings and structures thereon that are not owned or operated by a public entity or opened to use by the public.

"Property" means any real property, land, premises, structure, or anything erected, growing on or affixed thereto.

"Public property" means streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

"Recreational/architectural pool" means a constructed or excavated exterior area designed to contain a regular supply of water.

"Refuse" means all solid wastes, including but not limited to: bulk trash, construction waste, garbage, rubbish, street cleanings, dead animals, abandoned, wrecked or junked vehicles or parts thereof, hazardous waste, medical sharps, medical waste, trash, yard waste, and industrial wastes. (Ord. No. 348, 2016)

"Rubbish" means non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, metal cans, yard clippings, leaves, metal, wood, glass bedding, crockery and similar materials.

"Rubble" means broken fragments resulting from the decay or deterioration of a building and/or miscellaneous mass of broken or apparently worthless materials.

"Screened area, exterior" means an area separated by a permanent nonflexible device to completely conceal one element of a property from other elements or from adjacent or contiguous property, including fencing six feet (6') or greater in height made of solid wood, brick or chain link with opaque slates.

"Sound condition" means able to support itself under reasonable loading or weather conditions, free from decay or defect.
"Street" or **"road"** means a public or private thoroughfare for vehicular use providing access to public or private property and other streets, including dedicated roadway easements. A public street includes the associated right of way. A private street includes any associated roadway or access easement.
"Street parkways" means that area of Town right of way lying between the adjacent edge of the improved roadway and where the Town right of way line adjoins private property, excluding sidewalk.
"Structure" means anything constructed or erected and located on the ground or attached to something located on the ground.
"Structural nuisance" means a vacant structure or unsecured structure or portion thereof of any description which is presently open or has been open or unsecured on one or more than one occasion; or which is left open and unsecured after expiration of a notice of violation to comply with all applicable laws, regulations, zoning and ordinances by the Town; or a structure left standing in a secured condition without visible occupation and use for a period of 12 months or longer and which is in a blighted condition or is a threat to health, safety or welfare; or wells, shafts, basements, cesspools, septic tanks, unsound fences, swimming pools, ponds and other like or similar conditions where it appears that such are unattended or abandoned or are in a blighted condition.
"Trash" means rubbish, waste, debris, and all other non-putrescible wastes. (Ord. No. 348, 2016)
"Unsecured structure" means an unoccupied structure not secured to prevent unauthorized entry.
"Vacant structure" means an unoccupied or illegally occupied structure.
"Yard waste" means brush, grass and vegetation clippings, weeds, twigs, leaves, limbs, branches and trunks from trees, palm fronds and general yard, garden and tree rubbish and waste materials.
(Ord. No. 348, 2016) (Ord. No. 317, 2010)

CHAPTER 8.04

EXPLOSIVES

SECTION:

8.04.010 **REGULATING EXPLOSIVES**

8.04.010 REGULATING EXPLOSIVES

A. It is unlawful for any person to blast, or use powder or other explosives in the town without written permission from the Chief of Police.

B. If the blasting or other use of explosives will generate an explosive charge of more than seven and one-half pounds of sixty (60) percent dynamite, or its equivalent, then, in addition to the permission required by subsection A of this section, the blasting or other use of explosives must be approved by a majority of the Common Council of the town. The Common Council may also require a bond in such form and amount as it shall deem necessary in light of the potential damage to person and property within the town.

C. Employees. No permit shall be issued unless the applicant shall file with the Clerk the name of the person or person designated by him, or it, to handle such explosives or to load holes or to discharge explosives or to have charge magazines.

No person shall be so designed unless he is:

1. At least twenty-one (21) years of age;
2. Able to read, write and understand the English language;
3. Of temperate habits;
4. Familiar with the laws and provisions of the ordinances governing the storage and use of explosives;
5. Capable of performing the duties incidental to his work without unnecessary hazard to himself or others.

A certificate of fitness shall be issued to any qualified person so designated by any applicant for a permit; and it is unlawful to engage in any of the activities described in subsection A of this section unless each person designated in accordance with this section shall have first received a certificate of fitness from the Clerk.

D. Storage. No such explosives shall be stored in any building other than a fireproof building in full compliance with the building ordinances of the town.

E. Labeling – Packaging. No explosive shall be kept stored in the town unless it is labeled and packed in the manner prescribed by the regulations of the Interstate Commerce Commission for packing such explosives for shipment on common carriers.

(Ord. No. 197 § 1, 1977:Ord. No. 321:Ord. No. 370)

CHAPTER 8.08

GARBAGE AND TRASH COLLECTION AND DISPOSAL

SECTION:

8.08.010	**GARBAGE AND TRASH REGULATED**
8.08.020	**COLLECTION AGENCY**
8.08.030	**COLLECTION SCHEDULE**
8.08.040	**RATES FOR GARBAGE AND BULK TRASH COLLECTION**
8.08.050	**PREPARATION OF REFUSE FOR COLLECTION BY THE TOWN**
8.08.060	**PROHIBITED ITEMS**
8.08.070	**PLACEMENT OF GARBAGE AND TRASH FOR COLLECTION BY THE TOWN**
8.08.080	**USE OF LIDS, COVERS AND CONTAINERS; UNLAWFUL ACTS**
8.08.090	**VEHICLES AND RECEPTACLES TO BE SPILLPROFF**
8.08.100	**EXEMPTIONS**
8.08.110	**VIOLATION – PENALTY**

***Note: In passage of Ordinance No. 348 there was a scrivener's error in the section numbering. The section numbers have been corrected.

8.08.010 GARBAGE AND TRASH REGULATED

A. It is unlawful for any person to allow or permit garbage, trash or refuse to accumulate upon any premises under his or her ownership or control within the town except as provided in this chapter for the purpose of collection, removal and disposal by the Town.

B. Except as provided in this Chapter, no person in possession of any building, structure, residence, place of business, apartment, unit or space within the town to whom garbage collection services are available shall avoid or refuse to accept the garbage, trash or refuse disposal services provided by the Town and any such avoidance or refusal shall not exempt such person from payment of charges for garbage, trash or refuse disposal services.

(Ord. No. 207 § 2, 1979: Ord. No. 348, 2016; Ord. No. 348, 2016)

8.08.020 COLLECTION AGENCY

A. No person in possession of any single family residence, within the town to whom solid waste collection services are available shall avoid or refuse to accept the refuse disposal services provided by the Town, except as provided in Subsection E of this section. Any such avoidance or refusal shall not exempt such person from payment of charges for garbage, trash or refuse disposal services.

B. All commercial, industrial, and multi-family residential properties shall either obtain solid waste collection services from the Town or contract with a service provider who is authorized by the Town to provide such services with the Town.

C. The Town, or other collectors authorized by the Town, shall collect all refuse within the town. No person, except as provided in this chapter, shall collect or gather refuse within the town.

D. Garbage pickup will be made available to residential customers located outside the town limits but to which Town of Miami sewer service is provided. Pickup will be one (1) time per week and the fee for such customers will be the same as Town residents. Out of town customers for garbage pickup shall establish and terminate service by written application to the Town.

E. **Waiver**

1. Notwithstanding the above, upon written request of a residential property owner or person in control of the residential property, and only if the property has no yard or vegetation such that no yard waste or bulk trash will be produced on the property, the monthly fee for bulk trash pickup may be waived by the Town Manager.
2. If a need for bulk trash pickup services arises, a property owner who has waived the monthly service shall call Town Hall for pickup. For the month when the pickup is made, the $5.00 monthly bulk trash fee shall be aid along with any appropriate additional fee for lawn and yard waste and large household items as set forth in Section 8.08.040.

(Ord. No. 207 § 3, 1979: Ord. No. 348, 2016; Ord. No. 352, 2017)

8.08.030 COLLECTION SCHEDULE

A. Garbage shall be collected one time per week per location, except for food services businesses.

B. Bulk trash pickups for yard waste shall be on Mondays by region, as designated by the Town. Each region shall have a pickup once every four weeks. For Monday holidays, the pickup shall move to the next Monday that is not a holiday. The pickup schedule shall be posted on the Town's website.

C. Bulk trash pickups for large general household items including, but not limited to, appliances and furniture, shall be available only on Wednesdays and require the owner or person in control of the property to notify the Town at least one week before the pickup is desired.

(Ord. No. 348, 2016)

8.08.040 RATES FOR GARBAGE AND BULK TRASH COLLECTION

A. Residential accounts:

SERVICE	FEE (IN DOLLARS)
Garbage pickup base rate	$22.58
Bulk trash pickup base rate	$5.00 *

Lawn and yard waste: Pickup charge Load charge Half-trailer load Full-trailer load	 $25.00 $12.50 $25.00
Large General Household Items – pickup fee: Additional per item fees: One item: 2-3 items: 4-5 items: 6 items: 7 items: 8 items: 9-10 items: 11-12 items: 13 items: 14 items:	$28.23 $5.65 $11.25 $16.94 $22.58 $28.23 $33.87 $39.52 $45.15 $50.81 $56.45

* All Town residents will be charged the $5.00 base rate for bulk trash pickup. The lawn and yard waste and large household items fees are in addition to the $5.00 base rate.

B. Commercial accounts:

Commercial accounts will be charged a base fee for garbage collection of $30.00 per month and the following additional fees will be applied to specific businesses (Upon application and approval by the Town, a commercial business has the option of contracting with an outside service for commercial garbage serve and thereby avoid the monthly base fee and additional fees):

1. **Apartments:** $11.29 per month per unit for each unit in excess of one.
2. **Food Services:**
   a. $67.74 per month for pickup two days per week.
   b. $112.90 per month for pickup three days per week.
3. **Manufacturing/ Fabrication:** $101.61 per month with additional fees if required based upon the volume and character of the garbage.

C. Delinquency Penalties:

Delinquency penalties for nonpayment of monthly fees shall be as follows:

1. Any person to whom the garbage collection services of the town are available who fails to pay the monthly fees, as established by the Town Council, within fifteen (15) days from the date of billing shall forfeit thereupon, without further notice, the right to continue to receive such services and the Town shall have the right to refuse and deny the collection of garbage and bulk trash from such delinquent address.
2. When a person is delinquent in his or her monthly payments for garbage and/or bulk trash collection services beyond the fifteen (15) day period provided in subsection 1 of this section, there shall be a penalty of twenty-five cents ($0.25) for each day of the delinquency. The Town may, in its discretion, continue to provide garbage and/or bulk trash collection services to the delinquent address despite the nonpayment. If so, the

twenty-five cents ($0.25) per day charge shall accumulate for each month of arrearages. In other words, if a person is three months behind in his payments, the late fee shall be seventy-five cents ($0.75) per day.

(Ord. No. 212 § 1, 1980, Ord. No. 207 § 6, 1979, Ord. No. 313, 2009:Ord. No. 314, 2009:Ord. No. 318, 2010:Ord. No. 325, 2011:Ord.No. 359, 2018)Ord. No. 348, 2016; Ord. No.359, 2018)

8.08.050 PREPARATION OF REFUSE FOR COLLECTION BY THE TOWN

All refuse shall be prepared for collection or disposed of as follows:

A. Garbage Containers.

1. The customer shall either furnish containers for the accumulation, storage and collection of all garbage or double bag and tie the garbage.
2. Garbage containers shall be tightly covered; made of rust-resistant, light weight metal or heavy duty plastic and have handles on the outside. The maximum capacity of each container shall not exceed thirty (30) gallons and loaded for collection shall not exceed fifty (50) pounds in weight. Garbage containers shall be kept in good repair and in a sanitary condition.
3. If a garbage container is found by the Town to be no longer serviceable because of disrepair or having been maintained in an unsanitary condition the Town may refuse to collect the garbage from the container. Notice to the property owner or person in control of the property of the Town's decision to discontinue the use of the container shall consist of a label or tag affixed to the container stating that the Town will no longer collect garbage placed in this container. Receptacles not replaced, repaired, or cleaned to the Town's satisfaction within fifteen (15) days of such notice may be removed and destroyed by the Town.

B. Trash.

1. Trash shall be placed in containers or tied in bundles by the customer and set out for collection.
2. Tree and brush clippings shall be cut to no longer than four (4) foot lengths.
3. Grass clippings shall be bagged.
4. Containers may be garbage containers described above, or boxes not exceeding three square feet by four feet deep. The weight of a loaded container or bundle shall not exceed fifty (50) pounds. Customer wishing to retain disposal boxes should mark the box "SAVE" in a readily seen manner.

C. Brush. Brush shall be piled in neat order with all long branches parallel to one another, and shall have all metal or foreign material removed to facilitate chipping.

D. Appliances and Vehicles. The Town will collect discarded appliances from dwelling premises that two persons can readily lift into a truck. The customer shall remove or cause to be removed all other appliances, vehicles of equipment classed as refused from their premises or the public right-of-way.

E. **Construction Waste.** All owners, contractors and builders of structures shall, upon completion of any structure, gather up and haul away, at their sole cost and expense, all construction waste restore the construction site and all nearby premises utilized in the construction in a neat, clean, and safe condition, free from any hazards. Residential customers may dispose of small amounts of construction waste from time to time, provided it is placed in a container as described above and contains no concrete, masonry or soil.

F. **Industrial or Commercial Wastes.** Any commercial or manufacturing establishment which by the nature of its operations creates an unusual amount of by-product waste may be required by the Town to dispose of its own wastes as opposed to having the Town provide the service.

G. **Hazardous Waste.** Hazardous wastes shall be placed in an appropriate, closed container and plainly and properly marked in accordance with applicable law and industry standards. The Town reserves the right to deny service for certain dangerous wastes. The Public Works Director shall be notified and shall instruct the customer as to disposal options for such waste.

H. **Waste Soil, Sand, Concrete, Rock and Similar Materials.** Waste soil, sand, concrete, masonry blocks, sod, rock and similar materials shall be disposed of by the owner, tenant or occupant of the premises (and not by the Town) and shall not be stored or placed in the public right-of-way.

I. Dead small animals may be placed in plastic bags, tied and placed in the regular refuse container. Dead livestock shall be disposed of by the owner.

(Ord. No. 207 § 7, 1979: Ord. No. 348, 2016)

8.08.060 PROHIBITED ITEMS

A. **In general.** No person shall deposit or cause to be deposited in any refuse container or bag prepared for garbage or trash collection by the town, anything which will be dangerous or hazardous to the collection equipment or personnel or presents a threat to the health, safety and welfare of the collection personnel or general public.

B. The following items shall not be placed in any refuse container or bagged for collection by the town as garbage or trash:

1. Flammable liquids or liquid containers;
2. Fluorescent light bulbs or tubes;
3. Poisons or toxic substances including but not limited to fertilizers, antifreeze, mineral spirits, paint and paint-related materials such as primers, paint removers, varnishes, wood stains and solvents;
4. Lead acid batteries such as automobile or other vehicle batteries, shall not be disposed of in refuse containers. Persons shall dispose of such waste after calling the Director for disposal and recycling options;
5. Medical sharps and needles of all types, unless properly contained in a sealed, puncture-resistant container and clearly labeled as such;

6. Explosives such as arms, ammunition, war souvenirs or explosive items or powder of any kind and highly flammable materials. Persons shall dispose of these items after calling the Town Police Department for directions and disposal options;
7. Oils and/or adhesives, including but not limited to motor oil, glue and cutting oils;
8. Aerosol containers or pressurized tanks (propane or carbon dioxide);
9. Construction wastes. Construction waste shall be disposed of directly by the contractor or by the person owning, occupying, or leasing the premises wherein such debris is accumulated. All such wastes shall be removed promptly and shall not be stored in any location where it may be blown or otherwise dispersed beyond the construction site.
10. Acids, caustics and rapid oxidizers, including chemicals used in swimming pools. Persons shall dispose of such chemicals after calling the Public Works Director for containment instructions and disposal options.
11. Warm or hot coals or ashes.

(Ord. No. 207 § 8, 1979: Ord. No. 348, 2016)

8.08.070 PLACEMENT OF GARBAGE AND TRASH FOR COLLECTION BY THE TOWN

Garbage and trash shall be placed for collection by the Town as follows:

A. All refuse prepared for collection shall be placed in the street, next to the curb in the front of the property. All containers and refuse shall be so located as to not block the alley, sidewalk or gutter, or otherwise be a hazard to or interfere with pedestrian or vehicular traffic. All items shall be placed away from electrical boxes, cable boxes, mailboxes, poles, water meters, and existing landscapes.
B. Refuse shall be placed for collection on the curb or alley no earlier than one day prior to the collection day and no later than 7:00 a.m. on the collection day.
C. The property owner or person in control shall ensure that the refuse collection area is cleaned up after the collection by removing any small debris that may remain after the collection.
D. The Town shall not be under any duty or obligation to collect or empty such garbage containers or trash or refuse which do not conform to the specifications set forth in this chapter or that are not located as provided in this chapter.

(Ord. No. 207 § 9, 1979: Ord. No. 348, 2016)

8.08.080 USE OF LIDS, COVERS AND CONTAINERS; UNLAWFUL ACTS

A. The lids or covers of all containers shall at all times be kept secure so that flies and other insects do not have access to the contents, and shall only be removed while containers and receptacles are being filled, emptied or cleaned. All bags used for refuse and kept outside
shall be securely closed and protected to prevent encroachment or entry by animals and insects.
B. it is unlawful for any person to deposit, or cause to be deposited, any refuse in any container that he does not own or is not entitled to use as a tenant.

C. It is unlawful for any unauthorized person or persons to uncover or cause to be uncovered or tip or cause to be tipped over or molest or cause to be molested in any manner, any container of garbage or trash.

D. It is unlawful for any person to place or cause to be placed any refuse upon any public or private property within the town, except as specifically permitted in this chapter.

(Ord. No. 348, 2016)

8.08.090 VEHICLES AND RECEPTACLES TO BE SPILLPROOF

A. It is unlawful for any person to haul or cause to be hauled on or along any public street, right-of-way or alley in the town any refuse, unless such material is contained in the vehicle or receptacle in a manner that prevents the contents from falling out, leaking or spilling and prevents any obnoxious odor from escaping.
If any refuse falls out, leaks, or spills, such person shall immediately clean up the refuse or liquid and notify the Town Police Department.

B. Failure to properly secure a load and any covering of the load to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway may be prosecuted as a violation of A.R.S. § 28-1098 as may be amended from time to time.

C. Dumping Refuse. It is unlawful for any person to place, litter or dump, or cause any garbage, debris, trash, refuse, papers or other refuse materials to be placed or dumped upon any public sidewalks, streets or private property within the town, except as specifically permitted in this chapter.

(Ord. No. 207 § 10, 1979: Ord. No. 348, 2016)

8.08.090 EXEMPTIONS

Schools, commercial and industrial establishments and such others as have a large amount of primarily paper trash shall be exempt from the provision of this chapter, provided that satisfactory arrangements for the collection of such trash have been agreed upon in advance with the street and Public Works Director of the Town. (Ord. No. 207 § 13, 1979; Ord. No. 348, 2016)

8.08.110 VIOLATION – PENALTY

Any person violating any regulatory provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to such fine and imprisonment as set forth in Town Code Section 1.15.010. (Ord. No. 207 § 15, 1979:Ord. No. 348, 2016)

CHAPTER 8.12

LIQUIFIED PETROLEUM GASES

SECTION:

8.12.010	**LIQUIFIED PETROLEUM GASES REGULATED**
8.12.020	**APPLICATION TO FIRE CHIEF REQUIRED**
8.12.030	**STORAGE TANK GUIDELINES**
8.12.040	**APPROVAL REQUIRED FOR INSTALLATION**
8.12.050	**DUTIES OF FIRE CHIEF**
8.12.060	**EXEMPTION**
8.12.070	**RESALE OF LIQUIFIED PETROLEUM GASES REGULATED**
8.12.080	**APPLICATION TO TOWN CLERK REQUIRED**
8.12.090	**VIOLATION – PENALTY**

8.12.010 LIQUIFIED PETROLEUM GASES REGULATED

It is unlawful for any person, firm or corporation to keep, store or use any liquefied petroleum gases, or similar products, within the town for residential heating, cooking, cooling, and similar uses, except in those instances when piped natural gas is unavailable to the property, and as provided in this chapter. (Ord. No. 214 § 1, 1982)

8.12.020 APPLICATION TO THE FIRE CHIEF REQUIRED

Persons, firms or corporations who desire to use liquefied petroleum gases, or similar products, within the town when natural gas is not available shall apply to the Fire Chief of the Town. (Ord. No. 214 § 8, 1982)

8.12.030 STORAGE TANK GUILDELINES

The Fire Chief shall maintain in his office a copy of guidelines and codes for the placement and protection of storage tanks for liquefied petroleum gases, or similar products, which shall be provided to any person or party requesting the guidelines. Any storage tanks to be utilized must be approved by the Fire Chief prior to installation. Application shall be on a form provided by the Town Clerk and shall be accompanied by a fee of five dollars ($5.00) for process the application and inspection. (Ord. No. 226 § 3, 1986: Ord. No. 214 § 3, 1982)

8.12.040 APPROVAL REQUIRED FOR INSTALLATION

No storage tanks for liquefied petroleum gases, or similar products, shall be installed until the tank and location have been approved by the Fire Chief. The premises of each location shall be inspected by the Fire Chief annually. (Ord. No. 226 § 4, 1986: Ord. No. 214 § 4, 1982)

8.12.050 DUTIES OF FIRE CHIEF

It shall be the duty of the Fire Chief of the Town to enforce the provisions of this chapter and for that purpose he is empowered and authorized to enter any building or premises at any reasonable time, upon reasonable once for the purpose of making inspections for enforcement of this chapter. (Ord. No. 226 § 5, 1986: Ord. No. 214 § 5, 1982)

8.12.060 EXEMPTION

Self-contained LPG tanks of twenty-seven (27) gallons or less used for other than residential heating, cooling cooking, and similar uses shall be exempt from this chapter. (Ord. No. 214 § 7, 1982)

8.12.070 RESALE OF LIQUIFIED PETROLEUM GASES REGULATED

Except for residential usage as specified in Sections 8.12.010 – 8.12-060, it is unlawful for any person, firm or corporation to keep, store or resale any liquefied petroleum gases, or similar products, with the town. (Ord. No. 226 § 1, 1986)

8.12.080 APPLICATION TO TOWN CLERK REQUIRED

Persons, firms or corporations who desire to resale liquefied petroleum gases or similar products, within the town shall apply to the Town Clerk of the Town for a special permit. A fee of ten dollars ($10.00) shall be required and shall be renewed annually. (Ord. No. 226 § 2, 1986)

8.12.090 VIOLATION – PENALTY

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a Class 2 misdemeanor. (Ord. No. 226 § 7, 1986: Ord. No. 214 § 8, 1982)

CHAPTER 8.16

DECLARATION AND PROHIBITION OF PUBLIC NUISANCES

SECTION:

8.16.010	**SLAUGHTERHOUSES PROHIBITED**
8.16.020	**UNSECURED EXCAVATIONS**
8.16.030	**ABANDONED REFRIGERATORS**
8.16.040	**OFFENSIVE PREMISES**
8.16.050	**ACCUMULATION OF REFUSE**
8.16.060	**LITTER**
8.16.070	**DISPOSAL OF ANIMAL WASTE**
8.16.080	**OVERGROWTH OF WEEDS OR NOXIOUS PLANTS**
8.16.090	**UNSAFE STRUCTURES**
8.16.100	**DANGEROUS SIGN, BILLBOARDS AND AWNINGS**
8.16.110	**DRAINAGE OF WASTES INTO PUBLIC RIGHT OF WAY**
8.16.120	**ELECTRIC FENCES, BARBED WIRE AND RAZOR WIRE**
8.16.130	**ATTACHING MATERIALS TO PUBLIC FACILITIES**
8.16.140	**LIGHT**
8.16.150	**NOISE**
8.16.160	**ABANDONED VEHICLES**
8.16.170	**PENALTIES; ABATEMENT**

8.16.010 SLAUGHTERHOUSES PROHIBITED

It is unlawful and a public nuisance for any person to establish or maintain any slaughterhouse or make a practice of slaughtering cattle, hogs, sheep or any other kind of animal, or establish or maintain any soap factory, render tallow, or pursue, maintain or carry on any other business or occupation offensive to the sense or prejudicial to the public health within the limits of the town or within two miles of the limits of the town. (Ord. 196 § 1, 1977: Ord. No. 317, 2010)

8.16.020 UNSECURED EXCAVATIONS

It is unlawful and a public nuisance for any property owner to leave unguarded or to abandon any excavation, pit, privy, vault, sump, or hole that is more than six inches (6") in diameter and more than eighteen inches (18") deep. If the property owner protects any such excavation from access by the public by effective barrier or warning device, it shall not be deemed unguarded or abandoned. (Ord. No. 196 § 2, 1977:Ord. No. 317, 2010)

8.16.030 ABANDONED REFRIGERATORS

It is unlawful and a public nuisance for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under the control of any person and in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the

inside, without first removing the door or lit, snap lock or other locking device from the icebox, refrigerator or container. (Ord. No. 317, 2010)

8.16.040 OFFENSIVE PREMISES

It is unlawful and a public nuisance for any person to suffer or permit any premises belonging to or occupied by him, or any cellar, privy, vault, pool, sewer or private drain therein to become nauseous, foul or offensive to the senses or prejudicial to the public health or comfort. (Ord. No. 317, 2010)

8.16.050 ACCUMULATION OF REFUSE

It is unlawful and a public nuisance for any person to accumulate, upon any public or private property including any open space within the town:

A. Wastepaper, packing material, trash, litter, rags, empty barrels, boxes, crates, mattresses, bedding excelsior, packing straw, packing hay, lumber not neatly piled, or other waste article or flammable or combustible nature or any refuse of unsanitary nature unless placed in a bin, box or other receptacle kept for that purpose and which prevents the materials from becoming a fire hazard and infestations of rodents or insects.

B. Bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all other trash and abandoned material, unless the same be kept in covered bins or metal receptacles approved by the county health officer, this code or any ordinance of the Town.

(Ord. No. 317, 2010)

8.16.060 LITTER

A. It is unlawful and a public nuisance for any person to throw, deposit or keep litter on any public place or on any occupied or unoccupied private property within the town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles or collection in such manner that litter will be held in said receptacles until removed from the premises by an authorized solid waste collection service and will be prevented from being carried or deposited by the elements upon any public place.

B. It is the duty of the owner, occupant, or person in control of any private property to at all times maintain the premises free of litter; provided, however, that this provision shall not prohibit the storage of litter in authorized private receptacles for collection.

(Ord. No. 317, 2010)

8.16.070 DISPOSAL OF ANIMAL WASTE

It is unlawful and a public nuisance to dispose of animal manure or waste in any quantity in any manner which is not securely protected from insects and the elements, or which is kept or handled in violation of any ordinance of the Town or Gila County; provided, however, that nothing in this section shall be deemed to prohibit the utilization of animal manure on any farm,

garden or ranch in such a manner and for such purposes as are compatible with customary methods of good husbandry. (Ord. No. 317, 2010)

8.16.080 OVERGROWTH OF WEEDS OR NOXIOUS PLANTS

It is unlawful and a public nuisance for any owner, occupant or person in control of property to permit upon his property:

A. The growth of poison oak, poison ivy, or any noxious or toxic weeds or uncultivated plants (whether growing or otherwise), weeds, tall grass, uncultivated shrubs or growth higher than 24 inches or which present a fire hazard: or

B. Plants or other material, which are dead, dormant or so dry as to be readily flammable or combustible on such land that may constitute a fire hazard or other threat to the public health or safety.

(Ord. No. 317, 2010)

8.16.090 UNSAFE STRUCTURES

A. It is unlawful and a public nuisance for any person to maintain or allow any structure to become unsafe, unsanitary or deficient.

B. A structure shall be deemed unsafe, unsanitary or deficient if any of the following conditions are present:
   1. Inadequate means of egress facilities;
   2. Inadequate light or ventilation:
   3. It constitutes a fire hazard;
   4. It is infested with rodents, insects or other pests that pose a risk to public health or safety;
   5. It contains an accumulation of litter, garbage, refuse, trash or other unsanitary material;
   6. It is otherwise dangerous to human life or the public welfare;
   7. It involves illegal or improper occupancy;
   8. It has missing or broken exterior windows, doors, or fences, or other inadequate maintenance to the degree that it poses a danger of physical injury to any person or animal;
   9. It is a vacant structure and is not secured against entry.

C. Unsafe structures shall be made safe or may be required to be taken down and removed if the building and fire officials deem necessary.

(Ord. No. 317, 2010)

8.16.100 DANGEROUS SIGNS, BILLBOARDS AND AWNINGS

It is unlawful and a public nuisance for any person to maintain or allow any sign, billboard, awning or other similar structure over or near streets, sidewalks, public grounds or places frequented by the public, so situated, constructed, or maintained as to endanger public safety.
(Ord. No. 317, 2010)

8.16.110 DRAINAGE OF WASTES INTO PUBLIC RIGHTS OF WAY

It is unlawful and a public nuisance for any person to deposit in, sweep upon, or permit to drain into any public right of way or public place of the town any hazardous material, garbage, junk, obstruction, or similar matter which is offensive to sight or smell, impedes passage or that may be detrimental to public health. (Ord. No. 317, 2010)

8.16.120 ELECTRIC FENCES, BARBED WIRE AND RAZOR WIRE

A. It is unlawful and a public nuisance for any person to erect or maintain within the town any electric fence.

B. It is unlawful and a public nuisance for any person to erect or maintain within the town a fence constructed in whole or in part of barbed wire, razor wire, or other similar wire except:

1. No more than three (3) strands of barbed wire or one (1) coil of razor wire not less than six feet and two inches (6'2") above the ground are permitted at the top of an otherwise lawful fence enclosing a municipal, institutional or commercial use:
2. Barbed wire fencing is not prohibited on premises larger than one acre used for agricultural or livestock purposes, in which case the barbed wire shall not extend beyond the premises permitted to be enclosed.

(Ord. No. 317, 2010)

8.16.130 ATTACHING MATERIALS TO PUBLIC FACILITIES

It is unlawful and a public nuisance for a person to attach a sign to a public utility structure, traffic control device, street light standard, or similar structure in the public right of way. (Ord. No. 317, 2010)

8.16.140 LIGHT

It is unlawful and a public nuisance to cause, allow or permit any artificial illumination of such intensity as to interfere substantially and unnecessarily with the use and enjoyment of public or private property by any considerable number of people, or with the lawful use of any school, public place or public street, or with any governmental or public function of the Town, or as to constitute a hazard or threat to the public health, safety and welfare of the people of the town. This section shall not apply where the person responsible for artificial illumination is authorized by the Town Manager, any school within the town, this code or valid ordinance of the Town. (Ord. NO. 317, 2010)

8.16.150 NOISE

It is unlawful and a public nuisance for any person to produce noise of any kind, including barking dogs, that travels in excess of 50 feet from the point of origin between the hours of 10:00 p.m. and 7:00 a.m. permitted events and emergency vehicles shall be excluded from this provision. (Ord. No. 317, 2010)

8.16.160 ABANDONED VEHICLES

It is unlawful and a public nuisance to permit an abandoned, inoperable, stored or junked motor vehicle, or parts thereof, to remain on private property unless such vehicle, or parts thereof, are concealed from public view by fences or garages consistent with zoning ordinance requirement (except vehicles stored on commercial property that are actively repairing/restoring said vehicles). (Ord. No. 317, 2010)

8.16.170 VIOLATIONS; PENALTIES; ABATEMENT

A. Civil Penalty. Any person found to be in violation of any provision of this chapter shall be guilty of a civil violation, punishable by imposition of a civil sanction not less than $100.00 and not to exceed $500.00.

B. Each Day A Separate Violation. Each day a violation continues shall be considered a separate violation.

C. Procedures. Hearings and appeals shall be conducted in accordance with the rules of procedure in civil traffic violation cases as set forth in the Arizona Revised Statues, rules of procedure in civil traffic cases.

D. Reinspections Costs. In addition to any penalties or civil sanctions imposed by the court, the Town may impose fees in an amount set separately by resolution approved by the Town Council for reinspection of the premises at the request of the property owner to determine whether the property has been brought into compliance after initiation of enforcement or prosecution of the provisions set forth in this title.

E. Habitual Offender. A person who commits a violation of this chapter after previously having been found responsible for committing three or more civil violations of this chapter within an 18-month period, whether by admission, by payment of the sanction, by default or by judgment after hearing, shall be guilty of a Class One Misdemeanor. For purposes of calculating the 18-month period under this section, the dates of the commission of the offenses are the determining factor.

F. Abatement. In addition to or separate from actions for civil offenses, violations of this chapter may be abated pursuant to the provisions set forth in Chapter 8.17, by injunctive or other equitable relief. The imposition of a penalty or civil sanction does not prevent abatement or equitable relief.

(Ord. No. 317:Ord. No. 336, 2010)

CHAPTER 8.17

ABATEMENT OF PUBLIC NUISANCES

SECTION:

8.17.010	**PURPOSE AND FINDINGS**
8.17.020	**APPLICABILITY**
8.17.030	**OWNER, OCCUPANT OR PERSON IN CONTROL TO MAINTAIN PREMISES**
8.17.040	**AUTHORITY TO INSPECT**
8.17.050	**INTERFERENCE WITH INSPECTION; ABATEMENT**
8.17.060	**FALSE INFORMATION**
8.17.070	**FAILURE TO PROVIDE EVIDENCE OF IDENTITY**
8.17.080	**EMERGENCY ABATEMENT**
8.17.090	**ABATEMENT IN LIEU OF OR IN ADDITION TO CIVIL OR CRIMINAL COMPLAINT**
8.17.100	**ABATEMENT PROCEDURES**
8.17.110	**ASSESSMENTS; HOW PAID; ACCRUAL OF INTEREST**
8.17.120	**PENALTIES**

8.17.010 PURPOSE AND FINDINGS

A. **PURPOSE:** The purpose of this chapter is to set forth procedures to abate public nuisances pursuant to the police powers of the Town and to ensure the public health, safety and welfare insofar as they are affected by public nuisance.

B. **FINDINGS:** The Town Council finds that the failure of a property owner, occupant or person in control to maintain property in a safe and sanitary manner, as required by this chapter creates a public nuisance and is hazardous to the public health, safety and welfare, public nuisances promote the spread of disease, endanger the physical safety of occupants and cause neighborhood blight.

(Ord. No. 317, 2010)

8.17.020 APPLICABILITY

The procedures set forth in this chapter apply to public nuisances, as defined in this code, wherever found in the town. (Ord. No. 317, 2010)

8.17.030 OWNER, OCCUPANT OR PERSON IN CONTROL TO MAINTIN PREMEISES

The owner, occupant or person in control of any private property shall, at all times, maintain the premises and adjoining alleys free of public nuisances. (Ord. No. 317, 2010)

8.17.040 AUTHORITY TO INSPECT

A. Town enforcement agents are hereby authorized to inspect property for violations of this title in the normal course of job duties, in response to a citizen complaint that an alleged violation of this title may exist; or when the enforcement agent has a reasonable belief that a violation has been or is being committed.

B. In order to determine compliance with this title, private property may be entered with the consent of the owner, occupant, or person in control of the property, or as authorized by a court of competent jurisdiction.

C. This section shall not be construed to require regular inspections of premises by the Town, nor shall the Town have an obligation to abate any public nuisance, reported or unreported within a specific time period. Neither the Town nor any of its officers or official shall be liable in any manner for injuries or damages which result or are alleged to have resulted from any delay or failure to enforce the provisions of this title.

(Ord. No. 317, 2010)

8.17.050 INTERFERENCE WITH INSPECTION; ABATEMENT

Any person who interferes, prevents, or attempts to interfere or prevent an individual employed or contracted for by the Town from investigating an alleged violation of this title, or from correcting or abating a violation of this title is guilty of a Class One Misdemeanor. (Ord. No. 317, 2010)

8.17.060 FALSE INFORMATION

Any person who knowingly makes a false or fraudulent statement, or knowingly misrepresents a fact, or misleads an individual employed or contracted for by the Town when that individual is investigating, correcting or abating a violation of this title is guilty of a Class One Misdemeanor. (Ord. No. 317, 2010)

8.17.070 FAILURE TO PROVIDE EVIDENCE OF IDENTITY

Any person who fails or refuses to provide evidence of his identity to an individual employed or contracted for by the Town when that individual is investigating an alleged violation of this title and has reasonable cause to believe that person has committed a violation of this title, is guilty of a Class One Misdemeanor. Evidence of identity under this section shall consist of a person's full name, residence address and date of birth. (Ord. No. 317, 2010)

8.17.080 EMERGENCY ABATEMENT

A. If a situation presents an imminent hazard to life or public safety, the Town may do one or more of the following:
   1. Issue a notice to abate the nuisance, directing the owner, occupant, or person in control to immediately take such action as is appropriate to correct or abate the emergency upon notice by the enforcement official to the responsible person(s).
   2. Act to correct or abate the emergency, whether or not the Town is able to contact the owner, occupant, or person in control.

B. The owner, occupant, or person in control may appeal an order to abate to the Town Council. Upon notice and request by the owner, occupant or person in control, a hearing before the Town Council shall be scheduled as soon as practicable. Such appeal shall in no case stay the abatement or correction of such emergency.

C. The Town may recover its costs incurred in abating an imminent hazard under this section in the same manner as provided for in this section to the extent practicable under the circumstance.

(Ord. No. 317, 2010)

8.17.090 ABATEMENT IN LIEU OF OR IN ADDITION TO CIVIL OR CRIMINAL COMPLAINT

In addition to or in lieu of filing a civil or criminal complaint, the Town may file notice to abate any nuisance as defined in this code. Such abatement shall proceed independently of any civil or criminal violation filed. The Town Enforcement Officer, Town Prosecutor and Town Attorney are authorized to file civil or criminal complaints to abate a public nuisance. (Ord. No. 317, 2010)

8.17.100 ABATEMENT PROCEDURES

A. **NOTICE TO ABATE:**

1. If, after an inspection, the Town finds one or more violations of this title, and the Town elects to use the abatement process, the Town shall, in writing, notify the owner, occupant or person in control of the property. Such notice shall be actual notice, as evidenced by a signed certified mail return receipt or affidavit of service.
2. The notice to abate shall set forth the following information:
   a. The owner, occupant or person in control has 30 days from the mailing of the notice to abate or correct the violation.
   b. Location of the property in violation by street address if known and, if unknown, by book, map and parcel number.
   c. Statement of the violation(s) in sufficient detail to allow a reasonable person to identify and correct the violation(s).
   d. An estimate of the cost of abatement by the Town plus ten percent for the costs of inspection and other incidental costs associated with abating the nuisance.
   e. Re-inspection date and time.
   f. Name, address and telephone number of the Town Enforcement Officer who sent the notice to abate.
   g. A warning stating that if the violation is not corrected within 30 days of the date of the notice, the Town may abate the nuisance and assess the owner, occupant, or person in control the cost of such abatement and record a lien against the property for payment of the assessment.
   h. A statement that the owner, occupant or person in control may appeal the abatement order in writing to the Town Council within 15 days from the date of the notice.
   i. The 15-calandar-day notice set forth in this section shall not apply to emergency abatements.

3. The Town Manager may extend the time limits set forth in subsection A.1 of this section if the owner, occupant or person in control demonstrates to the satisfaction of the Town Manager that complying with the notice of violation or notice to abate is a hardship and if the owner, occupant or person in control agrees in writing to a schedule for correcting the violation bringing the property into compliance with the requirements of this title and complies with the schedule.
4. The notice requirements set forth in this subsection do not apply in an emergency abatement situation.

B. **SERVICE OF NOTICES:**

1. Any notice required to be given for any purpose under this section shall be accomplished by an enforcement agent of the Town delivering the notice to the property owner, occupant, or person in control of the property, or by mailing the notice to the property owner, occupant, or person in control by certified mail, return receipt requested. If the property owner is not the occupant or person in control, a duplicate notice shall be mailed to him by certified return receipt requested mail at his last known address.
2. Notice is deemed effective on the date it is hand delivered or deposited in the United States Mail.
3. Nothing herein shall preclude the Town from giving additional oral or written notice at its
discretion. If the Town does elect to give additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situation.

C. **RECORDING A VIOLATION:**

The notice to abate shall run with the land. The Town, at its sole option, may record a notice to abate with the County Recorder and thereby cause compliance by an entity thereafter acquiring such property. The non-filing of any notice to abate shall in no way affect the validity of such notice as to entities so notified. When the property is brought into compliance by the responsible party a satisfaction of notice to agate shall be filed with the County Recorder.

D. **APPEALS TO THE COUNCIL:**

1. A notice to abate or assessment may be appealed to the Town Council.
2. An appeal must be filed within 15 calendar days of the service of the notice to abate or assessment and must be filed with the Town Clerk's office.
3. Failure to timely file an appeal shall constitute a waiver of the right to a hearing of the appeal before the Town Council. Any person who fails to timely file an appeal shall be stopped from denying the validity of any notice or assessment that could have been timely appealed.
4. The notice of appeal shall set forth, in writing, the owner's reason for believing he is not in violation of this title or that the assessment is excessive of unjust.
5. The notice of appeal shall be accompanied by an appeal fee of twenty-five dollars ($25.00), to be deposited in the general fund of the Town.

6. In case of financial hardship, as determined by the Town Clerk, the appeal fee may be suspended until the decision on appeal is rendered. The Town Council may either waive the fee upon a finding of financial hardship or find no financial hardship and require the fee to be paid.

E. **GROUNDS FOR APPEAL:**

The following shall constitute reasonable grounds for appeal of a notice to abate or assessment:

1. A claim that the property or building subject to the notice is not in violation of the ordinance.
2. A claim that the true intent of the section or standards described in the section have been incorrectly interpreted; or
3. A claim that the statement of costs for correcting or abating the violation is excessive.

F. **PROCEDURE ON APPEAL:**

1. The Town Clerk shall set a date for hearing an appeal within forty (40) days of receipt by the Town Clerk of the notice of appeal.
2. The Town Council shall hear testimony from all parties to the appeal. The parties may, if they choose, be represented by an attorney.
3. The Town Council shall prepare a written summary of the hearing and shall set forth the decision reached. The findings and decision shall be mailed to all parties to the appeal.

G. **CONFLICTING PROVISIONS; SPECIAL ASSESSMENT:**

1. Conflict of Ordinances.
   a. In any case where a provision of this title is in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the Town existing on the effective date of this title, the provision which establishes the higher standard for promotion and protection of public health and safety shall prevail.
   b. This title is not intended 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 title, or with private restrictions placed upon the property by covenant, deed, or other private agreement.
   c. In cases where two (2) or more provisions of this title are in conflict, the most stringent or restrictive shall prevail.
2. Special Assessment Lien.
   a. In the event the Town is required to correct or abate a violation of this section, the Town shall prepare a verified statement and account of the actual cost of such removal or abatement, including an additional ten percent (10%) of the actual costs for inspection and other incidental costs incurred in connection with such correction or abatement. The verified statement and account shall be an assessment upon the property from which the Town corrected or abated the violations and shall be collected at the same time and in the same manner as other Town assessments are

collected. Such assessment shall be recorded in the office of the Gila County Recorder and from the date of its recording shall be a lien on the property. Such lien shall be subject to and inferior to the lien for general taxes and to all prior recorded mortgages. A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure and order of sale. The Town may institute an action to enforce the lien in the Gila County Superior Court at any time after the recording of the assessment. 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.

b. A prior assessment pursuant to this title shall not be a bar to a subsequent assessment, and any numbers of liens on the same lot or tract of land may be enforced in the same action.

(Ord. No. 317, 2010)

8.17.110 ASSESSMENTS; HOW PAID; ACCRUAL OF INTEREST

A. Assessments that are imposed pursuant to this title shall run with the land until paid and are due and payable as follows:
   1. Assessments of less than five hundred dollars ($500.00) shall be paid within one (1) year after the assessment is recorded.
   2. Assessments of five hundred dollars ($500.00) or more, but less than one thousand dollars ($1,000.00), shall be paid within two (2) years after the assessment is recorded.
   3. Assessments of one thousand dollars ($1,000.00) or more, but less than five thousand dollars ($5,000.00), shall be paid within three (3) years after the assessment is recorded.
   4. Assessments of five thousand dollars ($5,000.00) or more, but less than ten thousand ($10,000.00), shall be paid within six (6) years after the assessment is recorded.
   5. Assessments of ten thousand dollars ($10,000.00) or more shall be paid within ten (10) years after the assessment is recorded.

B. Each assessment shall contain a payment schedule which requires payment of the assessment over the above time periods in substantially equal yearly installments.

C. An assessment that is past due shall accrue interest at the legal rate as prescribed by Arizona Revised Statutes Section 44-1201, as may be amended from time to time.

(Ord. No. 317, 2010)

CHAPTER 8.20

PROPERTY MAINTENANCE

SECTION:

8.20.010	**PURPOSE; SCOPE**
8.20.020	**DUTY TO MAINTAIN PREMISES**
8.20.030	**PENALTIES; ABATEMENT**
8.20.040	**EXTERIOR BUILDING STANDARDS**
8.20.050	**GRAFFITI**
8.20.060	**PARKING OF COMMERCIAL VEHICLES AND EQUIPMENT**

8.20.010 PURPOSE; SCOPE

A. Purpose. The purpose of this chapter is to prevent public nuisances, promote the health, safety and welfare of the citizens of the town, and to protect neighborhoods against blighting and deteriorating influences by establishing and requiring minimum standards for the exterior condition of buildings and real property.

B. Scope. This chapter shall apply to all buildings, structures and lands within the town without regard to the use, date of construction or alteration; and is based upon the authority granted by A.R.S. Sections 9-240 and 9-499.

(Ord. 242 (part), 1990: Ord. No. 317, 2010)

8.20.020 DUTY TO MAINTAIN PREMISES

It is the duty and responsibility of the owner, occupant or person in control of any premises to maintain the premises in a safe and sanitary manner, consistent and in compliance with the provisions of this chapter and to maintain the premises free of litter, dilapidated or unsafe structures, abandoned or junk vehicles, and all public nuisances. In addition to any other penalties which may be imposed, failure to maintain a premises as required by this chapter is a public nuisance, subject to the abatement procedures set forth in Chapter 8.17. (Ord. 242 § 1, 1990: Ord. No. 317, 2010)

8.20.030 PENALTIES; ABATEMENT

A. Violations. Violations of this chapter are punishable as set forth in Section 8.16.170 as civil violations. In addition to civil sanctions and sanctions that may be imposed on habitual offenders, violations that are continuous with respect to time may be abated pursuant to the provisions set forth in Chapter 8.17 or by injunctive or other equitable relief. The imposition of a penalty does not prevent abatement or equitable relief.

B. Re-inspections Costs. In addition to any penalties or civil sanctions imposed by the court, the Town may impose fees in an amount set separately by resolution approved by the Town Council for re-inspection of the premises at the request of the property owner to determine whether the property has been brought into compliance after initiation of enforcement or prosecution of the provisions set forth in this title.

(Ord. 242 § 2, 1990: Ord. No. 317, 2010:Ord. No. 336, 2011)

8.20.040 EXTERIOR BUILDING STANDARDS

A. Exposed exterior surfaces, openings, foundations, walls and roofs shall be maintained in structurally sound condition and in such a manner as to not become blighted exteriors. Such
surfaces shall be free of deterioration that is a threat to health, safety or welfare.

B. All windows and other exterior surfaces constructed of or containing glass shall be maintained free from breakage so as to prevent access to the interior and pest infestations. All broken windows shall be repaired or covered with glass, plexiglas or other secure and non-combustible materials and glazed to be weather tight. The replacement material shall be designed and of such color so as to blend in with the finish of the building.

C. Outdoor stairs, porches and railings shall be maintained to be safe and structurally sound. Supports for railings, stairs and porches shall be structurally sound, maintained in a safe condition and capable of supporting a load that normal use may place thereon.

D. Building service, equipment and utilities shall be maintained in a safe and functioning manner in accordance with applicable codes.

E. All fences, screen walls and retaining walls on the premises shall be safe and structurally sound.

F. All premises shall be kept free from infestation by insects, rodents, or other noxious pests. This provision shall not require action to disturb the natural or cultivated activity of bees, rabbits or other insects and animals where such activity is not a danger or nuisance to any resident or residence of the area, or where other applicable legal requirements are met.

G. Swimming pools and similar bodies of water shall be maintained in a condition free from stagnation, pollution, or otherwise offensive to the senses, unsafe for its intended use, or a breeding ground for insects.

H. All person owning or occupying land or places of business shall keep the sidewalk or public places fronting or bordering their property free of garbage, junk, obstructions and weeds or grass in excess of ten (10) inches in height.

I. No owner, occupant or person in control shall allow or permit trees, shrubs or plant growth on the property to endanger impede, obstruct or interfere with vehicular or pedestrian use of any street, sidewalk, alley, or other public way, or visibility of any traffic control device.

(Ord. 242 § 3, 1990: Ord. No. 317, 2010)

8.20.050 GRAFFITI

It is unlawful and a public nuisance for any owner, occupant or person in control of property to permit graffiti on the building or structure or fail to eradicate graffiti from the building or structure within thirty (30) days of notice thereof. (Ord. 242 § 4, 1990: Ord. No. 317, 2010)

8.20.060 PARKING OF COMMERCIAL VEHICLES AND EQUIPMENT

No person shall park or allow to be parked, any commercial vehicle or heavy equipment having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds, on any

underdeveloped and un-surfaced private property in the town, except when necessary to conduct an authorized commercial purpose on the property. (Ord. 242 § 5, 1990:Ord. No. 317, 2010)

CHAPTER 8.20

PROPERTY MAINTENANCE ENFORCEMENT PROVISIONS

SECTION:

8.30.010 **PERMITTING OR ENCOURAGING UNDERAGE DRINKING**

8.30.010 PERMITTING OR ENCOURAGING UNDERAGE DRINKING

A. No person of legal drinking age in Arizona may knowing permit or fail to take reasonable action to prevent the illegal consumption of spirituous liquor by an underage person on premises owned by the person or under the person's control. This section does not apply to spirituous liquor used exclusively as part of a religious serve.

B. A person who violates this section is guilty of a Class 1 Misdemeanor.

C. Spirituous liquor has the same meaning as in Title 4 of the Arizona Revised Statutes.

(Ord. No. 311, 2009)