

WHEN RECORDED RETURN TO:

City of Buckeye
ATTN: City Clerk, Lucinda J. Aja
530 East Monroe Avenue
Buckeye, Arizona 85326

ORDINANCE NO. 15-18

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, ADOPTING THAT CERTAIN DOCUMENT ENTITLED “CITY OF BUCKEYE AMENDMENTS TO THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE, AMENDED AND RESTATED OCTOBER 2018” BY REFERENCE; AMENDING THE CITY OF BUCKEYE CODE, CHAPTER 15 BUILDING REGULATIONS, ARTICLE 15-2 - BUILDING CODES, BY AMENDING CHAPTER 15-2-8 PROPERTY MAINTENANCE CODE, RELATED TO ADOPTING REGULATIONS FOR PROPERTY MAINTENANCE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the Mayor and City Council of the City of Buckeye desire to amend the City Code Chapter 15 Building Regulations, Article 15-2 Building Code, Chapter 15-2-8 Property Maintenance Code; and

WHEREAS, the City Council has determined that it is in the best interest of the City and of the health, safety and welfare of its citizens to provide reasonable regulations for property maintenance.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, as follows:

Section 1. That certain document entitled “City of Buckeye Amendments to the 2006 International Property Maintenance Code, Amended and Restated October 2018” one paper copy and one electronic copy of which are on file in the office of the City Clerk, is hereby declared a public record and said copies are hereby ordered to remain on file with the City Clerk.

Section 2. The City Code of the City of Buckeye, Arizona (the “City Code”), Chapter 15, Building Regulations, Article 15-2 Building Code, Chapter 15-2-8 Property Maintenance Code; is hereby amended as follows:

Section 15-2-8 - Property Maintenance Code

A. Property Maintenance Code Adopted. That certain document designated and marked as the 2006 International Property Maintenance Code, specifically excluding all appendices contained therein, ~~three (3) copies of which are on file in the office of the city clerk~~ ONE PAPER COPY AND ONE ELECTRONIC COPY OF WHICH ARE ON FILE IN THE OFFICE OF THE CITY CLERK, and that certain document entitled the "Buckeye Amendments to the 2006 International Property Maintenance Code, Amended and Restated OCTOBER 2018 ~~December 2010~~" ~~three (3) copies of which are on file in the office of the city~~ ONE PAPER COPY AND ONE ELECTRONIC COPY OF WHICH ARE ON FILE IN THE OFFICE OF THE CITY CLERK, together are hereby adopted by reference as the city's property maintenance code as if fully set forth herein for regulating and controlling the minimum maintenance standards for existing residential and nonresidential premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance, and it is hereby declared to be unlawful to be in violation of any provision of the property maintenance code or cause or permit the same to be done, contrary to or in violation of any of the provisions of the property maintenance code as hereby adopted by the city council.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the City of Buckeye International Property Maintenance Code adopted herein by reference is for any reason to be held 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. In the event of any inconsistency, conflict or ambiguity among any section, subsection, sentence, clause, phrase or portion of the City of Buckeye International Property Maintenance Code adopted herein by reference, the City Code, or this Ordinance, the documents shall govern in the order listed herein.

Section 5. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

Section 6. The City may proceed civilly or criminally against a responsible party acting in violation of this Ordinance. The civil fine for a violation of this Ordinance shall be \$100.00 base fine for a first or second violation and \$200.00 base fine for a third violation and each subsequent violation of the same code within a twenty-four (24) month period. The City may proceed criminally, as provided in this Ordinance, where a violation warrants increased penalties because of its significant, deleterious impact on property or on the public health, safety or general welfare, where the violation meets the criteria for a recidivist case, or as otherwise permissible by law. Criminal violations shall constitute a class one misdemeanor, punishable by a fine not to exceed \$2,500.00 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. A person shall not be charged both as a civil and criminal offense for the same violation on the same date, but a subsequent violation against the same property or person may be

charged as criminal offense rather than as a civil offense. Each day that a violation continues shall be a separate offense.

PASSED AND ADOPTED by the Mayor and City Council of the City of Buckeye, Arizona, this 6th day of November, 2018.

Jackie A. Meck, Mayor

ATTEST:

Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:

City Attorney

**BUCKEYE AMENDMENTS TO THE
2006 INTERNATIONAL PROPERTY MAINTENANCE CODE
Amended and Restated October 2018**

The International Property Maintenance Code, 2006 Edition, is amended in the following respects:

Section 101.1 is amended to insert the following within the brackets:

City of Buckeye, Arizona

Section 103.1 is deleted in its entirety and replaced with the following:

103.1 General. The City Manager, or authorized designee, shall be charged with administration of this code and the executive official in charge of code violation enforcement shall be known as the code official. The City Manager may appoint such code officials, code enforcement officers and/or deputies as may be necessary or desirable to perform any inspection work, enforcement actions or other functions as may be required by this code.

Section 103.2 is deleted in its entirety and replaced with the following:

103.2 Appointment. The code official shall be the City Manager or authorized designee.

Section 103.3 is deleted in its entirety and replaced with the following:

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction, the code official or authorized designee shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

Section 103.5 is deleted in its entirety and replaced with the following:

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as set by the City Council either by resolution or by inclusion in the City's adopted annual budget.

Section 106.1 is deleted in its entirety and replaced with the following:

106.1 Unlawful acts. It is unlawful for a responsible party to be in conflict with this code or in violation of any provisions of this code, and any such responsible party may be found guilty of a class one misdemeanor or issued a civil citation and is liable for all costs and fees which may be assessed pursuant to this code for removing, abating or enjoining the violation.

Section 106.1.1 is hereby added as follows:

106.1.1 Violations; Option to proceed civilly or criminally. The code official or authorized designee may proceed civilly or criminally against a responsible party acting in violation of this code. A civil enforcement action may be commenced by issuance of a citation as set forth in Section 106.1.2 of this code. A criminal enforcement action may be commenced as set forth in Sections 106.2, 106.3 and 106.4 of this code. Criminal enforcement actions may

be utilized where a violation warrants increased penalties because of its significant, deleterious impact on property or on the public health, safety or general welfare, where the violation meets the criteria for a recidivist case pursuant to Section 106.8.1, or as otherwise permissible by law.

Section 106.1.2 is hereby added as follows:

106.1.2 Civil citation. The civil citation shall direct the defendant to appear in municipal court within 14 days of the issuance of the citation or pay the fine imposed pursuant to Section 106.1.3 of this code by following Section 106.1.5 below. The citation shall also include the date and location of the violation, a reference to the City code provision or ordinance violated and a notice that if the defendant fails to appear as directed, a default judgment will be entered in the amount of the fine designated on the citation for the violation charged as set forth in 106.1.3 below, in addition to a fine for failure to appear as set forth in Section 106.1.4.1 of this code.

Section 106.1.2.1 is hereby added as follows:

106.1.2.1 Citation service. Service of the citation may be accomplished and will be deemed proper and complete by any of the methods set forth in Section 107.3 of this code.

Section 106.1.3 is hereby added as follows:

106.1.3 Civil fines imposed. Civil fines for violations of this code shall be imposed as follows:

106.1.3.1 General civil fine. The civil fine for a violation of this code shall be \$100.00 base fine for a first or second violation and \$200.00 base fine for a third violation and each subsequent violation of the same code within a twenty-four (24) month period. These fines will be assessed for each violation and all penalties are subject to all surcharges and fees imposed by the City code or state law. The court shall not suspend any portion of the civil penalty provided by this subsection.

Section 106.1.3.2 is hereby added as follows:

106.1.3.2 Criminal Penalties and Fines. Criminal penalties for a violation of this code shall constitute a class one misdemeanor, punishable by a fine not to exceed \$2,500.00 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense.

Section 106.1.4 is hereby added as follows:

106.1.4 Appearance. Within 30 days of the issuance of the citation, the defendant shall appear in person or through his attorney in municipal court and shall either admit or deny the allegations contained the complaint or the defendant may proceed as provided in Section 106.1.5 of this code. If the defendant admits the allegations, the court shall immediately enter judgment against the defendant in the amount of the fine for the violation charged. If the defendant denies the allegations contained in the citation, the court shall set a hearing date for trial of the matter.

Section 106.1.4.1 is hereby added as follows:

106.1.4.1 Penalty for failure to appear. If the defendant fails to appear as directed on the citation, the court, upon request by the code official or authorized designee, shall enter a default judgment for the amount of the fine indicated for the violation charged. Additionally, the defendant may be fined up to \$100.00 for failure to appear at the time and place set for any trial of a matter arising under this code.

Section 106.1.5 is hereby added as follows:

106.1.5 Payment by mail. The defendant may admit the allegations in the citation and pay the fines as set forth by Section 106.1.3 above by mailing the citation, together with a check for the amount of the fine to and made payable to the City of Buckeye Municipal Court.

Section 106.1.6 is hereby added as follows:

106.1.6 Rules of procedure. Civil enforcement procedures herein shall follow the Arizona Rules of Court for Civil Traffic Violations for civil violations of this code, except as modified or where inconsistent with the provisions of this code, local rules of the municipal court or rules of the Arizona Supreme Court.

Section 106.3 is hereby renamed as follows:

106.3 Penalty for failure to comply with notice or order.

Section 106.3 is deleted in its entirety and replaced with the following:

106.3 Penalty for failure to comply with notice or order. Any responsible party failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil violation as determined by the City, and the violation shall be deemed a strict liability offense.

Section 106.4 is hereby renamed as follows:

106.4 General Penalties.

Section 106.4 is deleted in its entirety and replaced with the following:

106.4 General Penalties. In addition to Sections 106.1 and 106.3 above, any responsible party who violates a provision of this code, or fails to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 106.5 is deleted in its entirety and replaced with the following:

106.5 Abatement of violation. The imposition of penalties herein prescribed shall not preclude the code official from instituting appropriate action to restrain, correct or abate a violation and to charge the responsible party with the actual abatement costs, which costs may be assessed against the property in violation. Notices of abatement procedures shall comply with the notice provisions set forth in Section 107.2.2.

Section 106.6 is hereby added as follows:

106.6 Assessment.

In the event the City is required to correct or abate a violation of this Code, the City shall prepare a verified statement and account of the actual cost of such removal or abatement, including a \$150 surcharge or 5 percent, whichever is greater, for administrative cost, re-inspections and other fees authorized under Arizona laws.

The verified statement and account shall be an assessment upon the property from which the City corrected or abated the violations and shall be collected at the same time and in the same manner as other City assessments are collected. Such assessment shall be recorded in the office of the Maricopa 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 code shall be made upon judgment of foreclosure and order of sale. The City may institute an action to enforce the lien in the superior court of the county at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings prior to the recording thereof.

A prior assessment pursuant to this code 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. Assessments under this code are due and payable in accordance with the schedule set forth in ARIZ. REV. STAT. § 9-499.

Section 106.7 is hereby added as follows:

106.7 Transfer of ownership. It shall be unlawful for the responsible party of any premises, residential and non-residential structures, accessory structures or dwelling unit who has received a compliance order or upon whom a notice of violation or a notice of abatement has been served to sell, transfer, mortgage, lease or otherwise dispose of such premises, residential and non-residential structures, accessory structures or dwelling unit to another until the provisions of the compliance order or notice of violation or notice of abatement have been complied with, or until such responsible party shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation or notice of abatement issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation or notice of abatement and fully accepting the responsibility without condition for making the corrections or repairs required by such notice of violation or notice of abatement.

Section 106.8 is hereby added as follows:

106.8 Recidivist Properties/Persons. The recidivist process is designed to provide relief via an expedited enforcement process for problems with the responsible parties who repeatedly violate City ordinances and who have demonstrated an inability or unwillingness to maintain their property.

Section 106.8.1 is hereby added as follows:

106.8.1 Definition. A recidivist case is a newly opened case on a premises that meets the following criteria:

1. The same responsible party.

For the same violation(s).

3. The responsible party has been issued a Notice of Violation and/or Civil Citation, and/or criminal charges filed for two or more times within the last 24 month period. The 24 month period will commence on the latest date that any notice of violation has expired, a civil action or criminal action had concluded, or a contractual abatement process has concluded.

Section 106.8.2 is hereby added as follows:

106.8.2 Inspection. To address frequently occurring violations on recidivist properties, the code officer may initiate non-complaint based inspections/code enforcement on recidivist properties after case resolution to check for a recurrence of the same violation(s).

Section 106.8.3 is hereby added as follows:

106.8.3 Notification. Cases which have been designated as recidivist will proceed as follows:

1. Issue an immediate civil citation (for those offenses deemed appropriate).

Issue a formal Notice of Violation in conjunction with a civil citation.

3. Submit a formal request to the City Prosecutor to review for probable cause for purposes of filing criminal charges.

4. All notices and orders shall comply with Section 107.

Section 107.1 is hereby renamed as follows:

107.1 Notice to owner and tenant.

Section 107.1 is deleted in its entirety and replaced with the following:

107.1 Notice to owner and tenant. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, and prior to taking any action to abate the violation pursuant to Section 106.5, notice shall be given in the manner prescribed in Section 107.2.1 and 107.3 to the owner and tenant for the violation as specified in this code. If abatement of the existing violation(s) is necessary, a notice of abatement shall be given in the manner prescribed in Sections 107.2.2 and 107.3.

Section 107.2 is hereby renamed as follows:

107.2 Notification Forms.

Section 107.2 is deleted in its entirety and replaced with the following:

107.2 Notification Forms.

107.2.1 Notice of violation. Such notice of violation prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.

Include a description of the real estate sufficient for identification of the property.
3. Include a statement of the violation(s) and why the notice is being issued.
4. Include a correction order giving the owner at least thirty (30) days to make the repairs and improvements required to bring the premises, residential and non-residential structures, accessory structures or dwelling unit into compliance with the provisions of this code.
5. Inform responsible party that, if the correction order is not complied with, the City may choose to remove, abate, enjoin or cause the removal of the violations existing on the property and lien the property with the cost of such abatement in accordance with state law. Such abatement notice shall be given in the manner prescribed in Section 107.2.2.

107.2.2 Notice of abatement. Such notice of abatement prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.

Include a description of the real estate sufficient for identification of the property.
3. Include a statement of the violation(s) and why the notice is being issued.
4. Include an abatement order giving the owner at least thirty (30) days to make the repairs and improvements required to bring the premises, residential and non-residential structures, accessory structures or dwelling unit into compliance with the provisions of this code, and such notice shall include cost of such abatement in accordance with state law.
5. Inform the responsible party if the violation is not abated within the time set forth in the notice, the City will abate the violation and lien the cost of such abatement against the property.
6. Re-inspection date and time.
7. Inform the owner, owner's authorized agent or owner's statutory agent and the tenant of the right to appeal the notice to abate or assessment in the manner prescribed by Section 111.1, unless the removal or abatement is ordered by a court.

Section 107.3 is deleted in its entirety and replaced with the following:

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is either:

1. Given by personal service to the:
 - (a) owner, owner's authorized agent or owner's statutory agent; and
 - (b) to the tenant.

Sent by certified mail, return receipt requested addressed to the:

- (a) owner's last known address, the owner's authorized agent or the owner's statutory agent; and
- (b) to the address to which the tax bill for the property was last mailed.

If the notice is returned showing that the certified mail, return receipt requested letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice and the City may record the notice in the County Recorder's office as provided by state law.

Section 107.4 is deleted in its entirety.

Section 107.5 is deleted in its entirety.

Section 108 is hereby renamed as follows:

Section 108 Vacant and Unsafe Structures and Unsafe Equipment.

Section 108.2.1 is hereby added as follows:

108.2.1 Vacant. If a structure is vacant, the code official is authorized to order the structure's windows, doors and other openings secured so the windows, doors and other openings cannot be accessed from the outside. Securing a vacant structure is a temporary option permitted for a period not to exceed 6 months.

Section 108.2.2 is hereby added as follows:

108.2.2 Vacant and unfit. If a structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure's windows, doors and other openings secured so the windows, doors and other openings cannot be accessed from the outside. Securing a vacant and unfit structure is a temporary option permitted for a period not to exceed 6 months.

Section 108.2.3 is hereby added as follows:

108.2.3 Failure to secure. Upon failure of the responsible party to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

Section 108.3 is deleted in its entirety and replaced with the following:

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this Section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the persons or the party responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

Section 108.4 is deleted in its entirety and replaced with the following:

108.4 Placarding. Upon failure of the responsible party to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

Section 108.5 is deleted in its entirety and replaced with the following:

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any responsible party for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

Section 109.3 is deleted in its entirety and replaced with the following:

109.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized. All costs incurred by the City in connection with such closure(s) shall be reimbursed to the City by the responsible party.

Section 109.6 is deleted in its entirety and replaced with the following:

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person may thereafter pursue any rights to appeal as described in this code.

Section 110.3 is deleted in its entirety and replaced with the following:

110.3 Failure to comply. If the responsible party of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or

arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 111.1 is deleted in its entirety and replaced with the following:

111.1 Rights of Appeal.

1. Civil and Criminal Citations. The City of Buckeye Municipal Court shall preside over all civil and criminal citations and enforcement actions under this code and any appeals from final judgments and convictions shall be handled pursuant to law.
2. Abatement. Any notice to abate or assessment may be appealed to an independent hearing officer, who shall be selected by the City Manager, to hear such appeal. The hearing officer shall have at least five years' experience in building inspections or planning and zoning and which shall be charged with rendering a final decision regarding the notice to abate or assessment.
 - a. Time to Appeal. 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 City Clerk's office.
 - b. Waiver. Failure to timely file an appeal shall constitute a waiver of the right to a hearing of the appeal and such person shall be stopped to deny the validity of any notice or assessment which could have been timely appealed.
 - c. Grounds. The notice of appeal shall set forth, in writing, the person's reasons for believing he or she is not in violation of this code or that the assessment is excessive.
 - d. Procedure on Appeal.
 1. The City shall set a date for hearing of the appeal before the independent hearing officer within 30 days of the receipt of notice of appeal by the City Clerk.
 2. Any party may be represented by an attorney at the hearing and any person whose interests are affected shall be given an opportunity to be heard.
 3. Hearings shall not be conducted in accordance with technical rules relating to evidence and witnesses. However, only relevant information will be received. The hearing officer shall rule on the admissibility of evidence and manage the procedure of the hearing.
 4. The hearing officer shall prepare written findings, conclusions, and issue a final decision within 10 days of the hearing.

Section 111.2 is deleted in its entirety and replaced with the following:

111.2 RESERVED

Section 111.3 is deleted in its entirety.

Section 111.4 is deleted in its entirety.

Section 111.4.1 is deleted in its entirety.

Section 111.5 is deleted in its entirety.

Section 111.6 is deleted in its entirety.

Section 111.6.1 is deleted in its entirety.

Section 111.6.2 is deleted in its entirety.

Section 111.7 is deleted in its entirety.

Section 111.8 is deleted in its entirety.

Section 202 is amended to add the following definitions:

BLIGHT, BLIGHTED OR BLIGHTING. Unsightly conditions including accumulation of debris; fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged; any other similar conditions of disrepair and deterioration; and the exterior visible use or display of tarps, plastic sheeting, or other similar materials as flexible or inflexible screening, fencing, or wall covering upon a residential lot, regardless of the condition of other properties in the neighborhood.

BUILDING, ENCLOSED. A building with a perimeter composed of rigid walls and a roof.

COMMERCIAL VEHICLE. Any motor vehicle with a manufacturer's chassis rating greater than one ton.

DEBRIS. Substance of little or no apparent economic value, which may be present in accumulations in excess of six inches in height and ten inches in diameter, including, but not limited to, deteriorated lumber, old newspapers, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, car parts, abandoned, broken or neglected equipment, or the scattered remains of items.

DECAY OR DETERIORATE. Means a lowering in quality of the condition or appearance of a building, structure or premises, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, damage or lack of maintenance.

DRIVEWAY. The designated parking area covered with an improved surface located directly in front of a garage or carport and used for motor vehicle parking in connection with a residential dwelling unit.

FENCE OR FENCING. Freestanding, self-supporting structures constructed of durable wood, chain link, metal, masonry or other standard fencing materials. Designed to define an area of private property or provide semi-privacy, privacy, security or screening or to bank retention between grade separations.

FRONT YARD. A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

GRASS. Barnyard grass, bermuda, bluegrass, brome grasses, crabgrass, fox tail, Johnson grass, ragweed, rye grass, wild oats, or hybrids thereof.

IMPROVED SURFACE. An area completely covered by concrete, asphalt, cement or sealed aggregate pavement, or by three inches of crushed rock completely contained within a permanent border. Does not include areas of grass, lawn, compacted or hard-packed dirt.

LITTER. Decaying or non-decaying solid and semi-solid wastes, including but not limited to both combustible and non-combustible wastes, such as paper, trash, cardboard, waste material, cans, yard clippings, wood, glass, bedding, debris; scrap paving material, discarded appliances, discarded furniture, dry vegetation, weeds, dead trees and branches, vegetation and trees which may harbor insect or rodent infestations or may become a fire hazard, piles of earth mixed with any of the above or any foreign objects, including inoperable vehicles.

OUTSIDE STORAGE. Accumulation of furniture, yard equipment, tools, building materials, auto parts, appliances, cleaning or landscaping equipment, or boxes.

RELATIVES. One or more persons related by blood, marriage, adoption or legal guardianship.

RECIDIVIST PROPERTIES/PERSONS. Residents or property owners who repeatedly violate City code(s).

RESPONSIBLE PARTY. A person exercising authority and control over real property within the City, including, but not limited to an owner, tenant or person.

SANITARY. Clean and free from agents that cause disease or infection.

UNLICENSED MOTOR VEHICLE. Vehicle that has no license plate displayed on the vehicle, or a vehicle that has a license plate displayed on the vehicle with expired registration tags.

UNFIT. Unsuitable for a specified purpose.

WEED. A plant that is native or nonnative that grows and reproduces aggressively and is generally considered to be a nuisance.

Section 202 is amended by deleting the following definitions in their entirety and replacing such definitions with the following:

OWNER. Except as otherwise specified in this code, any person, agent, operator, lienholder, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

TENANT. A person, lessee, occupant, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Section 301.3 is deleted in its entirety and replaced with the following:

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. Vacant structures and land which have been subject to waste disposal on more than one occasion shall be secured to prevent future occurrences of waste disposal by any of the following methods: permanent fencing; ditches or berms; placing four foot high posts at four foot intervals; and other equally effective methods. Signs stating “no dumping” shall be erected in accordance with applicable laws on vacant lots or lands which have been subject to dumping on more than one occasion.

Section 302.4 is hereby renamed as follows:

302.4 Weeds, Bushes, Trees & Other Vegetation

Section 302.4 is deleted in its entirety and replaced with the following:

302.4 Weeds, Bushes, Trees & Other Vegetation. All exterior property areas shall be kept free from visual blight; overgrown and/or dry bushes; overgrown (over six inches in height) and/or dry grass including lawn grass; tumbleweeds and weeds higher than six (6) inches; trees that may harbor insect or rodent infestations; dead trees, dead tree branches, and dead palm fronds or any over-grown and/or dry vegetation which may likely become a potential fire hazard or result in a condition which may threaten the health and safety or the economic welfare of adjacent property owners or occupants.

Upon failure of the owner or agent or responsible party having charge of a property to remove the potential fire hazard(s), visual blight, tumbleweeds, weeds, bushes, trees, tree branches, palm fronds, and other vegetation after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and remove the potential fire hazard(s), visual blight, tumbleweeds, weeds, bushes, trees, tree branches, palm fronds, and any other overgrown and/or dry vegetation growing thereon, and the costs of such removal shall be paid by the owner or agent or responsible party for the property.

Section 302.7 is deleted in its entirety and replaced with the following:

302.7 Accessory structures. All accessory structures, including detached garages and storage structures shall be maintained structurally sound, free from blight and in good repair, and must not be erected, altered or occupied contrary to applicable law.

Section 302.7.1 is hereby added as follows:

302.7.1 Fences, screen walls, and retaining walls. All fences, screen walls, and retaining walls on the premises shall be safe, structurally sound, made of same material and uniform or compatible in color and structure; they shall be maintained so that they do not constitute a hazard, blight or condition of disrepair. Examples of hazards, blight or conditions of disrepair are inclusive of, but not limited to, use of tarps, leaning fences, fences that are missing slats or blocks, graffiti, peeling paint, deterioration of paint or materials, rotting or damaged.

Section 302.8 is deleted in its entirety and replaced with the following:

302.8 Motor Vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A single vehicle on the premises is permitted to undergo major overhaul, including bodywork, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes and is completely screened from public view by solid, opaque fencing.

Section 302.8.1 is hereby added as follows:

302.8.1 Parking. Except as specifically provided in 302.8 above, no vehicle may be parked on any exterior property that is visible from public view unless the vehicle is parked on an improved surface. Recreational vehicles, boats, and trailers shall not visibly park or be stored on the front of a lot. Such vehicles, boats and trailers may be parked in a side or rear yard provided they are screened from any view by solid opaque fencing six (6) feet in height.

Section 302.8.2 is hereby added as follows:

302.8.2 Vehicles for sale. No person shall park or permit to be parked any vehicle for the purpose of sale upon any property or vacant property except where the sale of a vehicle is customary and incidental to the principal use of the property.

Section 302.8.3 is hereby added as follows:

302.8.3 Display vehicles for sale from residence. The display of one (1) vehicle for sale is permitted at a residence when the vehicle is registered to the owner or occupant of the property, is parked on an improved parking surface and is not being sold in connection with an automobile sales business. No more than three (3) vehicles may be displayed for sale at the same residence within a twelve (12) month period, and only one vehicle may be displayed for sale at a time.

Section 302.8.4 is hereby added as follows:

302.8.4 Vehicle repairs. Within any residential zoned district any vehicle undergoing repair must be registered to the owner or occupant of the property.

Section 302.9 is deleted in its entirety and replaced with the following:

302.9. Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. All sidewalks, walls, buildings, fences, signs and other structures or surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public way, or other public or private property. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair. Graffiti must be abated within 48 hours from the receipt of written notice.

Section 302.10 is hereby added as follows:

302.10 Animal droppings/waste. Animal waste such as, but not limited to, manure and droppings shall be removed from kennels, pens, stables, yards and other enclosures at least twice weekly and removed from the property at least once each week, or more frequently if conditions so necessitate.

Section 302.11 is hereby added as follows:

302.11 Outside Storage. Accumulation of furniture, yard equipment, tools, building materials, vehicle parts, tires, appliances, cleaning or landscaping equipment, or boxes can not be stored on property visible from any view, and may be stored in a lawful enclosed building or structure.

Section 303.1 is hereby renamed as follows:

303.1 Swimming pools, Spas and Hot Tubs.

Section 303.1 is deleted in its entirety and replaced with the following:

303.1 Swimming pools, Spas and Hot Tubs. Swimming pools, spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.

Section 303.2 is deleted in its entirety and replaced with the following:

Section 303.2 Enclosures. Swimming pools and enclosures shall comply with Arizona Revised Statutes § 36-1681.

1. Applicability. This Section applies to the following:

(a) New swimming pools used in conjunction with a Single Family Dwelling.

- (b) New or existing swimming pools used in conjunction with a multiple-family use.
- (c) New or existing swimming pools used in conjunction with a commercial or public use.

2. Design.

- (a) The pool enclosure shall be set a minimum of twenty (20) inches from the edge of the water.
- (b) The protective fence or wall to serve as the pool enclosure shall have no vertical opening larger than four (4) inches. Wrought iron and wood fences shall be constructed with at least fifty-four (54) inches between the horizontal members.
- (c) Gates shall be self-closing, self-latching, with latches being a minimum of fifty-four (54) inches above ground level. Gates shall swing out away from the pool. Those gates not used for normal access to and from the pool are not required to be self-closing if secured by a padlock or other similar device in lieu of a latch.
- (d) The protective fence or wall shall be located a minimum horizontal distance of fifty-four (54) inches from any structure, storage or equipment that could be used to climb the wall or fence from the outside.
- (e) The protective fence or wall shall contain no opening, handhold or other means accessible from the exterior side of the enclosure that could be used to climb the wall or fence.
- (f) The protective fence or wall shall be constructed of block, wrought iron, wood, or other similar material approved by the Community Development Director. Chain link material shall not be used in a protective fence.
- (g) All ground level doors with direct access to the pool area must be equipped with self-latching devices which shall be located at least fifty-four (54) inches above the floor and must be self-closing and must open in a direction away from the pool area.
- (h) All openable dwelling unit or guest room windows on the first floor that have access to the pool must be equipped with: 1) screwed in place wire mesh screens, 2) keyed locks that prevent opening the window more than four (4) inches, or 3) self-closing and self-latching devices located no less than fifty-four (54) inches above floor. This provision shall not apply to emergency escape or rescue windows in sleeping rooms.
- (i) Pet doors shall not be located in areas that will provide access to the pool area.

3. Owner Responsibility. It is the responsibility of the property owner to ensure that any pool enclosure fence and its appurtenances (i.e. gates, latching devices, locks, etc.) are maintained in safe and good working order.

Section 304.3 is deleted in its entirety and replaced with the following:

304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of three (3) inches high with a minimum stroke width of 0.5 inch.

Section 304.14 is deleted in its entirety and replaced with the following:

304.14 Insect screens. During the period from March to June, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 304.15 is deleted in its entirety and replaced with the following:

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.

Section 306.1 is deleted in its entirety and replaced with the following:

306.1 General. Every exterior and interior flight of stairs having more than four steps shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails or guards shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

Exception: Guards shall not be required where exempted by the adopted building code.

Section 307.2 is deleted in its entirety and replaced with the following:

307.2 Disposal of rubbish. Every tenant of a structure shall dispose of all rubbish as required by the City Codes and Ordinances.

Section 307.2.1 is deleted in its entirety and replaced with the following:

307.2.1 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors or tightly sealing the refrigerator door with a chain and locked padlock.

Section 307.2.2 is deleted in its entirety.

Section 307.3 is deleted in its entirety and replaced with the following:

307.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage as required by the City Codes and Ordinances.

Section 307.3.3 is hereby added as follows:

307.3.3 Enclosures. The City reserves the right to require commercial solid waste generators and business establishments to utilize City or commercial collection sufficient to properly manage the volume of solid waste generated by this business. Containers may be required to be in enclosures that shall be designed in accordance with City Code and shall be properly accessible and sufficiently sized to accommodate the number of containers for the volumes of solid waste generated. All enclosures shall have proper drainage to prevent accumulation and stagnation of any liquid.

Section 308.1 is deleted in its entirety and replaced with the following:

308.1 Infestation. All structures and property shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. All premises shall be kept free from bee infestations. After any extermination, proper precautions shall be taken to prevent reinfestation.

Section 308.2 is deleted in its entirety and replaced with the following:

308.2 Owner. The owner of any structure shall be responsible for extermination within the structure and on the premises prior to renting or leasing the structure.

Section 308.5 is deleted in its entirety and replaced with the following:

308.5 Occupant. The tenant of any structure shall be responsible for the continued rodent and pest-free condition of the structure and of the premises.

Section 501.1 is deleted in its entirety and replaced with the following:

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, required facilities and plumbing fixtures to be provided.

Section 502.1 is deleted in its entirety and replaced with the following:

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet, refrigerator, stove, and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory, and a microwave shall not be used as a substitute for the required stove.

Section 506.1 is deleted in its entirety and replaced with the following:

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system and maintained in a safe, sanitary working condition.

Section 602.3 is deleted in its entirety and replaced with the following:

602.3 Heat supply. Every owner of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to March 31 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

- 1 When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4 is hereby amended to add the following within the brackets:

October 1 to March 31.

Section 605.1 is deleted in its entirety and replaced with the following:

605.1 Installation. All electrical equipment, wiring and appliances shall be (i) properly installed and maintained in a safe and approved manner and (ii) capable of performing their intended function.

