

PROPERTY MAINTENANCE AMENDMENTS

SECTION 1. That Section 9-04-010 "Definitions" in Article 9-04 "PROPERTY MAINTENANCE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code of the Town of Prescott Valley, Arizona, is hereby amended to read as follows:

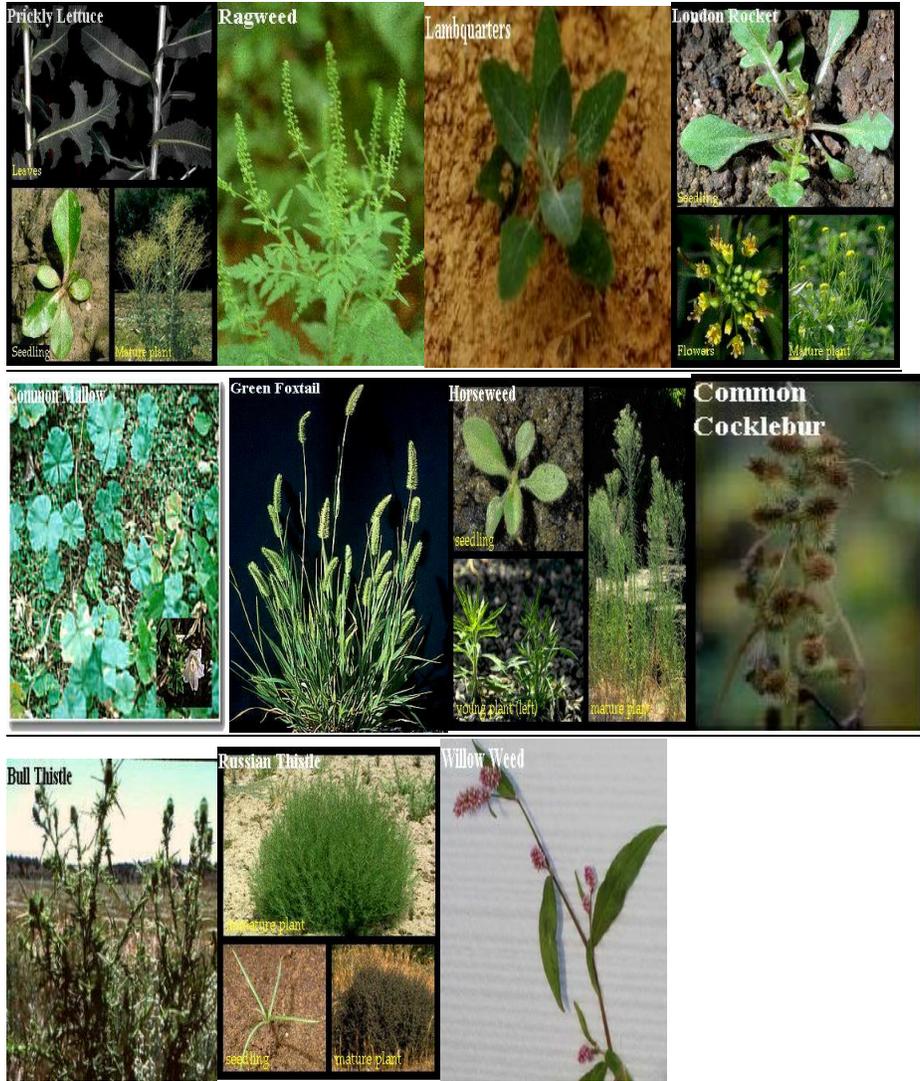
9-04-010 Definitions.

In this Article, unless the context requires otherwise:

- A. "Debris" means ~~carelessly discarded refuse or litter~~rubbish created or deposited by collisions, explosions, wind and other weathering, and similar causes.
- B. "Dilapidated Building" means any ~~real property structure that is likely to burn or collapse and its~~whose condition endangers the life, health, safety or property of the public.
- ~~C.~~ "Litter" means ~~any rubbish, trash, weeds or other accumulation of filth or debris or dilapidated structures which constitute a hazard to public health and safety. "Litter" is "garbage", "refuse", "trash" (as defined in this Chapter), and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.~~
- DC. "Nuisance" means any condition or use of ~~premises or of building exteriors~~property (including areas adjacent thereto) which that by its nature is a hazard to public health and safety, detrimental/damaging to the property of others, or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the placing, keeping or the, depositing, or allowing to remain on, or the scattering over the premisesproperty or areas adjacent thereto of any of the following:
1. ~~Lumber, junk,~~Rubbish (including trash, debris or garbage, related debris, and dilapidated buildings).
 2. ~~Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers~~Appliances and vehicles, building material, soil & concrete, brush and other yard waste, sewage, any other dangerous byproduct or waste, and snow or ice.
- ~~However, n~~Nothing herein shall classify as a nuisance the conducting (or the allowing to be conducted), on any particular premises, property one (1) yard sale as defined in Section 9-04-020(C)9-04-020(B)(6) herein during the period from January 1st to April 30th, another during the period from May 1st to August 31st, and another during the period from September 1st to December 31st, in a calendar year.
- ED. "Person" means any natural person, firm, partnership, association, corporation, company or organization of any kind, but not the Federal government, State, County, City or political subdivision of the State of Arizona.

- ~~FE.~~ "Private pPremises" means any dwelling, house, building, or other structure, designed or used either wholly or in part for ~~private-residential, commercial or industrial~~ purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps or vestibules belonging or appurtenant to such dwelling, house, building or other structures.
- ~~GF.~~ "Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.
- ~~HG.~~ "Property" includes ~~buildings,~~ grounds, lots and tracts of land on which premises are located.
- H. "Rubbish" is the same as "Refuse" and includes garbage, trash, weeds, yard waste, other accumulations of filth, related debris, and dilapidated buildings that constitute a hazard to public health and safety.
- I. "Structures" includes buildings, improvements and other structures that are constructed or placed on ~~land~~property.
- ~~J.~~ "Trash" means ~~all nonputrescible wastes.~~
- KJ. "Weeds" mean any vegetation ~~which~~that is, (or is liable to be) detrimental, destructive or unsightly and difficult to control or eradicate. Without limiting the foregoing, the term "weeds" shall include (but not be limited to) bull thistle, cocklebur, foxtail, horseweed, lambsquarters, London rocket, mallow, milkweed, pigweed, mustards, prickly lettuce, ragweed, russian thistle, shephardspurse, sowthistle, willow weed, and those types of plant growth defined as noxious weeds in A.R.S. 3-201 (as amended) regardless of whether a particular property owner or occupant who is the subject of enforcement action under this eCode regards the growth as desirable.





EK. “Yard Waste” means brush, grass and vegetation clippings, weeds, twigs, leaves, limbs, branches and trunks from trees, and general yard, garden and tree rubbish and waste materials.

(Ord. No. 117, Enacted, 09/05/85; Ord. No. 158, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 5-04-010, 9-09-030; Ord. No. 396, Amended, 08/08/96; Ord. No. 559, Amended, 07/10/03; Ord. No. 785, Amended, 01/23/14; Ord. No. 810, Amended, 01/14/16)

SECTION 2. That Section 9-04-020 “Litter, Weeds, and Maintenance of Private Property” in Article 9-04 “PROPERTY MAINTENANCE” in Chapter 9 “HEALTH AND SANITATION” of the Prescott Valley Town Code, be hereby repealed and reenacted as “Owner, Lessee or Occupant to Maintain Property” to read as follows:

9-04-020 Owner, Lessee or Occupant to Maintain Property.

A. The owner, lessee or occupant of any property shall at all times remove rubbish (including other accumulations of filth, related debris, and dilapidated buildings) that constitute a hazard to public health and safety from said property, maintain said

property in a clean and safe condition, and otherwise avoid keeping or maintaining any nuisance thereon. These requirements also apply to appurtenant, adjacent or contiguous sidewalks, alleys and portions of streets that are not hard-surfaced for vehicular traffic.

B. Without limiting the generality of the foregoing, the owner, lessee or occupant of any property shall have the following specific obligations and responsibilities on the property and appurtenant, adjacent or contiguous sidewalks, alleys and portions of streets that are not hard-surfaced for vehicular traffic:

1. To control weeds and yard waste thereon and otherwise maintain said areas free of dry bushes, trees, tumbleweeds, weeds or other dry vegetation that create a visual blight upon the neighborhood, harbor insect or rodent infestations, become a fire hazard, or otherwise threaten the health, safety or economic welfare of adjacent property owners or occupants. In so doing, the owner, lessee or occupant shall not allow grass or weeds to exceed twelve (12) inches in height and shall otherwise maintain the property in a manner that prevents weeds or yard waste from being carried or deposited by the elements upon any public place.
2. To keep ditches or similar watercourses that are part of the storm drainage system clean and free of rubbish (expressly including vegetation, yard waste, and debris) that would obstruct the easy and natural flow of water therein.
3. To maintain all installed landscaping and irrigation systems in accordance with Site Development Standards set forth in Article 13-26 of this Code.
4. To keep the portion of any sidewalk immediately adjacent to the property clean and free of snow and ice (including any that accumulates from passing snow plows and other traffic).
5. To refrain from keeping or maintaining any other nuisance thereon in a manner that causes substantial diminution to the value of other property in the neighborhood. In this regard, accumulations of personal property on property as part of a yard sale are not a nuisance as defined herein if, and only if:
 - a. The personal property consists of surplus household property (regardless of ownership).
 - b. The personal property is publicly offered for sale.
 - c. The personal property is neatly displayed for sale (either within or without any premises).
 - d. The personal property is neatly secured within premises during those periods when it is not offered for sale.
 - e. The personal property is offered for sale over a period not longer than three (3) consecutive calendar days.

For the purposes of this yard sale exception, personal property is offered for sale through any method of informing or soliciting buyers of goods, including (but not limited to) use of signs, handbills, newspaper advertisements, and direct personal contacts. However, nothing in this Subsection shall permit placement of rubbish or posting of signs on public property (including utility poles), or improper disposal of hazardous materials otherwise prohibited in this Code.

C. Beyond the access to property and removal of storm water provided by adjacent sidewalks, alleys, and portions of streets that are not hard-surfaced for vehicular traffic, nothing herein shall give the owner, lessee or occupant of any property abutting any such area any special or exclusive right of use of or control over such area. Moreover, nothing herein shall exclude the Town from conducting in its sole discretion activities to maintain, repair, replace, or build drainage structures in or hard-surface for vehicular travel any portion of said sidewalks, alleys, and portions of streets that are not yet hard-surfaced for vehicular traffic (expressly including removal of any lining placed in ditches by property owners, lessees or occupants to suppress vegetation). Nor shall anything herein impose on the Town any liability for such activities.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 117, Enacted, 09/05/85; Ord. No. 158, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 11-01-090; 5-04-020&090; Ord. No. 9-09-040,100,110&130; Ord. No. 396, Amended, 08/08/96; Ord. No. 559, Amended, 07/10/03; Ord. No. 810, Rep&ReEn, 01/14/16)

SECTION 3. That Section 9-04-030 “Owner, Lessee or Occupant to Maintain Property” in Article 9-04 “PROPERTY MAINTENANCE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code, be hereby repealed and reenacted as “Prohibition Against Placing Rubbish on Other Property” to read as follows:

9-04-030 Prohibition Against Placing Rubbish on Other Property.

No person shall (with or without permission) place rubbish (including trash, garbage or related debris), appliances and vehicles, building material, soil & concrete, brush and other yard waste, sewage, or any other dangerous byproduct or waste, snow or ice on property not owned, leased or otherwise controlled by that person (including, but not limited to, any public place). The sole exception to this prohibition is placement (with permission) of such rubbish and other materials on property that has been zoned and otherwise permitted for disposal and storage of such items. Owners, lessees or occupants of property shall use and maintain authorized private receptacles for collection in such a manner that rubbish (including related debris) shall not be carried or deposited by the elements upon any adjacent property (including, but not limited to, any public place).

(Ord. No. 117, Enacted, 09/05/85; Ord. No. 158, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 5-04-030,9-09-120; Ord. No. 559, Amended, 07/10/03; Ord. No. 810, Rep&ReEn, 01/14/16)

SECTION 4. That a new Section 9-04-035 “Criminal and Civil Liability” in Article 9-04 “PROPERTY MAINTENANCE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code, is hereby enacted to read as follows:

9-04-035 Criminal and Civil Liability

- A. Violation of this Article shall constitute a class 1 misdemeanor or a civil offense as set forth in Article 1-08 of this Code.
- B. Nothing herein shall preclude the exercise of discretion by authorized personnel at any stage of the enforcement process to address circumstances of indigency or physical or mental incapacity through (as examples and not by way of limitation) coordination with service groups, diversion programs, and community service programs.

(Ord. No. 810, Enacted, 01/14/16)

SECTION 5. That Section 9-04-040 “Notice to Remove” in Article 9-04 “PROPERTY MAINTENANCE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code, is hereby renamed “Notice to Comply” and is further amended to read as follows:

9-04-040 Notice to ~~Remove~~Comply.

Notwithstanding any criminal or civil action that may be brought under Section 9-04-035 above against any~~If an~~ owner, lessee or occupant of any property who fails, neglects or refuses to remove or properly dispose of litter, weeds, yard waste or any other nuisance defined herein which is located comply with the requirements of Sections 9-04-020 and 9-04-030 above~~on property owned or controlled by such person,~~ the Community Development Director, or his designee, shall~~may~~ give written notice to the owner and to the lessee or occupant, if any, to ~~remove all litter, weeds, yard waste or other nuisance from such property~~comply with the applicable provisions thereof prior to the date ~~of~~ compliance on the notice. Such notice shall be given not less than thirty (30) days before the date set thereon for compliance and shall include the legal description of the property, an estimate of the cost of ~~removal~~abatement by the Town, and a statement that unless the ~~owner, lessee or occupant of such property~~ responsible person complies therewith by the date shown in the notice, the Town will, at the expense of such person, ~~remove said litter, weeds, yard waste or other nuisance, and abate said violation.~~ In such case, said notice shall include an explanation of the right to appeal said determination to the Town Council in accordance with Section 9-04-060 hereinafter.

(Ord. No. 117, Enacted, 09/05/85; Ord. No. 178, Ren&Amd, 05/26/88, 5-04-040; Ord. No. 283, Amended, 09/24/92; Ord. No. 396, Amended, 08/08/96; Ord. No. 559, Amended, 07/10/03; Ord. No. 810, Amended, 01/14/16)

SECTION 6. That Section 9-04-070 “Removal by Town” in Article 9-04 “PROPERTY MAINTENANCE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code, is hereby renamed “Abatement by Town” and otherwise amended to read as follows:

9-04-070 ~~Removal~~Abatement by Town.

If any person having an interest in ~~private~~ property, including an owner, lienholder, lessee or occupant, after notice as required by Section ~~9-04-050~~9-04-040 of this Article, does not ~~remove such litter, weeds, yard waste or other nuisance as defined herein and otherwise abate such condition which constitutes a hazard to public health and safety~~comply with the requirements of this Article as set forth in said notice, the Town may remove, abate, or

enjoin such litter, weeds, yard waste or other nuisance or cause the removal thereof the violation set forth therein.

(Ord. No. 117, Enacted, 09/05/85; Ord. No. 158, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 5-04-070, 9-09-140; Ord. No. 396, Amended, 08/08/96; Ord. No. 559, Amended, 07/10/03; Ord. No. 810, Amended, 01/14/16)

SECTION 7. That Section 9-04-080 “Assessment for Removal” in Article 9-04 “PROPERTY MAINTENANCE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code, is hereby renamed “Assessment for Abatement” and Subsection C is otherwise amended to read as follows:

9-04-080 Assessment for ~~Removal~~Abatement.

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C. If no appeal is taken from the amount of the assessment or if an appeal is taken and the Council has affirmed or modified the amount of the assessment, and the assessment is not paid within the time specified;

1. Owner-occupied property or residential property of more than four (4) units - the original assessment or the assessment as so modified shall be recorded in the office of the County Recorder. Any assessment recorded after July 15, 1996, is prior and superior to all other liens, obligations, mortgages, or other encumbrances, except liens for general taxes.
2. Tenant-occupied Property - for residential properties of 4 or fewer units, if a property is serving as a rental and is occupied by a tenant during the time of the abatement, the Community Development Director, or his designee, will petition a court of competent jurisdiction for an order of judgment against the tenant in the amount of the assessment.

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(Ord. No. 117, Enacted, 09/05/85; Ord. No. 178, Ren&Amd, 05/26/88, 5-04-080; Ord. No. 283, Amended, 09/24/92; Ord. No. 396, Amended, 08/08/96; Ord. No. 810, Amended, 01/14/16)