

ORDINANCE NO. 2019-864

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING THE DOCUMENT ENTITLED "TOWN OF CHINO VALLEY PROPERTY MAINTENANCE AND PUBLIC NUISANCE TOWN CODE AMENDMENTS DATED JULY 23, 2019" AS A PUBLIC RECORD; ADOPTING THE "TOWN OF CHINO VALLEY PROPERTY MAINTENANCE AND PUBLIC NUISANCE TOWN CODE AMENDMENTS DATED JULY 23, 2019"; AMENDING THE TOWN OF CHINO VALLEY TOWN CODE AS FOLLOWS: (1) AMENDING TITLE V PUBLIC WORKS, CHAPTER 52 REMOVAL OF RUBBISH, TRASH AND THE LIKE, AND CULVERT MAINTENANCE, SUBCHAPTER GENERAL PROVISIONS, SECTION 52.02 WATER AND EARTHEN MATERIAL FLOW TO CHANGE THE TITLE OF THE CHAPTER TO GARBAGE AND TRASH REMOVAL AND COLLECTION; CULVERT MAINTENANCE; DELETING SECTION 52.02 WATER AND EARTHEN MATERIAL FLOW; AND RENUMBERING SECTION 52.03 CULVERTS OR OTHER DRAINAGE INFRASTRUCTURE; INSTALLATION AND MAINTENANCE (2) REPEALING TITLE V PUBLIC WORKS, CHAPTER 52 GARBAGE AND TRASH REMOVAL AND COLLECTION; CULVERT MAINTENANCE, SUBCHAPTER REMOVAL OF RUBBISH, TRASH AND THE LIKE; DILAPIDATED STRUCTURES; (3) ADDING NEW TITLE VIII HEALTH AND SAFETY TO INCLUDE NEW CHAPTER 81: HEALTH AND SAFETY IN GENERAL § 81.01 PURPOSE AND APPLICABILITY, § 81.02 DEFINITIONS ; ADDING NEW CHAPTER 82: DECLARATION AND PROHIBITION OF PUBLIC NUISANCES, § 82.01 OFFENSIVE PREMISES, § 82.02 UNSECURED EXCAVATIONS, § 82.03 REMOVAL OF RUBBISH, TRASH, GARBAGE, WEEDS, FILTH, AND DEBRIS, § 82.04 DISPOSAL OF ANIMAL WASTE, § 82.05 OVERGROWTH OF WEEDS OR NOXIOUS PLANTS, § 82.06 UNSAFE STRUCTURES, § 82.07 ABANDONED VEHICLES, § 82.08 LIGHT, § 82.09 ABANDONED REFRIGERATORS, § 82.10 LITTER; CONSTRUCTION DEBRIS, § 82.11 HANDBILLS ON VEHICLES AND POSTED PREMISES PROHIBITED, § 82.12 VIOLATIONS; PENALTIES; ABATEMENT; ADDING NEW CHAPTER 83: PROPERTY MAINTENANCE, § 83.01 PURPOSE; APPLICABILITY, § 83.02 DUTY TO MAINTAIN PREMISES, § 83.03 EXTERIOR BUILDING STANDARDS, § 83.04 PREVENTION OF PEST INFESTATION, § 83.05 SWIMMING POOLS, § 83.06 OBSTRUCTION OF SIDEWALKS PROHIBITED, § 83.07 LANDSCAPING, § 83.08 GRAFFITI, § 83.09 PARKING OF COMMERCIAL VEHICLES AND EQUIPMENT, § 83.10 VIOLATIONS; PENALTIES; ABATEMENT; ADDING NEW CHAPTER 84 ABATEMENT OF PUBLIC NUISANCES, § 84.01 PURPOSE AND FINDINGS, § 84.02 APPLICABILITY, § 84.03 OWNER, OCCUPANT, OR PERSON IN CONTROL TO MAINTAIN PREMISES, § 84.04 AUTHORITY TO INSPECT, § 84.05 INSPECTION AND INVESTIGATION: INTERFERENCE, FALSE INFORMATION; FAILURE TO PROVIDE EVIDENCE OF IDENTITY, § 84.06 EMERGENCY ABATEMENT, § 84.07 ABATEMENT IN LIEU OF OR IN ADDITION TO CIVIL OR CRIMINAL COMPLAINT, § 84.08 ABATEMENT PROCEDURES, § 84.09 ASSESSMENTS; HOW PAID; ACCRUAL OF INTEREST; AMENDING TITLE XIII GENERAL OFFENSES, CHAPTER 130 GENERAL OFFENSES, SECTION 130.01 BURNING AND SECTION 130.02 WATER; FLOW UPON STREETS PROHIBITED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, that certain document entitled "The Town of Chino Valley Property Maintenance and Public Nuisance Town Code Amendments dated July 23, 2019", three copies

of which are on file in the office of the Town Clerk, is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk;

WHEREAS, the Town Council desires to update its property maintenance standards and to provide a process to abate public nuisances for the benefit of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

The Town code of the Town of Chino Valley, Arizona, is hereby amended by amending by(1) amending Title V Public Works, Chapter 52 Removal Of Rubbish, Trash and the Like, and Culvert Maintenance, Subchapter General Provisions, Section 52.02 Water and Earthen Material Flow to change The title of the Chapter to Garbage And Trash Removal And Collection; Culvert Maintenance; deleting Section 52.02 Water and Earthen Material Flow; and renumbering Section 52.03 Culverts or Other Drainage Infrastructure; Installation and Maintenance (2) repealing Title V Public Works, Chapter 52 Garbage and Trash Removal and Collection; Culvert Maintenance, Subchapter Removal of Rubbish, Trash and the Like; Dilapidated Structures; (3) adding new Title VIII Health and Safety to include new Chapter 81: Health and Safety in General § 81.01 Purpose and Applicability, § 81.02 Definitions; adding new Chapter 82: Declaration and Prohibition of Public Nuisances, § 82.01 Offensive Premises, § 82.02 Unsecured Excavations, § 82.03 Removal of Rubbish, Trash, Garbage, Weeds, Filth, and Debris, § 82.04 Disposal of Animal Waste, § 82.05 Overgrowth of Weeds or Noxious Plants, § 82.06 Unsafe Structures, § 82.07 Abandoned Vehicles, § 82.08 Light, § 82.09 Abandoned Refrigerators, § 82.10 Litter; Construction Debris, § 82.11 Handbills on Vehicles and Posted Premises Prohibited, § 82.12 Violations; Penalties; Abatement; adding new Chapter 83: Property Maintenance, § 83.01 Purpose; Applicability, § 83.02 Duty to Maintain Premises, § 83.03 Exterior Building Standards, § 83.04 Prevention of Pest Infestation, § 83.05 Swimming Pools, § 83.06 Obstruction of Sidewalks Prohibited, § 83.07 Landscaping, § 83.08 Graffiti, § 83.09 Parking of Commercial Vehicles and Equipment, § 83.10 Violations; Penalties; Abatement; adding new Chapter 84 Abatement of Public Nuisances, § 84.01 Purpose and Findings, § 84.02 Applicability, § 84.03 Owner, Occupant, or Person in Control to Maintain Premises, § 84.04 Authority to Inspect, § 84.05 Inspection and Investigation: Interference, False Information; Failure to Provide Evidence of Identity, § 84.06 Emergency Abatement, § 84.07 Abatement in Lieu of or in addition to Civil or Criminal Complaint, § 84.08 Abatement Procedures, § 84.09 Assessments; How Paid; Accrual of Interest; Amending Title XIII General Offenses, Chapter 130 General Offenses, Section 130.01 Burning and Section 130.02 Water; Flow Upon Streets Prohibited, all as set forth in that document entitled "The Town of Chino Valley Property Maintenance and Public Nuisance Town Code Amendments dated July 23, 2019", which document is hereby adopted and incorporated into this ordinance by reference.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or

unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

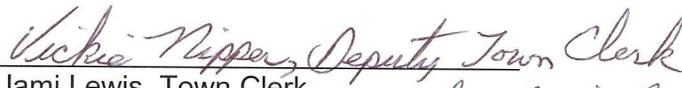
Section 4. Providing for Penalties

Any person found to be in violation of any provision of this ordinance 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. Each day a violation continues shall be considered a separate violation. 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. A person who commits a violation of this ordinance after previously having been found responsible for committing two or more civil violations of this ordinance 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, the dates of the commission of the offenses are the determining factor.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 23rd day of July, 2019.


Darryl L. Croft, Mayor

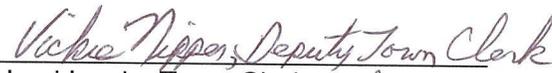
ATTEST:


Vickie Nipper, Deputy Town Clerk
Jami Lewis, Town Clerk *for Jami Lewis*

APPROVED AS TO FORM:


Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2019-862 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on July 23, 2019, and that quorum was present, and that the vote thereon was 6 ayes and 0 nays and 0 abstentions. 1 Council members were absent or excused.


Vickie Nipper, Deputy Town Clerk
Jami Lewis, Town Clerk *for Jami Lewis*

Town of Chino Valley

Property Maintenance and Public Nuisance Town Code Amendments

July 23, 2019

The Town Code of Chino Valley, Arizona, Title V Public Works, Chapter 52 Removal of Rubbish, Trash and the Like, and Culvert Maintenance, Subchapter General Provisions, Section 52.02 Water and Earthen Material Flow is hereby amended by changing the title of the chapter to Garbage and Trash Removal and Collection; Culvert Maintenance; by deleting Section 52.02 Water and Earthen Material Flow; and by renumbering Section 52.03 Culverts or Other Drainage Infrastructure; Installation and Maintenance to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

Chapter 52: GARBAGE AND TRASH Removal of Rubbish, Trash and COLLECTION; the Like, and Culvert Maintenance

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§ 52.02 ~~Water and Earthen Material Flow~~

~~It is unlawful for any person to willfully or negligently permit or cause the escape or flow of water or earthen material onto public streets or adjacent properties in such a manner as to cause flooding or to endanger or impede vehicular traffic or pedestrian traffic. EARTHEN MATERIAL shall include, but shall not be limited to, soil, silt, clay, sand, gravel, rock, dirt, mud, organic material, or a combination thereof.~~

§ 52.0302 Culverts or Other Drainage Infrastructure, Installation and Maintenance.

* * *

The Town Code of Chino Valley, Arizona, Title V Public Works, Chapter 52 Garbage and Trash Removal and Collection; Culvert Maintenance, Subchapter Removal of Rubbish, Trash and the Like; Dilapidated Structures, is hereby deleted in its entirety.

The Town Code of Chino Valley, Arizona, is amended to add new Title VIII Health and Safety to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

TITLE VIII HEALTH AND SAFETY

CHAPTER 81: HEALTH AND SAFETY IN GENERAL

§ 81.01 PURPOSE AND APPLICABILITY

(A) THE PURPOSE OF THIS TITLE IS TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE TOWN BY PROVIDING FOR THE REMOVAL OF RUBBISH, TRASH, WEEDS, FILTH, DEBRIS, AND DILAPIDATED BUILDINGS; BY DEFINING, PROHIBITING AND SETTING FORTH THE PROCEDURES TO ABATE PUBLIC NUISANCES PURSUANT TO THE POLICE POWERS OF THE TOWN AND TO ENSURE PUBLIC HEALTH, SAFETY AND WELFARE INSOFAR AS

THEY ARE AFFECTED BY PUBLIC NUISANCES; AND PROTECT NEIGHBORHOODS FROM BLIGHT BY SETTING MINIMUM REQUIREMENTS APPLICABLE TO BUILDING EXTERIORS AND REAL PROPERTY.

(B) THIS TITLE SHALL APPLY TO ALL BUILDINGS, STRUCTURES AND LANDS WITHIN THE TOWN WITHOUT REGARD TO THE USE, OCCUPANCY, OR THE DATE OF ACQUISITION, CONSTRUCTION, IMPROVEMENT OR ALTERATION OF SUCH BUILDING, STRUCTURE OR LAND.

§ 81.02 DEFINITIONS

FOR THE PURPOSE OF THIS TITLE, THE FOLLOWING DEFINITIONS SHALL APPLY UNLESS THE CONTEXT CLEARLY INDICATES OR REQUIRES A DIFFERENT MEANING.

ABATEMENT. 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, REPAIRING, REPLACING, OR EFFACING IT.

AUTHORIZED PRIVATE RECEPTACLE. A STORAGE AND COLLECTION RECEPTACLE FOR RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND OTHER DISCARDED MATERIALS AS REQUIRED OR AUTHORIZED BY THE TOWN.

BLIGHT OR BLIGHTED. AN UNSIGHTLY OR UNSAFE CONDITION INCLUDING, BUT NOT LIMITED TO, ACCUMULATION OF FILTH, WEEDS, DEBRIS, DILAPIDATION, AND OTHER SIMILAR CONDITIONS OF NEGLECT, DISREPAIR AND DETERIORATION, REGARDLESS OF THE CONDITION OF OTHER PROPERTIES IN THE NEIGHBORHOOD.

BUILDING. A STRUCTURE HAVING A ROOF THAT IS USED, INTENDED TO BE USED, OR CAPABLE OF SUPPORTING, HOUSING, SHELTERING, OR ENCLOSING A PERSON, ANIMAL, OR TANGIBLE GOODS.

DEBRIS. THE REMAINS OF SOMETHING BROKEN DOWN, DESTROYED, OR DISCARDED THAT IS OF LITTLE OR NO APPARENT ECONOMIC VALUE.

DEFENSIBLE SPACE. THE AREA AROUND A BUILDING OR PROPERTY LINE IN WHICH VEGETATION, DEBRIS, AND OTHER TYPES OF COMBUSTIBLE FUELS HAVE BEEN TREATED, CLEARED OR REDUCED TO SLOW THE SPREAD OF FIRE.

DILAPIDATED STRUCTURE. ANY REAL PROPERTY STRUCTURE THAT IS DECAYED, DETERIORATED, OR HAS OTHERWISE FALLEN INTO PARTIAL RUIN AND WHOSE CONDITION POSES A DANGER TO LIFE, HEALTH, SAFETY OR PROPERTY OF THE PUBLIC.

FILTH. ANY ACCUMULATION OF GARBAGE, JUNK, OR LITTER, OR ANY OTHER ACCUMULATION OR CONDITION WHICH MAY CONSTITUTE A BREEDING PLACE FOR FLIES, RODENTS, MOSQUITOES AND OTHER INSECTS.

GARBAGE. PUTRESCIBLE ANIMAL, VEGETABLE, AND ORGANIC WASTE MATERIALS, RESULTING FROM THE HANDLING, PREPARATION, COOKING AND CONSUMPTION OF FOOD THAT IS SUBJECT TO RAPID DECOMPOSITION OR ROT.

HANDBILL. A PRINTED SHEET OR SHEETS OF PAPER OR SIMILAR MATERIAL DISTRIBUTED BY HAND.

HARDSHIP. A CONDITION THAT WOULD CAUSE SUBSTANTIAL SUFFERING OR PRIVATION DUE TO A LACK OF FINANCIAL RESOURCES, KNOWLEDGE, OR SUPPORT.

HAZARD. A CONDITION THAT MAY CAUSE SERIOUS PERSONAL HARM.

HEALTH HAZARD: THE PRESENCE OF ANY ITEM(S) WHICH ADVERSELY IMPACT OR JEOPARDIZE THE WELL-BEING OR HEALTH OF AN INDIVIDUAL. SUCH ITEMS MAY PROVIDE EVIDENCE OF OCCUPANCY WITHOUT ADEQUATE FACILITIES OR MAY BE INCLUSIVE OF HUMAN/ANIMAL WASTE, MEDICAL OR BIOLOGICAL WASTE, GASEOUS OR COMBUSTIBLE MATERIALS, RADIOACTIVE WASTE, DANGEROUS OR CORROSIVE CHEMICALS/LIQUIDS, FLAMMABLE AND/OR EXPLOSIVE MATERIALS, FRIABLE ASBESTOS, OFFAL AND DECAY/MATTER. SUCH ITEMS CONSTITUTE AN IMMINENT HAZARD.

IMMINENT HAZARD. A CONDITION THAT PRESENTS AN IMMEDIATE LIKELIHOOD FOR CAUSING SERIOUS PERSONAL HARM.

INFESTATION. THE PRESENCE OF UNPLEASANT, DAMAGING OR UNHEALTHFUL INSECTS, RODENTS OR REPTILES.

INOPERABLE VEHICLE. MEANS ANY VEHICLE FOR WHICH REQUIRED LICENSE PLATES AND/OR TAGS HAVE EXPIRED OR ANY MOTOR VEHICLE WHICH IS INOPERABLE DUE TO MECHANICAL FAILURE OR MECHANICAL DISASSEMBLY.

JUNK. AN ITEM THAT, IN ITS PRESENT STATE, IS OF LITTLE OR NO APPARENT ECONOMIC VALUE AND IS NOT CONFINED WITHIN A JUNK OR SALVAGE YARD, INCLUDING BUT NOT LIMITED TO LITTER AND SOLID WASTE. JUNK DOES NOT INCLUDE:

(1) A VEHICLE OR PART THEREOF WHICH IS COMPLETELY ENCLOSED WITHIN A BUILDING IN A LAWFUL MANNER WHERE IT IS NOT VISIBLE FROM THE STREET OR OTHER PUBLIC OR PRIVATE PROPERTY;

(2) A VEHICLE OR PART THEREOF WHICH IS STORED OR PARKED IN A LAWFUL MANNER ON PRIVATE PROPERTY FOR THE BUSINESS PURPOSES OF A DISMANTLER, VEHICLE DEALER, AUTOMOTIVE RECYCLER OR JUNKYARD THAT HOLDS A VALID CHINO VALLEY BUSINESS LICENSE;

(3) A VEHICLE WHICH IS ELIGIBLE FOR LICENSING WITH PERSONALIZED STREET ROD VEHICLE PLATES OR WITH LICENSE PLATES FOR VEHICLES OF HISTORIC VALUE;

(4) A MOTOR VEHICLE WHICH IS BEING REPAIRED IN SECTIONS OR REBUILT BY AN INDIVIDUAL OR BUSINESS ENTITY ENGAGED IN THE BUSINESS OF REPAIRING OR REBUILDING AUTOMOBILES; AND

(5) A MOTOR VEHICLE WHICH IS BEING REPAIRED, RESTORED OR REBUILT BY THE OWNER OF THE VEHICLE AT HIS OR HER PRIVATE RESIDENCE.

LITTER. TRASH, WEEDS, FILTH, DEBRIS, AND ALL OTHER WASTE MATERIAL, WHICH IS NOT DISPOSED OF OR CONTAINED IN A MANNER REQUIRED BY THIS CHAPTER OR IN ACCORDANCE WITH CHAPTER 52.

OCCUPANT. THE PERSON OR LEGAL ENTITY HAVING ACTUAL USE, POSSESSION, CONTROL, OR CUSTODY OF A STRUCTURE AND/OR PREMISES AS A LESSEE OR OTHERWISE.

OWNER. THE LEGAL ENTITY LISTED AS OWNER OF THE REAL PROPERTY IN THE OFFICIAL RECORDS OF THE YAVAPAI COUNTY RECORDER.

PARK. A PUBLIC AREA DEVOTED TO PUBLIC RECREATIONAL USE, INCLUDING RESERVATION, PLAYGROUND, OR RECREATION CENTER.

PERSON IN CONTROL. A PERSON WHO HAS RESPONSIBILITY FOR THE CARE AND MAINTENANCE OF THE PRIVATE PROPERTY, WHETHER OR NOT THAT PERSON HAS POSSESSION OR THE USE AND ENJOYMENT OF SAID PROPERTY. THE "PERSON IN CONTROL" MAY BE THE OWNER, OCCUPANT, PROPERTY MANAGER, OR DESIGNATED AGENT OF THE OWNER.

PRIVATE PREMISES. ANY REAL PROPERTY AND BUILDINGS AND STRUCTURES LOCATED THEREON THAT ARE NOT OWNED OR OPERATED BY A PUBLIC ENTITY OR OPENED TO USE BY THE PUBLIC.

PROPERTY. ANY REAL PROPERTY, LAND, PREMISES, STRUCTURE, OR ANYTHING ERECTED, GROWING ON OR AFFIXED THERETO.

PUBLIC PROPERTY. PUBLIC RIGHTS-OF-WAY, STREETS, SIDEWALKS, BOULEVARDS, ALLEYS OR OTHER PUBLIC WAYS AND ANY AND ALL PUBLIC PARKS, SQUARES, SPACES, GROUNDS AND BUILDINGS.

REFUSE. PUTRESCIBLE AND NON-PUTRESCIBLE SOLID WASTES, EXCEPT BODY WASTES, INCLUDING GARBAGE, RUBBISH, ASHES, STREET CLEANINGS, DEAD ANIMALS, ABANDONED, WRECKED OR JUNKED VEHICLES OR PARTS THEREOF AND SOLID MARKET AND INDUSTRIAL WASTES.

RUBBISH. NON-PUTRESCIBLE SOLID WASTES CONSISTING OF BOTH COMBUSTIBLE AND NON-COMBUSTIBLE WASTES, INCLUDING BUT NOT LIMITED TO, PAPER, WRAPPINGS, CIGARETTES, CARDBOARD, METAL CANS, YARD CLIPPINGS, LEAVES, METAL, WOOD, GLASS, BEDDING, CROCKERY AND SIMILAR MATERIALS.

SIDEWALK. THAT PAVED PORTION OF A RIGHT-OF-WAY BETWEEN THE CURB LINES OR LATERAL LINES OF THE STREET BED AND THE BOUNDARY LINE OF SUCH RIGHT-OFWAY DESIGNED AND INTENDED FOR THE MOVEMENT AND USE OF PEDESTRIAN TRAFFIC.

STREET OR ROAD. THE ENTIRE WIDTH BETWEEN THE BOUNDARY LINES OF EVERY PUBLICLY MAINTAINED RIGHT-OF-WAY, WAY OR ROADWAY EASEMENT WHEN ANY PART THEREOF IS OPEN TO THE USE OF THE PUBLIC FOR PURPOSES OF VEHICULAR TRAVEL,

INCLUDING THE ENTIRE DEDICATED PUBLIC RIGHT-OF-WAY, WHETHER THE RIGHT-OF-WAY IS PAVED OR NOT.

STRUCTURE. ANYTHING CONSTRUCTED OR ERECTED AND LOCATED ON THE GROUND OR ATTACHED TO SOMETHING LOCATED ON THE GROUND.

TRASH. RUBBISH, WASTE, DEBRIS, AND ALL OTHER NON-PUTRESCIBLE WASTES.

VACANT STRUCTURE. A STRUCTURE THAT IS UNOCCUPIED OR THAT IS ILLEGALLY OCCUPIED.

VEHICLE. EVERY DEVICE IN, UPON OR BY WHICH ANY PERSON OR PROPERTY IS OR MAY BE TRANSPORTED OR DRAWN UPON A HIGHWAY, INCLUDING DEVICES USED EXCLUSIVELY UPON STATIONARY RAILS OR TRACKS, EXCEPT FOR A DEVICE PROPELLED SOLELY BY HUMAN POWER.

CHAPTER 82: DECLARATION AND PROHIBITION OF PUBLIC NUISANCES

§ 82.01 OFFENSIVE PREMISES.

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO SUFFER OR PERMIT PREMISES OWNED, OCCUPIED, OR CONTROLLED BY HIM OR ANY CELLAR, PRIVY, VAULT, CESSPOOL, POOL, SEWER OR PRIVATE DRAIN TO BECOME NAUSEOUS, FOUL OR OFFENSIVE TO THE SENSES OR PREJUDICIAL TO THE PUBLIC HEALTH OR COMFORT.

§ 82.02 UNSECURED EXCAVATIONS.

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON IN CONTROL TO LEAVE UNGUARDED OR TO ABANDON ANY EXCAVATION, PIT, PRIVY, VAULT, SUMP, OR HOLE ON HIS PROPERTY THAT IS MORE THAN SIX INCHES (6") IN DIAMETER AND MORE THAN EIGHTEEN INCHES (18") DEEP. IF THE PERSON IN CONTROL PROTECTS ANY SUCH EXCAVATION FROM ACCESS BY THE PUBLIC BY EFFECTIVE BARRIER OR WARNING DEVICE, IT SHALL NOT BE DEEMED UNGUARDED OR ABANDONED.

§ 82.03 REMOVAL OF RUBBISH, TRASH, GARBAGE, WEEDS, FILTH, AND DEBRIS.

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON IN CONTROL TO FAIL TO REMOVE ANY RUBBISH, TRASH, GARBAGE, WEEDS, OR OTHER ACCUMULATION OF FILTH OR DEBRIS THAT CONSTITUTES A HEALTH HAZARD OR SAFETY HAZARD, UNLESS SAID RUBBISH, TRASH, GARBAGE, WEEDS, OR OTHER ACCUMULATION OF FILTH OR DEBRIS IS KEPT IN COVERED AUTHORIZED PRIVATE RECEPTACLES.

§ 82.04 DISPOSAL OF ANIMAL WASTE.

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO DISPOSE OF ANIMAL MANURE OR WASTE IN ANY QUANTITY IN ANY MANNER WHICH IS NOT SECURELY PROTECTED FROM INSECTS AND THE ELEMENTS, OR TO KEEP OR HANDLE ANIMAL WASTE IN VIOLATION OF ANY ORDINANCE OF THE TOWN, YAVAPAI COUNTY, OR THE STATE OF ARIZONA; PROVIDED,

HOWEVER, THAT NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT THE USE OF ANIMAL MANURE ON ANY FARM, GARDEN, OR RANCH IN SUCH A MANNER AND FOR SUCH PURPOSES ARE COMPATIBLE WITH CUSTOMARY METHODS OF GOOD HUSBANDRY.

§ 82.05 OVERGROWTH OF WEEDS OR NOXIOUS PLANTS.

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON IN CONTROL OF PROPERTY:

(A) TO PERMIT UPON THE PROPERTY 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 12 INCHES OR WHICH OTHERWISE PRESENT A FIRE HAZARD; OR

(B) TO PERMIT UPON THE PROPERTY 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.

(C) FOR RESIDENTIAL PROPERTY LESS THAN 2 ACRES AND PROPERTY GREATER THAN 2 ACRES THAT IS ADJACENT TO ANY DEVELOPED PROPERTY, TO FAIL TO MAINTAIN THE ENTIRE PROPERTY, UNLESS THE PROPERTY IS USED FOR GRAZING.

(D) FOR ALL VACANT COMMERCIAL LOTS, TO FAIL TO MAINTAIN THE ENTIRE PROPERTY. THESE PROPERTIES ARE REQUIRED TO MOW THE ENTIRETY OF THE PROPERTY.

(E) EXCEPT FOR THE SIDES OF PROPERTY THAT ABUT A RESIDENTIAL PROPERTY OR A NON-RESIDENTIAL DEVELOPED PROPERTY, AGRICULTURAL PROPERTY USED FOR GRAZING IS EXEMPT FROM THE REQUIREMENT TO MAINTAIN THE FRONT YARD SETBACK AND STREET SIDE YARD SETBACKS FOR A DEFENSIBLE SPACE.

§ 82.06 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;

- WELFARE;
- (6) IT IS OTHERWISE DANGEROUS TO HUMAN LIFE OR THE PUBLIC
 - (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.

§ 82.07 KEEPING OF INOPERABLE VEHICLES.

IT IS UNLAWFUL FOR ANY PERSON IN CONTROL TO PLACE, PARK OR STORE AN INOPERABLE VEHICLES(S) THAT IS NOT COSMETICALLY COMPLETE IN OR ON ANY PUBLIC OR PRIVATE PROPERTY IN ANY MANNER WITHOUT BEING SCREENED AND NOT VISIBLE FROM PLAIN VIEW OF PROPERTY UPON WHICH IT IS STORED.

A PERSON IN CONTROL MAY KEEP UP TO FOUR (4) COSMETICALLY COMPLETE INOPERABLE VEHICLES ON PROPERTIES ONE ACRE OR GREATER THAT ARE STORED BEHIND THE RESIDENCE BUT NO CLOSER THAN THE FRONT YARD SETBACK AND STREET SIDE YARD SETBACK OF THE RESIDENCE. THE VEHICLES AND SURROUNDING AREA MUST BE KEPT IN A CLEAN AND ORDERLY MANNER.

A PERSON IN CONTROL MAY KEEP UP TO THREE (3) COSMETICALLY COMPLETE INOPERABLE VEHICLES ON PROPERTIES LESS THAN ONE ACRE THAT ARE STORED BEHIND THE RESIDENCE BUT NO CLOSER THAN THE FRONT YARD SETBACK AND STREET SIDE YARD SETBACK OF THE RESIDENCE. THE VEHICLES AND SURROUNDING AREA MUST BE KEPT IN A CLEAN AND ORDERLY MANNER.

§ 82.08 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 THE ARTIFICIAL ILLUMINATION IS AUTHORIZED BY THE TOWN MANAGER, ANY SCHOOL WITHIN THE TOWN, THIS CODE OR VALID ORDINANCE OF THE TOWN.

§ 82.09 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 LID.

§ 82.10 LITTER; CONSTRUCTION DEBRIS.

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO:

(A) THROW, DEPOSIT, SWEEP LITTER, REFUSE, GARBAGE, OR OTHER DEBRIS ONTO, INTO OR UPON ANY GUTTER, STREET, SIDEWALK OR OTHER PUBLIC PLACE OR UPON ANY PRIVATE PREMISES WITHIN THE TOWN EXCEPT TO DEPOSIT INTO PUBLIC RECEPTACLES, OR IN AUTHORIZED PRIVATE RECEPTACLES FOR COLLECTION.

(B) TO NOT CONTAIN CONSTRUCTION DEBRIS AT ALL TIMES UPON THE PREMISES WHERE THE CONSTRUCTION IS OCCURRING.

§ 82.11 HANDBILLS ON VEHICLES AND POSTED PREMISES PROHIBITED.

(A) IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO THROW OR DEPOSIT ANY HANDBILL, LEAFLET, CIRCULAR, PAMPHLET, BROCHURE, OR OTHER SUCH ITEM IN OR UPON ANY PARKED VEHICLE.

(B) IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO THROW, DEPOSIT OR DISTRIBUTE ANY HANDBILL, LEAFLET, CIRCULAR, PAMPHLET, BROCHURE, OR OTHER SUCH ITEM UPON ANY PRIVATE PREMISES, IF REQUESTED BY THE PERSON IN CONTROL OF THE PREMISES NOT TO DO SO, OR IF NOTICE IS CONSPICUOUSLY POSTED ON THE PREMISES SAYING "NO TRESPASSING," "NO PEDDLERS OR AGENTS," "NO ADVERTISEMENT," "NO SOLICITING," OR ANY SIMILAR NOTICE INDICATING THAT THE PERSON IN CONTROL DOES NOT DESIRE TO HAVE ANY SUCH ITEM LEFT UPON THE PREMISES.

§ 82.12 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 STATUTES, 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 TWO 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 84, BY INJUNCTIVE OR OTHER EQUITABLE RELIEF. THE IMPOSITION OF A PENALTY OR CIVIL SANCTION DOES NOT PREVENT ABATEMENT OR EQUITABLE RELIEF.

CHAPTER 83: PROPERTY MAINTENANCE

§ 83.01 PURPOSE; APPLICABILITY.

(A) PURPOSE. THE PURPOSE OF THIS CHAPTER IS TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE TOWN BY ESTABLISHING AND REQUIRING MINIMUM STANDARDS FOR THE EXTERIOR CONDITION OF BUILDINGS AND REAL PROPERTY TO PROTECT NEIGHBORHOODS BY ELIMINATING CONDITIONS THAT CONTRIBUTE TO BLIGHT AND DETERIORATION.

(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.

§ 83.02 DUTY TO MAINTAIN PREMISES.

(A) IT IS THE DUTY AND RESPONSIBILITY OF EACH 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 84.

(B) ALL PERSONS OWNING ANY BUILDING, LOT OR PREMISES WITHIN THE TOWN SHALL MAINTAIN AND REPAIR ALL SIDEWALKS, DRIVEWAY CULVERTS AND STREETS ADJACENT TO SAID BUILDING, LOT OR PREMISES IN A SAFE AND SOUND CONDITION, FREE OF DECAY AND DEFECT.

§ 83.03 EXTERIOR BUILDING STANDARDS.

(A) EVERY EXPOSED EXTERIOR SURFACE, OPENING, FOUNDATION, WALL AND ROOF SHALL BE MAINTAINED IN STRUCTURALLY SOUND CONDITION, ABLE TO SUPPORT ITSELF UNDER REASONABLE LOADING OR WEATHER CONDITIONS, FREE FROM DECAY OR DEFECT AND IN SUCH A MANNER AS TO NOT BECOME A BLIGHTED EXTERIOR.

(B) EVERY WINDOW AND OTHER EXTERIOR SURFACE CONSTRUCTED OF OR CONTAINING GLASS SHALL BE MAINTAINED FREE FROM BREAKAGE SO AS TO PREVENT ACCESS TO THE INTERIOR AND PEST INFESTATION. EVERY BROKEN WINDOW SHALL BE REPAIRED OR COVERED WITH GLASS, PLEXIGLAS OR OTHER SECURE AND NON-COMBUSTIBLE MATERIAL AND GLAZED TO BE WEATHER TIGHT. THE REPLACEMENT MATERIAL SHALL BE DESIGNED AND OF SUCH COLOR SO AS TO BLEND 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 SAFE CONDITION AND CAPABLE OF SUPPORTING A LOAD THAT NORMAL USE MAY PLACE THEREON.

(D) BUILDING SERVICE, EQUIPMENT AND UTILITIES SUCH AS PLUMBING, PIPING, AND FIXTURES THAT CONVEY OR DISPOSE OF LIQUID OR WASTE, ELECTRIC WIRING, COMPONENTS OR FIXTURES, MECHANICAL HEATING AND COOLING EQUIPMENT, DUCTWORK AND FIXTURES SHALL BE MAINTAINED IN A SAFE AND FUNCTIONING MANNER IN ACCORDANCE WITH APPLICABLE CODES.

(E) EVERY FENCE, SCREEN WALL AND RETAINING WALL ON THE PREMISES SHALL BE SAFE AND STRUCTURALLY SOUND. A FENCE, SCREEN WALL, OR RETAINING WALL THAT IS LEANING, DAMAGED, MISSING SLATS, BLOCKS, OR OTHER MATERIALS OR ARE OTHERWISE BROKEN OR DAMAGED IN A MANNER TO APPEAR DETERIORATED OR BLIGHTED SHALL BE DEEMED TO BE UNSAFE AND NOT STRUCTURALLY SOUND.

§ 83.04 PREVENTION OF PEST INFESTATION.

THE PERSON IN CONTROL OF A PROPERTY SHALL KEEP THE PREMISES 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.

§ 83.05 SWIMMING POOLS.

THE PERSON IN CONTROL SHALL MAINTAIN ALL SWIMMING POOLS AND SIMILAR BODIES OF WATER FREE FROM STAGNATION, POLLUTION, OR OTHER CONDITION OFFENSIVE TO THE SENSES, UNSAFE FOR ITS INTENDED USE, OR THAT MAY BE A BREEDING GROUND FOR INSECTS.

§ 83.06 OBSTRUCTION OF SIDEWALKS PROHIBITED.

THE PERSON IN CONTROL OF A RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL PROPERTY SHALL KEEP THE SIDEWALK OR OTHER PUBLIC PLACE FRONTING OR BORDERING THE PREMISES FREE OF GARBAGE, JUNK, OBSTRUCTIONS, AND WEEDS, AND GRASS IN EXCESS OF TWELVE (12) INCHES IN HEIGHT.

§ 83.07 LANDSCAPING.

THE PERSON IN CONTROL SHALL MAINTAIN TREES, SHRUBS, OR OTHER PLANT GROWTH ON THE PREMISES IN A CONDITION SO AS NOT 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. THE PREMISES SHALL BE FREE FROM VEGETATION THAT IS SUBSTANTIALLY DEAD, DAMAGED, OR CHARACTERIZED BY UNCONTROLLED GROWTH, NEGLIGENCE, LACK OF MAINTENANCE OR SIMILAR CONDITION.

§ 83.08 GRAFFITI.

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY 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.

§ 83.09 PARKING OF COMMERCIAL VEHICLES AND EQUIPMENT.

EXCEPT AS PROVIDED IN SUBSECTIONS A AND B BELOW, NO PERSON SHALL PARK OR ALLOW TO BE PARKED ANY COMMERCIAL VEHICLE OF 13,000 LBS OR GREATER, OR RELATED PART OR PIECE OF HEAVY EQUIPMENT ON ANY RESIDENTIAL PROPERTY IN THE TOWN, EXCEPT WHEN NECESSARY TO CONDUCT AN AUTHORIZED COMMERCIAL PURPOSE ON THE PROPERTY AS DEFINED BELOW.

- (A) ON DEVELOPED RESIDENTIAL PROPERTIES LESS THAN ONE ACRE, A COMMERCIAL VEHICLE WITH NO MORE THAN 2 AXLES, WHEN USED AS A COMMUTER OR FOR BUSINESS PURPOSES OFF-SITE OR FOR AN ON-CALL PURPOSE SHALL BE PERMITTED;
- (B) ON DEVELOPED RESIDENTIAL PROPERTIES OF ONE ACRE OR MORE, ONE COMMERCIAL VEHICLE, ONE TRAILER, AND ONE PIECE OF HEAVY EQUIPMENT SHALL BE PERMITTED WHEN USED FOR BUSINESS PURPOSES AT OFF-SITE LOCATIONS.
- (C) ON DEVELOPED RESIDENTIAL PROPERTIES GREATER THAN TWO ACRES PROPERTY OWNERS SHALL BE PERMITTED TO MAINTAIN AND HOUSE NO MORE THAN FOUR COMMERCIAL GRADE VEHICLES AND/OR EQUIPMENT WHEN USED FOR PERSONAL ON-SITE PROPERTY IMPROVEMENTS AND MAINTENANCE.

§ 83.10 VIOLATIONS; PENALTIES; ABATEMENT.

(A) VIOLATIONS OF THIS CHAPTER ARE DECLARED TO BE PUBLIC NUISANCES.

(B) VIOLATIONS OF THIS CHAPTER ARE ALSO PUNISHABLE AS SET FORTH IN SECTION 82.12 AS CIVIL VIOLATIONS.

(C) IN ADDITION TO CIVIL SANCTIONS AND CRIMINAL PENALTIES THAT MAY BE IMPOSED ON HABITUAL OFFENDERS, VIOLATIONS MAY BE ABATED PURSUANT TO THE PROVISIONS SET FORTH IN CHAPTER 84 OR BY INJUNCTIVE OR OTHER EQUITABLE RELIEF. THE IMPOSITION OF A PENALTY DOES NOT PREVENT ABATEMENT OR EQUITABLE RELIEF.

CHAPTER 84 ABATEMENT OF PUBLIC NUISANCES

§ 84.01 PURPOSE AND FINDINGS.

(A) PURPOSE: THE PURPOSE OF THIS CHAPTER IS TO PROVIDE 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 A PUBLIC NUISANCE.

(B) FINDINGS: THE TOWN COUNCIL FINDS THAT THE FAILURE OF A PERSON IN CONTROL TO MAINTAIN PROPERTY IN A SAFE AND SANITARY MANNER, AS REQUIRED BY THIS TITLE 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 PERSONS, AND CAUSE NEIGHBORHOOD BLIGHT.

§ 84.02 APPLICABILITY.

THE PROCEDURES SET FORTH IN THIS CHAPTER APPLY TO ALL PUBLIC NUISANCES, AS DEFINED AND DECLARED IN THIS CODE, WHEREVER FOUND IN THE TOWN.

§ 84.03 OWNER, OCCUPANT, OR PERSON IN CONTROL TO MAINTAIN PREMISES.

THE PERSON IN CONTROL OF ANY PRIVATE PROPERTY IS RESPONSIBLE, AT ALL TIMES, FOR MAINTAINING THE PREMISES AND ADJOINING SIDEWALKS FREE OF PUBLIC NUISANCES.

§ 84.04 AUTHORITY TO INSPECT.

(A) TOWN COMPLIANCE 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 ALLEGES A VIOLATION OF THIS TITLE ON THE PROPERTY; OR WHEN THE COMPLIANCE AGENT PROBABLE CAUSE TO BELIEVE 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 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 OFFICIALS 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.

§ 84.05 INSPECTION AND INVESTIGATION: INTERFERENCE, FALSE INFORMATION; FAILURE TO PROVIDE EVIDENCE OF IDENTITY.

(A) IT IS UNLAWFUL AND A VIOLATION OF THIS CODE FOR ANY PERSON TO:

(1) INTERFERE, PREVENT, OR ATTEMPT TO INTERFERE WITH OR PREVENT, AN INDIVIDUAL EMPLOYED OR CONTRACTED BY THE TOWN FROM INVESTIGATING AN ALLEGED VIOLATION OF THIS TITLE, OR FROM CORRECTING OR ABATING A VIOLATION OF THIS TITLE; OR

(2) KNOWINGLY MAKE A FALSE OR FRAUDULENT STATEMENT, OR KNOWINGLY MISREPRESENT A FACT, OR MISLEAD AN INDIVIDUAL EMPLOYED OR CONTRACTED BY THE TOWN WHEN THAT INDIVIDUAL IS INVESTIGATING, CORRECTING OR ABATING A VIOLATION OF THIS TITLE; OR

(3) FAIL OR REFUSE 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 THE PERSON COMMITTED A VIOLATION OF THIS TITLE. EVIDENCE OF IDENTITY UNDER THIS SECTION SHALL CONSIST OF A PERSON'S FULL NAME, RESIDENCE ADDRESS AND DATE OF BIRTH.

(B) A PERSON FOUND TO BE IN VIOLATION OF THIS SECTION IS GUILTY OF A CLASS ONE MISDEMEANOR, PUNISHABLE AS SET FORTH IN § 10.99(C).

§ 84.06 EMERGENCY ABATEMENT.

(A) IF A PUBLIC NUISANCE 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 PERSON IN CONTROL TO IMMEDIATELY TAKE SUCH ACTION AS IS APPROPRIATE TO CORRECT OR ABATE THE NUISANCE UPON NOTICE BY THE COMPLIANCE AGENT TO THE PERSON IN CONTROL.

(2) ACT TO CORRECT OR ABATE THE NUISANCE, WHETHER OR NOT THE TOWN IS ABLE TO CONTACT THE PERSON IN CONTROL.

(B) THE PERSON IN CONTROL MAY APPEAL AN ORDER TO ABATE TO THE TOWN COUNCIL. UPON NOTICE AND REQUEST BY THE 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 A NUISANCE DEEMED TO POSE AN IMMINENT HAZARD.

(C) THE TOWN MAY RECOVER ITS COSTS INCURRED IN ABATING A NUISANCE THAT IT DEEMS TO PRESENT AN IMMINENT HAZARD UNDER THIS SECTION IN THE SAME MANNER AS PROVIDED FOR IN THIS CHAPTER TO THE EXTENT PRACTICABLE UNDER THE CIRCUMSTANCE.

§ 84.07 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 A NOTICE TO ABATE ANY NUISANCE AS DEFINED IN THIS CODE. SUCH ABATEMENT SHALL PROCEED INDEPENDENTLY OF ANY CIVIL OR CRIMINAL VIOLATION FILED. THE TOWN COMPLIANCE OFFICER, TOWN PROSECUTOR AND TOWN ATTORNEY ARE AUTHORIZED TO FILE CIVIL OR CRIMINAL COMPLAINTS TO ABATE A PUBLIC NUISANCE.

§ 84.08 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 PERSON IN CONTROL OF THE PROPERTY. IF THE PERSON IN CONTROL IS NOT THE OWNER, NOTICE SHALL BE SENT TO THE OWNER AS SHOWN ON THE MOST RECENT RECORDS OF THE YAVAPAI COUNTY ASSESSOR'S OFFICE. 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 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 (10%) 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 COMPLIANCE AGENT 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 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 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-CALENDAR-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 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 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 UNDER THIS SECTION SHALL BE ACCOMPLISHED BY A COMPLIANCE AGENT OF THE TOWN DELIVERING THE NOTICE TO THE PERSON IN CONTROL OF THE PROPERTY, OR BY MAILING THE NOTICE TO THE 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 ELECTS 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 NOTICE TO ABATE: 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 PERSON IN CONTROL A SATISFACTION OF NOTICE TO ABATE 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 ESTOPPED 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) GROUND 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 CODE SECTION ALLEGEDLY VIOLATED OR STANDARDS DESCRIBED IN THAT SECTION WERE 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 CALENDAR (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 PROMOTING AND PROTECTING 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) IF THE TOWN IS REQUIRED TO CORRECT OR ABATE A VIOLATION PURSUANT TO THIS SECTION, THE TOWN SHALL PREPARE A VERIFIED STATEMENT AND ACCOUNT OF THE ACTUAL COST OF SUCH CORRECTION 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 ON 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 YAVAPAI 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 YAVAPAI 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.

§ 84.09 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.

The Town Code of Chino Valley, Arizona, Title IX General Regulations is amended by deleting Chapter 91 Health and Sanitation in its entirety and reserving the Chapter for future use.

The Town Code of Chino Valley, Arizona, Title IX General Regulations, Chapter 93 Abandoned Vehicles, is hereby deleted in its entirety.

The Town Code of Chino Valley, Arizona, Title XIII General Offenses, Chapter 130 General Offenses, Section 130.01 Burning and Section 130.02 Water; Flow upon Streets Prohibited is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in strikeout):

§ 130.01 Burning.

It is unlawful AND A PUBLIC NUISANCE for any person, firm or corporation to kindle any grass, trash, brush, rubbish or crop fire within the town without first securing a written permit from the Fire Chief, his or her duly authorized assistant or other designated town officer. The permit may contain any conditions necessary for the protection of life and property, unless such fire is contained within a suitable container to prevent the escape of sparks or burning materials.

§ 130.02 Water; AND EARTHEN MATERIAL Flow upon Streets Prohibited.

It is unlawful AND A PUBLIC NUISANCE for any person to willfully or negligently permit or cause the escape or flow of water OR EARTHEN MATERIAL ONTO PUBLIC STREETS ~~from any source in such MANNER-quantity~~ as to cause flooding, or to ENDANGER OR impede vehicular or pedestrian traffic, ~~to create a hazardous condition to such traffic~~, to create a condition which constitutes a threat to the public health and safety, or to cause damage to the public streets of the town. EARTHEN MATERIAL SHALL INCLUDE, BUT NOT BE LIMITED TO SOIL, SILT, CLAY, SAND, GRAVEL, ROCK, DIRT, MUD, ORGANIC MATERIAL, OR A COMBINATION THEREOF.