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TITLE 6

CRIMES AND OFFENSES

CHAPTER 6-1 – GENERAL OFFENSES

Article 6-1.01 - Interference with City Employees It shall be unlawful for any person to interfere in any matter with any employee of the City in the performance of his duty. (1961 Code)

Article 6-1.02 - Impersonation It shall be unlawful for any person to represent or hold himself out to be any employee of the City; to attempt to impersonate any such officer or who, without authority performs or attempts to perform any official act on behalf of any officer. (1961 Code)

Article 6- 1.03 - Loudspeakers or Sound Trucks It shall be unlawful to play, operate, or use any device known as a sound truck, loudspeaker, sound amplifier, radio or phonograph with loud speaker or sound amplifier, or any instrument of any kind or character which emits loud and/or raucous noises and is attached to and upon any vehicle, unless such person in charge of such vehicle, has first applied to and obtained a permit to operate said vehicle from the Marshal. In any event, it shall be unlawful for any person to operate said vehicle between the hours of 9: 00 P.M. and 8:00 A.M. (1961 Code)

Article 6-1.04 - Discharge of Firearms

- (a) Prohibited - It shall be unlawful for any person to discharge firearms of any kind or description within the City limits. This shall not apply to law enforcement officers in the carrying-out of their duties, nor for hunting areas duly designated by the Arizona Game and Fish Department during lawful hunting seasons. The term "firearms" includes BB guns and air rifles.
- (b) Exceptions - City Council may at any time, upon receipt of proper application, grant permits to shooting galleries, gun clubs, and others, for shootin<sup>3</sup> in fixed localities and under specified rules. Such permits shall be in writing, 'attested to by-the Clerk and conforming to such requirements as the Council shall demand and the permit thus issued shall be subject to revocation at any time, by action of the Council.(1961 Code)

Article 6-1.05 - Fishing From Dam Traversing upon or fishing from the Santa Fe Dam is prohibited. (Ord. 630).

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## CHAPTER 6-2 – TRAFFIC AND PARKING

Article 6-2.01 - Provisions of Arizona Revised Statutes All appropriate provisions of Arizona Revised Statutes Title 28 dealing with traffic and vehicles shall be deemed to apply upon all City streets, alleys, and roadways. (1988 Code)

Article 6-2.02 - Speed Limits Within City The speed limit within the City limits shall be 25 miles per hour, except as otherwise authorized by the City Council and posted by the Chief of Police. (1961 Code/Amended 1988 Code)

Article 6-2.03 - Written Reports of Accidents Pursuant to A.R.S. Section 28-675, the driver of any vehicle involved in an accident resulting in bodily injury or to death of any person, or total property damage in excess of the statutory minimum shall, within five (5) days after the accident, forward a copy of the written accident report, required by A.R.S. Section 28-667, to the Chief of Police. (1961 Code/Amended 1988 Code)

Article 6-2.04 - No Passing Zones The Chief of Police is authorized to determine those portions of any highway or street where overtaking and passing, or driving to the left of the roadway would be especially hazardous, and may by appropriate signs or markings on the roadway, indicate the beginning and ending of such zones. When the signs and markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof. (1961 Code)

### Article 6-2.05 - One Way Roadways and Rotary Traffic Islands

- (a) One Way Roadways - The Council may designate any highway or street or any separate roadway under its jurisdiction, for one way traffic and shall cause to be erected appropriate signs giving notice thereof. Upon a roadway designated and sign posted for one way traffic, a vehicle shall be driven only in the direction designated.
- (b) Rotary Traffic Islands - A vehicle passing around a rotary traffic island shall be driven only to the right of the island. (1961 Code/Amended 1988)

Article 6-2.06 - Parallel Parking It shall be unlawful for the driver of any vehicle to stop the same, or cause or permit the same to be stopped in or upon any street unless the wheels of such vehicle nearest the curb or curb line, are not more than twelve (12") inches distant from such curb or curb line; provided, however, that the provisions of this Section shall not apply when such stop is made for the purpose of allowing another vehicle or pedestrian to pass in front of such vehicle so stopping, or when in compliance with a signal or order of a law enforcement officer. (Ord.601)

Article 6-2.07 - Stopping For Repairs No person shall leave standing, or cause, or permit to be left standing, upon any public street, a vehicle undergoing repair or which has been stopped for the purpose of having repairs made thereon; or for storage; provided however, that this provision shall not apply to a vehicle which shall be disabled while on such street in such a manner and to such extent that it shall be impossible to avoid stopping such vehicle on such street and impracticable to remove the same until repairs have been made. (Ord. 601)

Article 6-2.08 - Damage to Sidewalks No proprietor of any garage or other service station or any employee thereof or any other person, shall service or permit to be serviced, any vehicle with gasoline or oil, or perform any other service in connection with any vehicle, while the same is standing upon any part of any sidewalk of the City. (Ord.601)

Article 6-2.09 - Backing from and Parking in Alleys In no instance shall any vehicle be backed out of an alley. No vehicle shall be parked in any alley of the City in a fashion that allows less than twelve (12') feet clearance through the alley. (Ord.601)

Article 6-2.10 - Angle Parking-Restricted All parking on public streets, except specified, striped and posted otherwise shall be parallel.

Article 6-2.11 - Parking Zones Special parking zones, limited parking zones, no parking zones and loading zones shall be established by the Chief of Police after consultation with the City Engineer. No such zone shall be effective until properly marked and posted.

Article 6-2.12 - Wrong Way Parking It shall be unlawful to park in the opposite lane facing oncoming traffic.

Article 6-2.13 - Stop and Yield Signs Stop signs and yield signs shall be established by the Chief of Police after consultation with the City Engineer.

Article 6-2.14 - Bicycles, Skateboards and Play Vehicles

- (a) Where signs are erected giving notice thereof, no person shall ride a bicycle, skateboard, rollerblades or other type of play vehicle upon a sidewalk. This prohibition shall also apply to any bicycle, skateboard or play vehicle which is equipped with or assisted by a motor. Signs prohibiting such activity shall be installed at locations as directed by the Chief of Police.
- (b) Unless otherwise posted pursuant to subsection (a), a person may ride a bicycle, skateboard or play vehicle upon any public sidewalk. This Section does not permit a motor-equipped or assisted bicycle, skateboard or play vehicle to be ridden on the sidewalk where otherwise unlawful. When doing so, such person shall be subject to the following additional provisions:
  - (1) Such person shall yield the right-of-way to all pedestrians and exempt vehicles.
  - (2) Such person shall yield the right-of-way to all traffic on the roadway when entering a roadway or intersection from the sidewalk.
  - (3) Such person shall yield the right-of-way to all traffic crossing the sidewalk at a driveway or alley.
  - (4) Such person shall ride with the flow of the pedestrian traffic on the sidewalk. (Ord. 744 §1, 1995)

Article 6-2.15 - Penalty Violation of the provisions of this Chapter shall be considered a petty offense. (Ord. 744 §2, 1995)

#### Article 6-2.16 - Motorized Play Vehicle Definition

Motorized Play Vehicle means a coaster, scooter, or skateboard that is self-propelled by a gas or electric motor, and which is not otherwise defined in A.R.S. Title 28 as a motor vehicle, motorcycle, motor-driven cycle, motorized wheelchair or electric personal assistive mobility device, and not subject to vehicle registration under Arizona law.

#### Article 6-2.17 - Prohibitions

- (a) No Motorized Play Vehicle may be operated on any public sidewalk, roadway, or any other part of a highway or on a bicycle path or trail.
- (b) (Reserved)
- (c) If a sanction is imposed upon a minor for violation of this Article, the parents or legal guardian having custody or control of the minor shall be jointly and severally liable with the minor for payment of the sanction, whether or not the parents or guardian knew of, or anticipated, a violation of this section.
- (d) Violations of this section are civil traffic violations and shall be prosecuted and punished in the same manner as other civil traffic violations. (Ord. 868, 2007)

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## CHAPTER 6-3 - CAMPING

### Article 6-3.01 - Conduct Prohibited It shall be unlawful:

- (a) For any person to set up, use or maintain any temporary structure, tent, bag, vehicle, a camper or any other thing for the purpose of camping, lodging, sleeping, cooking or starting or maintaining a camp fire; or establish a temporary place of rest, on any private or public property within the City limits, including property owned, operated or managed by any local, state or federal agency or department, unless such use is exempted by any of the following sections.
- (b) For any person to sleep in or upon any public building, alley, sidewalk, public way or any federal, state, county or municipal designated trail head, or any property owned, operated or managed by any local, state or federal agency or department, or any other public place or facility within the corporate limits of the City of Williams, unless exempted by the following subsections.
- (c) For the owner of any private property, or any manager, renter, lessee or agent thereof, to knowingly permit any person to violate this Article. (Ord. 816 (part), 2001)

### Article 6-3.02 - Exceptions

- (a) No person shall be arrested or cited for a violation of any provision in this Article unless such person continues to engage in such conduct after a warning by any police officer; an authorized representative of the governmental entity managing or responsible for such public property; or the property owner, manager, renter, lessee or agent thereof, as the case may be; or unless such property is conspicuously posted, warning of the provisions of Article 6-3.01 and designated such violation as a misdemeanor.
- (b) This Article shall not apply to the ordinary and permitted uses of improved residential lots subject to and in conformity with the City Code, nor shall this Article be interpreted to limit the use of such lots by the owners thereof for any lawful purpose.
- (c) This Article shall not apply to legally permitted campgrounds operated or controlled by any private person or governmental agency, including, but not limited to, the United States Forest Service and/or Coconino County.
- (d) This Article shall not be construed to limit the customary activity of camping on the City of Williams' rodeo grounds in conjunction with any rodeos, fairs or other public events held on the rodeo grounds.
- (e) This Article shall not apply to the parking of any vehicle, camper or recreational vehicle for a period of less than twenty-four (24) hours with the consent, either express or implied, of the respective governmental entity, property owner, manager, renter, lessee or agent thereof, unless the property upon which any such vehicle, camper or recreational vehicle is parked is conspicuously posted as provided in subsection (a) of this Article, or unless an authorized agent of the respective governmental entity managing or responsible for such property, or the property owner, manager, renter, lessee or agent thereof,

specifically requests that such vehicle, camper or recreational vehicle be moved within the twenty-four (24) hour period. (Ord. 816 (part), 2001)

Article 6-3.03 - Proof of intent Unless otherwise specifically permitted by this Article, the parking of any vehicle, tent, camper, recreational vehicle or other similar device in any location for more than twenty-four (24) hours when not upon one's own real property shall be prima facie evidence of an intent to violate this Article. (Ord. 816 (part), 2001)

Article 6-3.04 - Penalty Any violation of this Article shall constitute a Class-1 Misdemeanor, punishable by a fine of not more than two thousand-five hundred dollars (\$2,5000), or by six (6) months in jail, or both. (Ord. 816 (part), 2001)

## CHAPTER 6-4 - TRUCK TRAFFIC (Ord. 621; 622)

Article 6-4.01 - Definitions Whenever the following words or terms are used in this Chapter, they shall have the meaning(s) herein ascribed to them, unless the context makes such meaning repugnant thereto, or unless said section defines the terms differently.

- (a) Deviating Truck - The term "deviating truck" shall mean a truck which leaves and departs from a truck route while traveling within the City.
- (b) Person - The word "person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
- (c) Truck - The word "truck" shall mean any vehicle designed or operated for the transportation of property and whose body weight or whose combined body and load weight exceeds ten thousand (10,000) pounds.
- (d) Truck Route - The term "truck route" shall mean a way over certain streets, as designated herein, over and along which trucks coming into and going out of the City must operate.

Article 6-4.02 - Application of Regulation All trucks within the City shall be operated only over and along the truck route herein established and on the other designated streets over which truck travel is permitted. The exceptions to this are as follows:

- (a) Operation on Street of Destination - The operation of trucks upon any street where necessary to the conduct of business at a destination point, provided streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point.
- (b) Emergency Vehicles - The operation of emergency vehicles upon any City street.
- (c) Public Utilities - The operation of trucks owned or operated by the City, any contractor or material man, while engaged in the repair, maintenance or construction of streets, street improvements or utilities within the City.
- (d) Detoured Trucks - The operation of trucks upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established.

Article 6-4.03 - Truck Routes Established The following truck routes are hereby established in the City of Williams:

- (a) Eastbound and Westbound - When entering the City from the east or west and traveling in an eastbound or westbound direction through the City, Bill Williams Avenue and Railroad Avenue shall be used.
- (b) Northbound and Southbound - When entering the City from the south on the Perkinsville Road and traveling in a northerly direction through the City, the following routes shall be used: Fourth Street from the City limits to either Bill Williams Avenue or Railroad Avenue. Traffic proceeding in a southerly direction shall utilize the same route in reverse.

- (c) Eastbound or Westbound Trucks Exiting 1-40 at Grand Canyon Blvd. (Exit 163)  
Eastbound 1, or westbound trucks exiting 1-40 at Grand Canyon Boulevard (Exit 163) shall only move in a southerly direction to Bill Williams Avenue or Railroad Avenue.
- (d) Rodeo Road - From the east City limits to Airport Road.
- (e) Airport Road - From Edison Avenue north to the City limits.
- (f) Edison Avenue - From Airport Road west to Grand Canyon Blvd.

Article 6- 4.04 - Designating Streets For Truck Use In addition to those streets in the City constituting a part of a truck route as established herein, the Superintendent of Streets may from time to time, with the consent of the Council and Chief of Police, designate additional streets as alternate truck routes and shall so post the same.

Article 6-4.05 - Truck Traffic of Outside Origin

- (a) One Inside Destination Point - All trucks entering the City for a destination point in the City shall proceed only over an established truck route and shall deviate only at the intersection with the street, on which such traffic is permitted, nearest to the destination point. Upon leaving the destination point, a deviating truck shall return to the truck route by the shortest route.
- (b) Multiple Inside Destination Points - All trucks entering the City for multiple destination points shall deviate only at the intersection with the street upon which such traffic is permitted nearest to the first destination point. Upon leaving the first destination point, a deviating truck shall proceed to other destination points by the shortest direction. Upon leaving the last destination point, a deviating truck shall --return-to the truck route by the shortest route.

Article-6-4.06 - Truck Traffic of Inside Origin

- (a) Outside Destination Point - All trucks on a "trip originating in the City and traveling in the City for a destination point outside the City shall proceed by the shortest direction to a truck route as herein established.
- (b) Inside Destination Points - All trucks on a trip originating in the City and traveling in the City for destination points in the City shall proceed over the truck route to the fullest extent possible under the circumstances.

Article 6-4.07 - Additional Regulations

- (a) No truck shall be parked on any City street or right-of-way For any period in excess of two (2) hours.
- (b) No truck shall be parked on private or public property unless said property is adjacent to a designated truck route and there is provided an adequate exit from the street so as not to harm the shoulder or edge of the street.

Article 6-4.08 - Enforcement

- (a) Maps - The City Clerk shall be furnished accurate maps setting out the truck route and streets upon which truck traffic is permitted; and the maps shall be kept on file in the office of the Clerk and shall be available -to the public. Such maps shall be furnished by the Superintendent of Streets.
- (b) Sign Maintenance - The Superintendent of Streets of the City shall cause all designated truck routes to be properly posted as such.
- (c) Weigh-In - The Police shall have the authority to require any person driving or in control of any truck not proceeding over a truck route or street over which truck traffic is permitted to proceed to any public or private scale available for the purpose of weighing and determine whether this Code has been complied with.
- (d) Penalty - Any violation of any portion of this Chapter shall be punishable as a Class 3 Misdemeanor.

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## CHAPTER 6-5 - ABANDONED VEHICLES (Ord.623)

Article 6-5.01 - Definitions Whenever the following words or terms are used in this Chapter, they shall have the meaning(s) herein ascribed to them, unless the context makes such meaning repugnant thereto, or unless said section defines the terms differently.

- (a) Abandoned - The word "abandoned" shall mean worn out, without the current license plates or tabs, inoperable, unused, stripped, unclaimed, scrapped, junked or discarded. When such motor vehicles without current licenses or tabs 'are in the same location more than fifteen (15) successive calendar days without any repairs, there shall be a presumption of intent to abandon.
- (b) Motor Vehicle - The term "motor vehicle" shall mean any automobile, bus, truck or tractor, or other motorized vehicle.
- (c) Private Property - The term "private property" shall mean any land owned by any person, firm, partnership or corporation other than the United States, the State, the County, or the City of Williams, including streets, rights of way, easements, and open spaces not dedicated to the general public for unrestricted public use.
- (d) Unsheltered - The word "unsheltered" shall mean anything outside a carport, garage or other building; or without the confines of a suitable fenced area allowing the vehicle to be visible to others.

Article 6-5.02 - Abandoned Motor Vehicles The unsheltered storage, parking, standing or placement of an abandoned motor vehicle for a period of fifteen (15) days or more on any private property within the corporate limits of this City, except where permitted by Title 9 of this Code relating to zoning, is hereby declared to be a nuisance and dangerous to the public safety.

Article 6-5.03 - Abatement of Nuisance The owner, owners, tenants, lessees, occupant and or other occupants of any private property within the corporate limits of this City, upon which such storage is made and also the owner or owners of such abandoned motor vehicles involved in such storage, shall jointly and severally abate said nuisance.

### Article 6-5.04 - Notification

- (a) Any owner, tenant, lessee, occupant or other person who fails, neglects or refuses to abate such nuisance shall be notified in writing either by personal service from the Police Department, or by certified mail, return receipt requested, by the City Manager or his representative to abate such nuisance within ten (10) days from the date appearing on such written Notice.
- (b) When any such owner , tenant , lessee , occupant , or other person to whom Notice is given , fails , neglects , or refuses for more than ten (10) days from the date appearing on said Notice to Abate said nuisance , the City Manager or his representative is hereby authorized and directed to remove said abandoned motor vehicle from said premises, and dispose of same according to the provisions of Arizona ' Revised Statute - Section 28-1408 relating to abandoned vehicles including a report of the Superintendent of the Motor Vehicle Division of the Arizona State Highway Department. The City Manager may,

upon request from any such owner, tenant, lessee, occupant or other person to whom Notice has been given , grant an extension of the time required to repair or remove any vehicle. The City Manager shall issue written notification of the granting and length of the extension.

Article 6-5.05 - Penalty Every owner, tenant, lessee, occupant, or other person who shall fail, neglect, or refuse to abate the aforementioned nuisance as provided above, shall also be guilty of a Class 3 misdemeanor. Each day that the violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Chapter.

Article 6-5.06 - Additional Powers The powers described herein relating to removal of abandoned vehicles from private property are in addition to those powers granted in Arizona Statutes Title 28 Article 5, relating to removal of abandoned vehicles from public property; Arizona Revised Statutes Section 28-872, relating to removal of illegally stopped vehicles on a public way; and to any other police powers vested in the City by statute.

## CHAPTER 6-6 - CURFEWS

### Article 6-6.01 - Curfew Law

- (a ) After Labor Day and until Memorial Day, it shall be unlawful for any person under eighteen (18) years of age to be upon any of the streets, alleys or public places in the City between the hours of 10:30 p.m. and 5:30 a.m. the next day, Sunday evening through Friday morning, and between the hours of 12:30 a.m. and 5:30 a.m. each Saturday, Sunday and legal holiday, unless such person is attending to urgent business or en route directly home from employment or an authorized function sponsored by the church, school, civic club or organization, theater or similarly supervised activity and can give a satisfactory account of why he is absent from home, or be accompanied by a parent, guardian, adult relative or adult friend approved by a parent or guardian. On Memorial Day and through Labor Day, it shall be unlawful for any person under eighteen (18) years of age to be upon any of the streets, alleys or public places in the City between 12:30 a.m. and 5:30 a.m., unless such person is attending to urgent business or en route directly home from employment or an authorized function sponsored by the church, school, civic club or organization, theater or similarly supervised activity and can give a satisfactory account of why he is absent from home, or be accompanied by a parent, guardian, adult relative or adult friend approved by a parent or guardian. When such person is attending to some urgent business and can give a satisfactory reason for being away from home between the hours above stated, unaccompanied by a parent, guardian, adult relative or adult friend approved by a parent or guardian, such minor must transact such business as speedily as possible, and it shall be unlawful for such minor to loiter, linger or ride aimlessly upon the streets, alleys or public places in the City. This subsection does not apply to emancipated minors.
- (b) It shall be unlawful for the parent or guardian of a person subject to subsection (a) of this section to willfully and knowingly permit such person to be upon any of the streets, alleys or public places in the City between the hours set forth in subsection (a) of this Section. The provisions of this subsection do not apply when such person is accompanied by his parent, guardian or adult relative or adult friend approved by a parent or guardian, and when such person can give a satisfactory account why he is absent from home as provided in subsection (a) of this Section.
- (c) Any minor who shall violate the provisions of this Section shall be guilty of a misdemeanor, and proceedings shall be taken in accordance with and pursuant to Ariz. Rev. Stat. Rev. Tit. 8, Ch. 2 (Section 8-201 et seq.).
- (d) Any person over the age of eighteen (18) years who is convicted of a violation of subsection (b) shall be guilty of a class one misdemeanor. The court shall impose a mandatory minimum fine for the first offense of one hundred dollars (\$100.00), together with any applicable surcharge required by law, which may not be waived or suspended. The court shall impose a mandatory minimum fine for the second or subsequent violation of subsection (b) in the amount of two hundred fifty dollars (\$250.00), together with any surcharge required by law, which may not be waived or suspended. The court may

additionally require such persons to perform community service as a condition of sentence. (Ord. 738 §2, 1995)

## CHAPTER 6-7 - ABATEMENT OF DANGEROUS BUILDINGS

### Article 6-7.01 - Purpose and Scope

- (a) These regulations are adopted from the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, Sections 102-401.2. Any centered, subject headings are for the assistance of any person reading this Chapter. The headings are not intended to be substantive parts of this Chapter.
- (b) It is the purpose of this Code to provide just, equitable and practicable method to be cumulative with and in addition to any other remedy provided by the Building Code, Housing Code, or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.  
  
The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Code.
- (c) Scope. The provisions of this Code shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction. (Ord. 791 (part), 1999)

Article 6-7.02 - Alterations, Additions and Repairs All buildings or structures which are required to be repaired under the provisions of this Code shall be subject to the provisions of Section 3403 of the Building Code. (Ord. 791 (part), 1999)

## ENFORCEMENT

### Article 6-7.03 - General

- (a) Administration. The City Manager, Building Official, and Fire Chief and/or their authorized representative are hereby authorized to enforce the provisions of this Code.
- (b) The City shall have the power to render interpretations of this Code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this Code. (Ord. 791 (part), 1999)

### Article 6-7.04 - Inspections

- (a) The City Manager, the Fire Chief, the Building Official and/or their authorized representative are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Code.
- (b) Right of Entry. When it is necessary to make an inspection to enforce the provisions of this Code, or when the Building Official or the Building Official's authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this Code which makes the

building or premises unsafe, dangerous or hazardous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the Building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the Building official shall have recourse to the remedies provided by law to secure entry. "Authorized representative" shall include the officers named in Article 6-7.04(a) and their authorized inspection personnel. (Ord. 791 (part), 1999)

Article 6-7.05 - Abatement of Dangerous Buildings All buildings or portions thereof which are determined after inspection by the Building Official to be dangerous as defined in this Code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Article 6-7.10 to 6-7.13 of this Code. (Ord. 791 (part), 1999)

Article 6-7.06 - Violations It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Code. (Ord. 791 (part), 1999)

Article 6-7.07 - Inspection of Work All buildings or structures within the scope of this Code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this Code and Sections 108 and 1701 of the Building Code. (Ord. 791 (part), 1999)

Article 6-7.08 - Definitions

- (a) For the purpose of this Code, certain terms, phrases, words and their derivatives shall be construed as specified in either this Chapter or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.
- (b) "Building Code" means the Uniform Building Code promulgated by the International Conference of Building officials, as currently adopted by this jurisdiction.
- (c) "Dangerous Building" means any building or structure deemed to be dangerous under the provisions of Section 302 of this Code.
- (d) "Housing Code" means the Uniform Housing Code promulgated by the International Conference of Building Officials, as currently adopted by this jurisdiction. (Ord. 791 (part), 1999)

Article 6-7.09 - Dangerous Building For the purpose of this Code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a

dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

- (a) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- (b) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- (c) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
- (d) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
- (e) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (f) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
- (g) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- (h) Whenever the building or structure, or any portion thereof, because of (1) dilapidation, deterioration or decay; (2) faulty construction; (3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse.
- (i) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (j) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
- (k) Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or

fifty percent (50%) damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

- (l) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (1) an attractive nuisance to children; (2) a harbor for vagrants, criminals or immoral persons; or as to (3) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- (m) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
- (n) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than fifty percent (50%), or in any supporting part, member or portion less than sixty-six percent (66%) of the (1) strength, (2) fire-resisting qualities or characteristics, or (3) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
- (o) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- (p) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire chief to be a fire hazard.
- (q) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
- (r) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public. (Ord. 791 (part), 1999)

#### NOTICES AND ORDERS OF BUILDING OFFICIAL

Article 6-7.10 - Commencement of Proceedings to Order Repair, Demolition or Vacation of Building When the Building Official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the Building Official shall commence proceedings to cause the repair, vacation or demolition of the building. (Ord. 791 (part), 1999)

Article 6-7.11 - Notice and Order The Building Official shall issue a notice and order directed to the owner, owner's agent, lessee or occupant of the building. The notice and order shall contain:

- (a) The street address and a legal description of the premises upon which the building is located.
- (b) A statement that the Building Official, Fire Chief or their authorized representative has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Article 6-7.09 of this Code.
- (c) A statement of the action required to be taken as determined by the Building Official.
  - (1) If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (at least thirty (30) days from the date of the notice and not to exceed sixty (60) days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all of the circumstances.
  - (2) If the Building Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the Building Official to be reasonable.
  - (3) If the Building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (at least thirty (30) days from the date of the notice and not to exceed sixty (60) days from the date of the order); that all required permits be secured therefore within thirty (30) to sixty (60) days from the date of the order; and that the demolition be completed within such time as the Building Official shall determine is reasonable.
  - (4) A date and time for re-inspection of the property.
  - (5) Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done (abate the problem) and assess the owner the cost of such abatement and record a lien on the property for the assessment. If the City reserves the right to abate the dangerous building, the notice must also comply with the provisions of Article 6-7.18.
  - (6) Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the City Council, provided the appeal is made in writing as provided in this Code and filed with the Building Official within fifteen (15) days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter. (Ord. 791 (part), 1999)

Article 6-7.12 - Service of Notice and Order The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following, if known, to the Building Official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the City Manager, Building Official, Fire Chief or their authorized representative to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this Article. (Ord. 791 (part), 1999)

Article 6-7.13 - Method of Service

- (a) Service of the notice and order shall be made upon all entitled thereto by either having the Building Official, the City Manager or the designee of the City Manager personally serve the notice, or by mailing the notice by certified mail, return receipt requested. In complying with the obligation to "personally serve" the notice, the Building Official, City Manager or designee may follow Arizona Rules of Civil Procedure 4.1 and 4.2. In complying with the obligation to mail notice to the owner of the property, the Building Official, City Manager or designee can mail the notice to the last address on the tax bill. If the owner does not live on the property, the City Manager or designee can also send the notice to the last known address of the owner.
- (b) Notice is deemed effective on the date it is hand delivered, sent, or deposited in the United States mail.
- (c) Nothing herein shall preclude the City from giving additional oral or written notice at its discretion. If the City does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situation. (Ord. 791 (part), 1999)

Article 6-7.14 - Proof of Service Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Building Official. (Ord. 791 (part), 1999)

Article 6-7.15 - Recordation of Notice and Order Any notice issued under this Chapter shall run with the land. If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the City may, in its sole discretion, file in the office of the County Recorder a certificate describing the property and certifying (1) that the building is a dangerous building and (2) that the owner occupant, and/or lessee, if any, have been so notified. By recording the notice, the City may thereby cause compliance by any person or entity thereafter acquiring such property. The failure to record any notice shall not affect the validity of notice as to any person or entity receiving actual notice of the City's notice. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the Building

official shall file a new certificate with the County Recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate. (Ord. 791 (part), 1999)

Article 6-7.16 - Repair, Vacation and Demolition The following standards shall be followed by the Building Official (and by the City Council if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

- (a) Any building declared a dangerous building under this Code shall be made to comply with one of the following:
  - (1) The building shall be repaired in accordance with the current Building Code or other current code applicable to the type of substandard conditions requiring repair; or
  - (2) The building shall be demolished at the option of the building owner, if the costs of repair exceed the benefit to property; or
  - (3) If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.
- (b) If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated. (Ord. 791 (part), 1999)

Article 6-7.17 - Notice to Vacate

- (a) Posting. Every notice to vacate shall, in addition to being served as provided in Article 6-7.13, be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER  
UNSAFE TO OCCUPY  
It is a misdemeanor to occupy  
this building, or to remove  
or deface this notice.  
Building Official  
of

- (b) Compliance. Whenever such notice is posted, the City Manager, Building Official, Fire Chief or their authorized representative shall include a notification thereof in the notice and order issued under Article 6-7.16(b), reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code. (Ord. 791 (part), 1999)

ABATEMENT BY THE CITY

Article 6-7.18 - Abatement of Dangerous Buildings by the City

- (a) If the property owner, occupant, lessee or other person served with a notice pursuant to this Chapter fails to comply with such notice or order, the City may correct or abate the conditions subject to the notice, including the right to demolish the dangerous building if the cost to the City to repair the building exceeds the cost to demolish the dangerous building.
- (b) If the City reserves the right to abate the nuisance itself, it shall include in the notice issued under Article 6-7.10 to 6-7.11 the costs to the City of repair or demolition if the owner or lessee does not comply with the notice.
- (c) In the event the City corrects or abates a violation of this chapter, the City shall prepare a verified statement and account of the actual cost of such removal or abatement, including the cost of labor and expenses incurred by the City, any associated legal costs for abatement and injunctions, as well as an additional five percent (5%) for inspection and other incidental costs in connection with such correction or abatement. The statement of abatement costs shall be delivered or mailed, certified mail return receipt requested, to the owner(s), occupants, lessees or other person(s) upon whom the City served the notice or order. That statement shall further set forth the following:
  - (1) The statement of costs is an assessment upon the lots, and tracts of land from which the City corrected or abated the violation;
  - (2) The assessment shall be payable in equal annual installments from the date the assessment is recorded and according to the following schedule:

Less than \$500:	Within one year after assessment recorded
\$500-\$1,000:	Within two years after assessment recorded
\$1,000-\$5,000:	Within three years after assessment recorded
\$5,000-\$10,000:	Within six years after assessment recorded
Over \$10,000:	Within ten years after assessment recorded.
  - (3) The right to appeal the amount of the costs.
- (d) The City shall prepare the verified statement and account within forty-five (45) days from the last day in which the City performed any work on the property. The verified statement and account shall be an assessment on the property.
- (e) The assessment shall be recorded in the office of the Coconino County Recorder and, from the date of its recording, shall be a lien on the lot or tract of land. Such lien is prior to and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes.
- (f) If, at any time, payments are not made in a timely manner, the City may file an action for judgment on foreclosure and order of sale in superior court for both the amount past due as well as the entire, outstanding amount of the lien. The failure to enforce the lien or the

foregoing payment schedule shall not affect either the validity of the lien or the right to receive payments.

- (g) 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.
- (h) A prior assessment pursuant to this section shall not be a bar to a subsequent assessment, and any number of liens on the same lot or tract of land may be enforced in the same action. (Ord. 791 (part), 1999)

### APPEALS OF NOTICES AND ASSESSMENTS

#### Article 6-7.19 - Appeals to City Council

- (a) Any notice or assessment may be appealed to the City Council.
- (b) An appeal must be filed within fifteen (15) days of the service of the notice to abate or assessment, and must be filed with the City Clerk's office.
- (c) Failure of a person entitled to appeal under this Chapter to timely file an appeal shall constitute a waiver of the right to a hearing of the complaint and such person shall be estopped to deny the validity of any notice or assessment which could have been timely appealed.
- (d) The notice of appeal shall set forth, in writing, the person's reasons for believing they are not in violation of the Chapter or that the assessment is excessive.
- (e) The individual appealing shall accompany the written appeal with an appeal fee of twenty-five dollars (\$25.00), such sum to be deposited in the general fund of the City.
- (f) In case of financial hardship, the fee may be suspended. (Ord. 791 (part), 1999)

#### Article 6-7.20 - Matters on Appeal Any person may appeal a notice to abate or assessment:

- (a) When it is claimed the property or building subject to the notice is not in violation of the Ordinance;
- (b) When it is claimed the true intent of the Chapter or standards described in the Chapter have been incorrectly interpreted; or
- (c) When it is claimed that the City's costs for correcting or abating the violation are excessive. (Ord. 791 (part), 1999)

#### Article 6-7.21 - Procedure on Appeal

- (a) The City Council shall set a date for hearing on appeal within thirty (30) days of the receipt of notice of appeal by the City Clerk. The notice to appellant shall be substantially in the following form, but may include other information:

You are hereby notified that a hearing will be held before the City of Williams City Council at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at the hour \_\_\_\_\_, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.

- (b) A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the Council. The proceedings at the hearing may also be reported by a certified court reporter if requested by appellant and paid for by appellant. If the appellant retains the services of a court reporter, a copy of the transcript shall be made available to the City, if requested, upon payment of the court reporter's fee for a copy of the transcript.
- (c) The council shall take testimony from all parties to the appeal. The City Council has the power to administer oaths and affirmations and to certify to official acts.
- (d) Each party shall have these rights, among others:
  - (1) To call and examine witnesses on any matter relevant to the issues of the hearing;
  - (2) To introduce documentary and physical evidence;
  - (3) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
  - (4) To impeach any witness regardless of which party first called the witness to testify;
  - (5) To rebut the evidence;
  - (6) To be represented by anyone who is lawfully permitted to do so in the State of Arizona.
- (e) The City Council may inspect any building or premises involved in the appeal as part of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the City Council shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the City Council.
- (f) The Council shall prepare a written summary of the hearing and shall set forth the decision reached. A decision shall be rendered within fifteen (15) days of the hearing, and the findings and decision shall be mailed to all parties to the appeal. (Ord. 791 (part), 1999)

Article 6-7.22 - Abatement Variances and Time Extensions

- (a) Any person may request a variance or time extension of a notice or assessment. Such request shall be made to the City Council.

- (b) The same time limits for filing, fees, and written requirement that appear in Article 6-7.19-6-7.20 on appeal apply to this Article.
- (c) The procedure shall be the same as set forth in Article 6-7.21.
- (d) Where the Council grants a variance, it shall set forth its reasons for granting the variance and the extent of the variance.
- (e) The Council may grant a variance only where it is determined that all of the following apply:
  - (1) Special circumstances or conditions apply to this appeal application such as hardship;
  - (2) Authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and
  - (3) Authorizing of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property or adjacent property values, to the neighborhood, or to the public welfare in general.
- (f) The council may grant one (1) extension of the time limit set forth in Article 6-7.11. Such extension shall not exceed one hundred eighty (180) days. The extension period granted by the Council starts to run on the day the Council issues its decision pursuant to Article 6- 8.21(f). The Council may grant an extension only where it is shown that:
  - (1) It would create a hardship to bring the property into compliance within the thirty-day (30) period of Article 6-7.11.
  - (2) The moving party presents a plan, that is approved by the council by which the property will be brought into compliance within one hundred eighty (180) days. (Ord. 791 (part), 1999)

Article 6-7.23 - Appeal from Decision of Council Any party aggrieved by a decision of the Council may appeal to the Coconino County Superior Court in accordance with the Rules of Procedure for Special Actions. (Ord. 791 (part), 1999)

Article 6-7.24 - Stay of Order During Appeal to Council Except for orders to vacate or violations presenting an imminent hazard, the timely filing of an appeal shall stay enforcement of a notice to abate or assessment until the appeal is finally determined by the Council. (Ord. 791 (part), 1999)

#### ENFORCEMENT OF THE ORDER OF CITY OFFICIALS OR THE CITY COUNCIL

Article 6-7.25 - General After any order of the City Manager, Building Official, Fire Chief, or their authorized representative, or the City Council made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a class one misdemeanor and shall be sentenced to no more than a fine of two thousand five hundred dollars (\$2,500.00), six (6) months in jail and three (3) years probation, nor less than a fine of five hundred dollars (\$500.00) and be placed on probation for not less than one (1) year. A judge

shall not suspend any or all of the impositions or execution of the sentence required by this Article. (Ord. 791 (part), 1999)

Article 6-7.26 - Failure to Obey Order If, after any order of the City Manager, Building Official, Fire Chief, or their authorized representative, or City Council made pursuant to this Article code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted under Article 6-7.25, 6-7.28 - 6-7.38 or (ii) abate such building as a public nuisance. (Ord. 791 (part), 1999)

Article 6-7.27 - Failure to Commence Work Whenever the required repair or demolition is not commenced within thirty (30) days after any final notice and order issued under this Code becomes effective:

- (a) The Building Official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

DANGEROUS BUILDING  
DO NOT OCCUPY  
It is a misdemeanor to occupy  
this building, or to remove  
or deface this notice.  
Building Official  
of

- (b) No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the Building official have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.
- (c) The City Manager, Building Official, Fire Chief, or their authorized representative may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this Code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto. (Ord. 791 (part), 1999)

Article 6-7.28 - Option to Proceed Criminally or Civilly In addition to commencing proceedings to cause the repair, demolition or vacation of a building, the Building Official may proceed, pursuant to this Article, by citation for civil sanctions or by complaint for criminal sanctions. (Ord. 791 (part), 1999)

Article 6-7.29 - Civil Penalties Upon a finding of responsibility to a civil violation of this Chapter the court shall impose a civil sanction of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00). No judge shall suspend the imposition of the two hundred fifty dollars (\$250.00) sanction unless at the time of sentencing

the court finds by a preponderance of the evidence that the violation(s) the defendant was found responsible for has now been completely corrected, and that the defendant is now in full compliance with the Chapter. In that event, the judge may suspend all or part of the fine. (Ord. 791 (part), 1999)

Article 6-7.30 - Criminal Penalties

- (a) A person who is convicted of a violation of this chapter is guilty of a Class 1 misdemeanor and shall be sentenced to no more than a fine of two thousand five hundred dollars (\$2,500.00), six (6) months in jail and three (3) years probation, nor less than a fine of five hundred dollars (\$500.00) and be placed on probation for not less than one (1) year. A judge shall not suspend any or all of the impositions or execution of the sentence required by this Article.
- (b) Notwithstanding Subsection (a) of this Section if a judge finds at the time of sentencing, and by a preponderance of the evidence, that the violation(s) the defendant was convicted of has been corrected, and that the defendant is now in compliance with the Chapter, the court may:
  - (1) Sentence the defendant to pay a fine of not less than one hundred dollars (\$100.00), and
  - (2) Suspend all or part of the probation. (Ord. 791 (part), 1999)

Article 6-7.31 - Restitution In addition to any sanction or penalty provided for in this Article , such person shall be liable for all costs which may be associated with the City' s bringing the property into compliance with the Chapter. The court shall impose restitution as part of its sentence. (Ord. 791 (part), 1999)

Article 6-7.32 - Jurisdiction of City Court Jurisdiction of all proceedings to enforce the provisions of this Chapter shall be in City Court. (Ord. 791 (part), 1999)

Article 6-7.33 - Civil Violation; Commencement of Action

- (a) A civil violation may be commenced by issuance of a citation or by complaint.
- (b) The citation will be issued with a form modeled after the Arizona Traffic Ticket and Complaint and shall direct the defendant to appear in the City Court within ten (10) days after issuance of the citation.
- (c) The citation will further notify the defendant that if he fails to appear on or before the date specified in the complaint, a judgment by default will be entered against him, and the court may, in its discretion, impose a civil sanction not to exceed one thousand dollars (\$1,000.00).
- (d) Service of the citation may be accomplished and will be deemed proper and complete by any of the following methods:
  - (1) By having the defendant sign the citation with a promise to appear in court within ten (10) days of the issuance of the citation.

- (2) By hand delivering a copy of the citation to the defendant.
- (3) By mailing a copy of the citation to the person charged by certified or registered mail, return receipt requested, to the person's last known address.
- (4) In the event service cannot be accomplished as set forth in Subsections (d)(1), (2) or (3) of this Article, the state may serve the defendant by any means allowed by the Arizona Rules of Civil Procedure for the Superior Court. (Ord. 791 (part), 1999)

Article 6-7.34 - Civil Citation, Authority to Issue The City Manager, Building Official, Fire Chief, or their authorized representative may issue a civil citation pursuant to this Chapter. The authorized representative shall mean an individual employed by the City who has been appointed by the City Manager, in writing, to have the authority to issue Civil Code violations. Such authorization shall be filed with the City Clerk. (Ord. 791 (part), 1999)

Article 6-7.35 - Appearance by Defendant The defendant shall, within ten (10) days of the issuance of the citation, appear in person or through his attorney in the City Court and shall either admit or deny the allegations contained in the citation. If the defendant admits the allegations, the court shall enter judgment against the defendant and impose a civil sanction of the violation. If the defendant denies the allegations contained in the citation, the court shall set the matter for hearing. (Ord. 791 (part), 1999)

Article 6-7.36 - Default Judgment If a person served with a complaint fails to appear on or before the time directed to appear or at the time set for hearing by the court, the allegations in the complaint shall be deemed admitted and the court shall enter judgment for the City and impose a civil sanction. (Ord. 791 (part), 1999)

Article 6-7.37 - Rules of Procedure for Civil Violations The Arizona Rules of Procedure for Civil Traffic Violation Cases shall be followed by the City Court for civil violations of this Chapter, except as modified or where inconsistent with the provisions of this Chapter, local rules of the City Court or rules of the Arizona Supreme Court. (Ord. 791 (part), 1999)

Article 6-7.38 - Collection of Fines Any judgment for civil sanctions taken pursuant to this Article may be collected as any other civil judgment, including, but not limited to, the right to record the civil judgment and foreclose on the judgment. (Ord. 791 (part), 1999)

Article 6-7.39 - Violations not Exclusive Violations of this Chapter are in addition to any other violation enumerated within City ordinances or the City Code and in no way limits the penalties, actions or abatement procedures which may be taken by the City for any violation of this Chapter which is also a violation of any other ordinance or Code provision of the City or statutes of the State. (Ord. 791 (part), 1999)

Article 6-7.40 - Each Day Separate Violation Each day any violation of any provision of this Chapter is committed or permitted to continue, such violation shall constitute a separate offense and shall be punished as such hereunder. Each day there is a failure to perform any act or duty required by this Chapter shall constitute a separate offense and shall be punished as such hereunder. (Ord. 791 (part), 1999)

Article 6-7.41 - Interference with Inspection, Abatement Any person who interferes, prevents, or attempts to interfere or prevent an individual employed by the City or other person contracted for by the City, from investigating an alleged violation of this Chapter, or from correcting or abating a violation of this Chapter is guilty of a Class 1 misdemeanor. (Ord. 791 (part), 1999)

Article 6-7.42 - False Information Any person who knowingly makes a false or fraudulent statement, or knowingly misrepresents a fact, or misleads an individual employed by the City or other person contracted for by the City, when that individual is investigating, correcting or abating a violation of this Chapter, is guilty of a Class 1 misdemeanor. (Ord. 791 (part), 1999)

Article 6-7.43 - Conflict of Ordinances

- (a) In any case where a provision of this Chapter is found to be in conflict with a provision of any Zoning, Building, Fire, Safety or Health Ordinance or other provision in the Williams City Code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- (b) It is not intended by this Chapter 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 Chapter, 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 Chapter are in conflict, the most stringent or restrictive shall prevail. (Ord. 791 (part), 1999)

Article 6-7.44 - Severability If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter, which shall remain in full force and effect; and, to this end, the provisions of this Chapter are hereby declared to be severable. (Ord. 791 (part), 1999)

Article 6-7.45 - Slum Property

- (a) Pursuant to 1999 Laws, Chapter 4 (to be codified by the Arizona Legislature at Ariz. Rev. Stat. Ann. Section 33-1901(3)), property constitutes "slum property" whenever any "residential rental property" has deteriorated or is in a state of disrepair and that manifests one or more of the following conditions that are a danger to the health or safety of the public:
  - (1) Structurally unsound exterior surfaces, roof, walls, doors, floors, stairwells, porches or railings.
  - (2) Lack of potable water, adequate sanitation facilities, adequate water or waste pipe connections.
  - (3) Hazardous electrical systems or gas connections.
  - (4) Lack of safe, rapid egress.
  - (5) Accumulation of human or animal waste, medical or biological waste, gaseous or combustible materials, dangerous or corrosive liquids, flammable or explosive materials or drug paraphernalia.

- (b) The phrase "residential rental property" is defined in the City Code as it has been defined by the Arizona Legislature in 1999 Laws, Chapter 4 (to be codified at Ariz. Rev. Stat. Ann. Section 33-1901(2)) as "property that is used solely as leased or rented property for residential purposes. If the property is a space rental mobile home park or a recreational vehicle park, 'residential rental property' includes the rental space but does not include the mobile home or recreational vehicle that serves as the actual dwelling if the dwelling is owned and occupied by the tenant of the rental space and not by the owner of the rental space."
- (c) The City Manager, Building Official, and Fire Chief and/or their authorized representative are authorized to designate property as a "slum property." These individuals will designate property as "slum property" by use of the notice provisions of Article 6-7.11. The notice will be served in accordance with the provisions of Article 6-7.12 to 6-7.14.
- (d) Arizona law provides that a property owner is entitled to an administrative appeal of the designation of property as a "slum property." All appeals of the designation of property as a "slum property" shall be made in accordance with provisions set forth in Article 6-7.19 and 6-7.21. The matter on appeal will be whether the property qualifies as a "slum property" as that phrase has been defined by the Arizona Legislature and in the City Code, or may be further defined by the Arizona courts interpreting the statute.
- (e) The procedure on appeal will be the same procedure as is set forth in Article 6-7.21.
- (f) Pursuant to 1999 Laws, Chapter 4 (to be codified at Ariz. Rev. Stat. Ann. Section 33-1905), "there shall be no further appeals from the decision" of the Williams City Council on whether property constitutes "slum property."
- (g) The provisions of Article 6-7.45 shall become effective on the date and time that 1999 Laws, Chapter 4 becomes effective. (Ord. 791 (part), 1999)

## CHAPTER 6-8 - NUISANCE

### Article 6-8.01 - Purpose and Scope

- (a) The purpose of this Chapter is to promote the health, safety, economic, aesthetic and general welfare of the citizens of the City, and to protect neighborhoods against nuisances, blight and deterioration by establishing requirements for maintenance of all building exteriors, whether residential or nonresidential, or structures of whatever kind, and establishing requirements for the maintenance of all land, whether improved or vacant.
- (b) This Chapter shall apply to all buildings, structures and lands within the City without regard to the use, the date of construction or alteration. (Ord. 791 (part), 1999)

Article 6-8.02 - Definitions The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning:

"Abandoned or junked vehicle" means any vehicle without the current required license plates and tags; or that it is inoperable, unused, stripped, scrapped, junked, discarded, dismantled, wrecked, on blocks or similar devices, or vehicles with deflated tires.

"Accessory improvements" means improvements to land other than buildings including, but not limited to, driveways, sidewalks, walkways, exterior steps, railings, fences, screening walls and retaining walls.

"Aircraft" means any contrivance invented, used or designated for navigation or for flight in the air including, but not limited to, helicopters and lighter- than-air dirigibles and balloons.

"Attractive nuisance" means the maintenance of a condition, instrumentality, machine or other agency, which is dangerous to young children because of their inability to appreciate peril and which may reasonably be expected to attract them.

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

"Blight" or "blighted" means unsightly conditions including, but not limited to, the accumulation of debris; fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting; landscaping that is dead, damaged, characterized by uncontrolled growth or lack of maintenance; and any other similar conditions of disrepair and deterioration that contribute to the depreciation of neighborhood property values or affect the health, safety, economic, aesthetic or general welfare of citizens.

"Buildings or structures" means any man-made structure intended to be used by humans or animals on whole or in part with the purpose of living, sleeping, eating, cooking, sanitation, commerce, trade, manufacturing, business, advertising, governmental, worship, education, office, medical, storage or recreation.

"Compliance order" means an order notifying the recipient that he is subject to civil or criminal prosecution for a violation of this Chapter unless the violation is corrected.

"Debris" means junk, lumber, furniture, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, car parts, abandoned broken or neglected equipment, or the scattered remains of something of little or no apparent economic value.

"Deteriorated" or "deterioration" means a lowering in the quality in the condition or appearance of a building or structure or parts thereof, the fact or process of decay or degeneration, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, vermin infestation, unsafe or unsanitary conditions, or any other evidence of physical decay or neglect or excessive use or lack of maintenance.

"Exterior surfaces" means building exterior surfaces and attachments to said buildings including, but not limited to, walls, roofs, doors, windows, gutters, down spouts, antennas, porches, garages, patios and chimneys.

"Garbage" means any spoiled or discarded animal or vegetable material resulting from the handling, preparation, cooking, or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition.

"Graffiti" means drawings or inscriptions carved or painted on a surface, in a place which can be seen by the public and that degrades the beauty and appearance of the property.

"Imminent hazard" means a condition that presents an immediate likelihood for causing serious personal harm due to a condition of incompleteness, deterioration, breaking, leaking, exposure, blight, or scattered with debris, litter or garbage.

"Infestation" means the apparent presence of insects, rodents or other pests.

"Land" means all land in the City whether improved or unimproved.

"Litter" means all putrescible and non-putrescible solid wastes consisting of both combustible and noncombustible wastes including, but not limited to, ashes, street cleanings, garbage, rubbish, dead animals, abandoned or junked vehicles or parts thereof, solid market and industrial waste, paper, rags, empty barrels, crates, packing cases, excelsior, packing material, wrappings, cigarettes, cardboard, cans, yard clippings, leaves, metal, mattresses, bedding, crockery, trash, boxes, bottles, glass, cartons, refuse, plaster, plastic, asphalt, tile, rock, bricks, or other materials tending to create an unsightly condition and having an adverse affect upon the health, safety, economic, aesthetic or general welfare of adjoining properties or occupants thereof.

"Major repair" means the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block or oil pan.

"Notice to abate" means a notice issued to a property owner concerning a violation of this Chapter, and that failure to correct the violation will result in abatement action by the City.

"Park" means an area used for a reservation, playground, recreation center or any other public area in the City owned or used by the City and devoted to recreation.

"Person" means a human being, enterprise, corporation, association, partnership, limited liability company, trust, firm or society.

"Polluted" means a condition that exists in water and is characterized by bacterial growth, algae, insect infestation, the remains of litter, debris, garbage, or any other foreign matter of which because of its nature or location, constitutes an unhealthy, unsafe, or unsightly condition.

"Pool" means a constructed or excavated exterior area designed to contain a regular supply of water.

"Public place" means any street, sidewalk, boulevard, alley or other public way and any public park, square, space, ground or building.

"Street" or "highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

"Vegetation" means plant growth, whether living or dead, characterized by grass, weeds, bushes, cactus and trees.

"Vehicle" means 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 tracts. (Ord. 791 (part), 1999)

Article 6-8.03 - Public Nuisances Defined The following specific acts, omissions, conditions and things in or upon any lot, building, structure or premises, or in or upon any right-of-way, street, avenue, alley, park, parkway, drainage way, easement, or other place in the City are public nuisances, the existence of which are hereby declared unlawful:

- (a) All land shall be kept free of privies, vaults, cesspools, sumps, pits or like places which are not securely protected from insects or rodents, or which are foul or malodorous.
- (b) All land shall be maintained free from animal manure in any quantity which is not securely protected from insects and the elements, or which is kept or handled in violation of any ordinance of the City or the County; provided, however, that nothing in this Chapter shall be deemed to prohibit the utilization of such animal manure on any farm, garden or ranch in such manner and for such purposes as are compatible with customary methods of good husbandry.
- (c) All places used or maintained as junkyards or dumping grounds, or for the wrecking, disassembling, repair or rebuilding of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, trailers, or other vehicles, machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept or maintained as to essentially interfere with the comfortable enjoyment of life or property by others; provided, however, that nothing contained in this chapter shall be deemed to prohibit any automobile wrecking yard or other junkyard where permitted by the zoning Ordinance; provided further that nothing contained in this Chapter shall be deemed to prohibit the

disassembling, repair or rebuilding or the storage of any of the parts thereof on any land where the disassembling, repair, rebuilding or storage are customary and incidental to the principle use on the land.

- (d) All land shall be kept free from any putrid, unsound or unwholesome bones, meat, hides, skins or the whole or any part of any dead animal, fish or fowl, butcher's trimmings and offal, or any waste vegetation or animal matter in any quantity, garbage, human excreta, sewage or other offensive substances; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in the manner approved by the Health Officer of the County or ordinances of the City.
- (e) All land, buildings, rooms or other places in the City used for any trade, employment or manufacturing, shall be kept free of noxious exhalations, including, but not limited to, smoke, soot, dust, fumes or other gases, offensive odors or other annoyances that are discomforting or offensive or detrimental to the health or safety of individuals or of the public, or contributes to the depreciation of neighborhood property values.
- (f) Burning or disposing of refuse, sawdust or other material in such a manner as to cause or permit ashes, sawdust, soot or cinders to be cast upon the streets or alleys of the City, or to cause or permit the smoke, ashes, soot or gases arising from such burning to interfere substantially and unnecessarily with the use and enjoyment of public or private property, or to injure or endanger the health of others; provided, this paragraph shall not apply where the person responsible for the action has properly obtained a fire permit from the City or the County Health officer; provided that nothing contained in this Chapter shall be deemed to authorize any burning not authorized under the provisions of other ordinances of the City.
- (g) Any unguarded or abandoned excavation, pit, well or hole which is or could be dangerous to life.
- (h) Leaving or permitting 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, snap-lock or other locking device from the icebox, refrigerator or container.
- (i) No person shall create or maintain any condition that obstructs or renders dangerous the use or passage of any park, stream, water course, sidewalk, parkway, square, alley, street, highway or easement.
- (j) Buildings which are abandoned, partially destroyed, or left in a state of partial construction. (Ord. 791 (part), 1999)

Article 6-8.04 - Litter Control

- (a) Persons owning or occupying property or places of business shall keep the sidewalk and any landscape area surrounding their premises free of litter, garbage, debris or blighting influence.
- (b) No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded as to prevent any load, contents, litter, garbage or debris from being blown or deposited upon any street, alley or other public place. No person shall drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any street or other public place sticky substances, litter, garbage, debris, or foreign matter of any kind.
- (c) No person in an aircraft shall throw out, drop or deposit within the City any litter, handbill or any other object.
- (d) No person shall throw or deposit any litter, garbage or debris on any occupied private property within the City except that the owner or person in control of private property may maintain authorized private receptacles for collection in such manner that litter, garbage or debris will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.
- (e) No person shall throw or deposit any litter, garbage or debris on any property within the City.
- (f) The owner or person in control of any private property shall at all times maintain the premises free of litter, garbage, debris, or blighting influence. This Subsection does not prohibit the storage of litter, garbage or debris in authorized private receptacles for collection, or within any building when not in violation of any health, fire, building or other regulation, order, ordinance or statute.
- (g) No person occupying or employed in any business establishment shall deposit any litter, garbage or debris in any receptacle unless such receptacle shall be provided with lid of sufficient weight to prevent the escape of any litter, garbage or debris from the receptacle. (Ord. 791 (part), 1999)

Article 6-8.05 - Abandoned or Junk Vehicles All abandoned or junk vehicles, or vehicles being repaired or restored, shall be stored in an enclosed area by the owner or occupant of the property upon which such vehicle is located in such a manner as to not be visible from any point lying without the property upon which the abandoned vehicle or junk vehicle is stored or parked. No cover shall be placed over any vehicle which is visible from any point lying without the property so as to conceal its plates or tags. (Ord. 791 (part), 1999)

Article 6-8.06 - Building exteriors

- (a) Exterior Surfaces.
  - (1) All exposed exterior surfaces shall be maintained so as to be free of deterioration or blight.

(2) All exterior surfaces shall be maintained in such a state so as not to constitute a health or safety hazard.

(3) No graffiti shall be allowed on any exterior building surfaces.

(b) Structural Integrity. Foundations, walls, roofs, chimneys and all other exterior surfaces shall be maintained in structurally sound and weatherproof condition. The foundation elements shall adequately support the building at all points in accordance with the Uniform Building Code, as amended thereto and adopted by this Code, and shall be free of defects, deterioration or blight. (Ord. 791 (part), 1999)

#### Article 6-8.07 - Accessory Improvements

(a) All accessory improvements shall be maintained so as to be kept free of deterioration or blight.

(b) No graffiti shall be allowed on any accessory improvements. (Ord. 791 (part), 1999)

#### Article 6-8.08 - Land

(a) All land shall be maintained free from any accumulation of garbage, litter, debris, blight or deterioration.

(b) All land shall be kept free of attractive nuisances.

(c) All land shall be kept free of poison oak, poison ivy, any noxious or toxic weeds, uncultivated or overgrown plants; any dry or dead vegetation or grass greater than twelve (12) inches in height. Any land that is zoned as rural residential (RR) or agriculture residential (AR) is exempt from the requirement that dry or dead vegetation or grass be less than twelve (12) inches in height. Property that is zoned as rural residential (RR) or agriculture residential (AR) shall maintain the vegetation or grass at a height that is consistent with the aesthetics of the adjacent parcels of land.

(d) All land shall be kept free of conditions which constitute or are likely to constitute a fire hazard, or would adversely affect the health or safety of adjacent property owners or occupants of those properties, or would depreciate adjacent property values.

(e) All land shall be kept free of overgrown vegetation that interferes with or obstructs or renders dangerous the free passage or use of sidewalks, roadways, streets, public rights-of-way or easements; or obstructs or blocks the vision of drivers and their ability to observe traffic-control devices or signs.

(f) All land shall be kept free of noxious or objectionable stench or odors.

(g) All land shall be kept free from insect and rodent infestation and noxious pests, or conditions which cause the property to harbor insects, rodents or noxious pests.

(h) All pools, spas, and other bodies of water shall be properly maintained so as not to create a safety hazard, harbor insect infestation, be polluted, become stagnant, deteriorated or blighted.

- (i) All land shall be maintained so as to prevent the accumulation of stagnant water where such water causes a hazardous or unhealthy condition, breeding area for insects, or erosion of foundation walls.
- (j) Any business that sells new or used tires and which chooses to store any tires outside the exterior of a building shall place those tires in a storage area no larger than ten (10) feet by ten (10) feet in dimension, or one hundred (100) square feet of total area, and the storage area shall be enclosed with a six (6) foot tall fence. The fencing shall be constructed in such a way that the tires are not visible from the exterior of the property. Tires may not be stacked or stored higher than the top of the fence. Any point on the exterior storage area shall not be located any less than ten (10) feet from the property line or any building on the property because of the potential fire hazard for tires. (Ord. 815, 2001; Ord. 791 (part), 1999)

Article 6-8.09 - Authority to Enforce Standards The City Manager, designee, or any Peace Officer shall enforce the provisions of this Chapter and is hereby authorized and directed to make inspections in the normal course of job duties; or in response to a complaint that an alleged violation of the provisions of this Chapter may exist; or when there is a reason to believe that a violation of this Chapter has been or is being committed. (Ord. 791 (part), 1999)

Article 6-8.10 - Inspections

- (a) Unscreened exterior areas may be inspected at any time with or without the involvement of the owner or occupant in accordance with legal requirements governing administrative inspections of private property.
- (b) Screened exterior areas shall be inspected only during the normal business hours of the City unless otherwise arranged, and only upon invitation or with the concurrence of the occupant, or owner or agent for the owner when the premises are unoccupied, or when ordered by a court when probable cause exists to believe that conditions may be detrimental to health, safety, economic or general welfare of the public.
- (c) Except in cases of alleged imminent hazard, if the occupant is not the owner of the premises to be inspected, the City Manager or designee shall provide notice in writing or by telephone to the owner or agent of the owner as to the date and time of inspection. The owner or agent may be present for the inspection if the occupant concurs. The inability to contact the owner or owner's agent, or the convenience of the owner or agent shall not require the rescheduling of the inspection. (Ord. 791 (part), 1999)

Article 6-8.11 - Violations

- (a) It shall be unlawful for any owner, lessor, lessee, manager, agent or other person having lawful control over a building, structure or parcel of land to cause, allow, permit, facilitate, or aid or abet any violation of any provision of this Chapter or to fail to perform any act or duty required by this Chapter.
- (b) The owner of record, as recorded in the county recorder's office, of the property upon which the violation of this Chapter exists shall be presumed to be a person having lawful control over a structure or parcel of land. If more than one (1) person shall be recorded as

the owner of the property, such persons shall be jointly and severally presumed to be persons having lawful control over a structure or parcel of land. This presumption shall not prevent the enforcement of the provisions of this Chapter against any person specified in Subsection (a) of this Article. (Ord. 791 (part), 1999)

Article 6-8.12 - Option to Proceed Criminally or Civilly The City Manager, Fire Chief, the Building Official, and/or their authorized representative may proceed, pursuant to this Article, by citation for civil sanctions or by complaint for criminal sanctions. (Ord. 791 (part), 1999)

Article 6-8.13 - Civil Penalties Upon a finding of responsibility to a civil violation of this Chapter the court shall impose a civil sanction of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00). No judge shall suspend the imposition of the two hundred fifty dollars (\$250.00) sanction unless at the time of sentencing the court finds by a preponderance of the evidence that the violation(s) the defendant was found responsible for has now been completely corrected, and that the defendant is now in full compliance with the Chapter. In that event, the judge may suspend all or part of the fine. (Ord. 791 (part), 1999)

Article 6-8.14 - Criminal Penalties

- (a) A person who is convicted of a violation of this Chapter is guilty of a Class 1 misdemeanor and shall be sentenced to no more than a fine of two thousand dollars (\$2,000.00), six (6) months in jail and three (3) years probation, nor less than a fine of five hundred dollars (\$500.00) and be placed on probation for not less than one (1) year. A judge shall not suspend any or all of the impositions or execution of the sentence required by this Article.
- (b) Notwithstanding subsection (a) of this Article if a judge finds at the time of sentencing, and by a preponderance of the evidence, that the violation(s) the defendant was convicted of has been corrected, and that the defendant is now in compliance with the Chapter, the court may:
  - (1) Sentence the defendant to pay a fine of not less than one hundred dollars (\$100.00), and
  - (2) Suspend all or part of the probation. (Ord. 791 (part), 1999)

Article 6-8.15 - Restitution In addition to any sanction or penalty provided for in Articles 6-8.13 and 6-8.14 of this Chapter, such person shall be liable for all costs which may be associated with the City's bringing the property into compliance with the Chapter. The court shall impose restitution as part of its sentence. (Ord. 791 (part), 1999)

Article 6-8.16 - Jurisdiction of City Court

- (a) Jurisdiction of all proceedings to enforce the provisions of this Chapter shall be in City Court. (Ord. 791 (part), 1999)

Article 6-8.17 - Civil Violation; Commencement of Action

- (a) A civil violation may be commenced by issuance of a citation or by complaint.

- (b) The citation will be issued with a form modeled after the Arizona Traffic Ticket and Complaint and shall direct the defendant to appear in the City Court within ten (10) days after issuance of the citation.
- (c) The citation will further notify the defendant that if he fails to appear on or before the date specified in the complaint, a judgment by default will be entered against him, and the court may, in its discretion, impose a civil sanction not to exceed two hundred fifty dollars (\$250.00) one thousand dollars (\$1,000.00).
- (d) Service of the citation may be accomplished and will be deemed proper and complete by any of the following methods:
  - (1) By having the defendant sign the citation with a promise to appear in court within ten (10) days of the issuance of the citation.
  - (2) By hand delivering a copy of the citation to the defendant.
  - (3) By mailing a copy of the citation to the person charged by certified or registered mail, return receipt requested, to the person's last known address.
  - (4) In the event service cannot be accomplished as set forth in Subsections (d)(1), (2) or (3) of this Article, the state may serve the defendant by any means allowed by the Arizona Rules of Civil Procedure 4.1 and 4.2. (Ord. 791 (part), 1999)

Article 6-8.18 - Civil Citation, Authority to Issue The City Manager or designee, or any Peace Officer, may issue a civil citation pursuant to this Chapter. Designee shall mean an individual employed by the City who has been appointed by the City Manager, in writing, to have the authority to issue Civil Code violations. Such authorization shall be filed with the City Clerk. (Ord. 791 (part), 1999)

Article 6-8.19 - Appearance by Defendant The defendant shall, within ten (10) days of the issuance of the citation, appear in person or through his attorney in the City Court and shall either admit or deny the allegations contained in the citation. If the defendant admits the allegations, the court shall enter judgment against the defendant and impose a civil sanction of the violation. If the defendant denies the allegations contained in the citation, the court shall set the matter for hearing. (Ord. 791 (part), 1999)

Article 6-8.20 - Default Judgment If a person served with a complaint fails to appear on or before the time directed to appear or at the time set for hearing by the court, the allegations in the complaint shall be deemed admitted and the court shall enter judgment for the City and impose a civil sanction. (Ord. 791 (part), 1999)

Article 6-8.21 - Rules of Procedure for Civil Violations The Arizona Rules of Procedure for Civil Traffic Violation Cases shall be followed by the City Court for civil violations of this Chapter, except as modified or where inconsistent with the provisions of this Chapter, local rules of the City Court or rules of the Arizona Supreme Court. (Ord. 791 (part), 1999)

Article 6-8.22 - Collection of Fines Any judgment for civil sanctions taken pursuant to this Article may be collected as any other civil judgment, including, but not limited to, the right to record the civil judgment and foreclose on the judgment. (Ord. 791 (part), 1999)

Article 6-8.23 - Violations not Exclusive Violations of this Chapter are in addition to any other violation enumerated within City ordinances or the City Code and in no way limits the penalties, actions or abatement procedures which may be taken by the City for any violation of this Chapter which is also a violation of any other ordinance or Code provision of the City or statutes of the State. (Ord. 791 (part), 1999)

Article 6-8.24 - Each Day Separate Violation Each day any violation of any provision of this Chapter is committed or permitted to continue, such violation shall constitute a separate offense and shall be punished as such hereunder. Each day there is a failure to perform any act or duty required by this Chapter shall constitute a separate offense and shall be punished as such hereunder. (Ord. 791 (part), 1999)

Article 6-8.25 - Abatement in Lieu of or in Addition to Civil or Criminal Complaint

- (a) In addition to or in lieu of filing a civil or criminal complaint, the City may file a notice to abate any violation of this Chapter. Such abatement shall proceed independently of any civil or criminal violation filed pursuant to this Chapter.
- (b) If the property owner, occupant, lessee or other person served with a notice to abate by the City pursuant to this Chapter fails to comply with such notice or order, the City may correct or abate the conditions subject to the notice. (Ord. 791 (part), 1999)

Article 6-8.26 - Emergency Abatement If a situation presents an imminent hazard to life or public safety, the City may issue a notice to abate directing the owner, occupant, operator, or agent to take such action as is appropriate to correct or abate the emergency upon notice by the Enforcement official to the responsible person(s). In addition, the City may act to correct or abate the emergency. In the event the City is unable to contact the owner, occupant, agent or responsible party, it in no way affects the City's right to correct or abate the emergency. The owner, occupant, operator, agent or responsible party shall be granted a hearing before the Building Advisory Board of Appeals on the matter upon his/her request, as soon as practicable, but such appeal shall in no case stay the abatement or correction of such emergency. (Ord. 791 (part), 1999)

Article 6-8.27 - Notice to Abate

- (a) If, after an inspection, the City finds one (1) or more violations of this Chapter, and the City elects to use the abatement process, the City shall in writing, notify the owner, agent for the owner, lessee, or occupant.
- (b) The notice to abate shall set forth the following information:
  - (1) The owner, lessee or occupant has thirty (30) days from the mailing of the notice to abate to correct the violation.
  - (2) A legal description of the property, as well as identify the property by street address if known.
  - (3) A statement of the violation(s) in sufficient detail to allow a reasonable person to identify and correct the violation(s).

- (4) A date and time for re-inspection of the property.
- (5) Name, address and phone number of the City Inspector who sent the notice to abate.
- (6) A warning stating that if the violations are not corrected within the thirty (30) day period the City can abate the problem and assess the owner the cost of such abatement and record a lien on the property for the assessment.
- (7) If the City decides to retain its right to abate a violation of this Chapter, the City shall include in the notice the costs of abating the violation if the owner or lessee does not comply.
- (8) The right to appeal the notice of abatement.
- (9) The thirty (30) day notice set forth in this Article shall not apply to emergency abatements pursuant to Article 6-8.26 nor orders to vacate pursuant to Article 6-8.27. (Ord. 791 (part), 1999)

#### Article 6-8.28 - Service of Notices

- (a) Any notice required to be given for any purposes under this Chapter shall be provided by either having the City Manager or designee deliver the notice to the property owner or owner's agent, occupant or lessee, or by mailing the notice to the owner or owner's agent, occupant or lessee by certified mail, return receipt requested. In complying with the obligation to mail notice to the owner of the property, the City Manager or designee can mail the notice to the last address on the tax bill. If the owner does not live on the property, the City Manager or designee can also send the notice to the last known address of the owner.
- (b) Notice is deemed effective on the date it is hand delivered or deposited in the United States mail.
- (c) Nothing herein shall preclude the City from giving additional oral or written notice at its discretion. If the City does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situation. (Ord. 791 (part), 1999)

Article 6-8.29 - Recording a Violation The notice to abate shall run with the land. The City, at its sole option, may record a notice to abate with the County Recorder and thereby cause compliance by any person thereafter acquiring such property. The non-filing of any notice to abate shall in no way affect the validity of such notice as to entities so notified. When the property is brought into compliance by the responsible party, a satisfaction of notice to abate shall be filed with the County Recorder. (Ord. 791 (part), 1999)

#### Article 6-8.30 - Special Assessment Lien and Payments

- (a) In the event the City corrects or abates a violation of this Chapter, the City shall prepare a verified statement and account of the actual cost of such removal or abatement, including the cost of labor and expenses incurred by the City, any associated legal costs for abatement and injunctions, as well as an additional five (5) percent for inspection and other incidental costs in connection with such correction or abatement.

- (b) The City shall prepare the verified statement and account within forty-five (45) days from the last day in which the City performed any work on the property. The verified statement and account shall be an assessment on the property.
- (c) The assessment shall be recorded in the office of the Coconino County Recorder and, from the date of its recording, shall be a lien on the lot or tract of land. Such lien is prior to and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes.
- (d) The assessment shall be payable in equal annual installments from the date the assessment is recorded and according to the following schedule:
  - (1) Less than \$500:            Within one year after assessment recorded
  - (2) \$500-\$1,000:            Within two years after assessment recorded
  - (3) \$1,000-\$5,000:           Within three years after assessment recorded
  - (4) \$5,000-\$10,000:        Within six years after assessment recorded
  - (5) Over \$10,000:            Within ten years after assessment recorded.
- (e) If, at any time, payments are not made in a timely manner, the City may file an action for judgment on foreclosure and order of sale in superior court for both the amount past due as well as the entire, outstanding amount of the lien. The failure to enforce the lien or the foregoing payment schedule shall not affect either the validity of the lien or the right to receive payments.
- (f) 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.
- (g) A prior assessment pursuant to this Article shall not be a bar to a subsequent assessment, and any number of liens on the same lot or tract of land may be enforced in the same action. (Ord. 791 (part), 1999)

Article 6-8.31 - Appeals to City Council

- (a) Any notice to abate or assessment may be appealed to the City Council.
- (b) An appeal must be filed within fifteen (15) days of the service of the notice to abate or assessment, and must be filed with the City Clerk's Office.
- (c) Failure of a person entitled to appeal under this Chapter to timely file an appeal shall constitute a waiver of the right to a hearing of the complaint and such person shall be estopped to deny the validity of any notice or assessment which could have been timely appealed.
- (d) The notice of appeal shall set forth, in writing, the person's reasons for believing they are not in violation of the chapter or that the assessment is excessive.
- (e) The individual appealing shall accompany the written appeal with an appeal fee of twenty-five (\$25.00) dollars, such sum to be deposited in the general fund of the City.
- (f) In case of financial hardship, the fee may be suspended. (Ord. 791 (part), 1999)

Article 6-8.32 - Matters on Appeal Any person may appeal a notice to abate or assessment:

- (a) When it is claimed the property or building subject to the notice is not in violation of the Ordinance;
- (b) When it is claimed the true intent of the Chapter or standards described in the Chapter have been incorrectly interpreted; or
- (c) When it is claimed that the City's costs for correcting or abating the violation are excessive. (Ord. 791 (part), 1999)

Article 6-8.33 - Procedure on Appeal

- (a) The City Council shall set a date for hearing on appeal within thirty (30) days of the receipt of notice of appeal by the city clerk. The notice to appellant shall be substantially in the following form, but may include other information:

You are hereby notified that a hearing will be held before the City of Williams City Council at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at the hour \_\_\_\_\_, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.

- (b) A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the Council. The proceedings at the hearing may also be reported by a certified court reporter if requested by appellant and paid for by appellant. If the appellant retains the services of a court reporter, a copy of the transcript shall be made available to the City, if requested, upon payment of the court reporter's fee for a copy of the transcript.
- (c) The Council shall take testimony from all parties to the appeal. The City Council has the power to administer oaths and affirmations and to certify to official acts.
- (d) Each party shall have these rights at the hearing, among others:
  - (1) To call and examine witnesses on any matter relevant to the issues of the hearing;
  - (2) To introduce documentary and physical evidence;
  - (3) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
  - (4) To impeach any witness regardless of which party first called the witness to testify;
  - (5) To rebut the evidence;

- (6) To be represented by anyone who is lawfully permitted to do so in the State of Arizona.
- (e) The City Council may inspect any building or premises involved in the appeal as part of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection; and (iii) the City Council shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the City Council.
- (f) The Council shall prepare a written summary of the hearing and shall set forth the decision reached. A decision shall be rendered within fifteen (15) days of the hearing, and the findings and decision shall be mailed to all parties to the appeal. (Ord. 793, 1999: Ord. 791 (part), 1999)

Article 6-8.34 - Abatement Variances and Time Extensions

- (a) Any person may request a variance or time extension of a notice to abate or assessment. Such request shall be made to the City Council.
- (b) The same time limits for filing, fees, and written requirement that appear in Article 6-8.31 on appeal applies to this Article.
- (c) The procedure shall be the same as set forth in Article 6-8.33.
- (d) Where the Council grants a variance, it shall set forth its reasons for granting the variance and the extent of the variance.
- (e) The Council may grant a variance only where it is determined that all of the following apply:
  - (1) Special circumstances or conditions apply to this appeal application such as hardship;
  - (2) Authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and
  - (3) Authorizing of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property or adjacent property values, to the neighborhood, or to the public welfare in general.
- (f) The council may grant one (1) extension of the time limit set forth in Article 6-8.27. Such extension shall not exceed one hundred eighty (180) days. The extension period granted by the Council starts to run on the day the Board issues its decision pursuant to Article 6-8.33(c). The Board may grant an extension only where it is shown that:
  - (1) It would create a hardship to bring the property into compliance within the thirty (30) day period of Article 6-8.27.
  - (2) The moving party presents a plan, that is approved by the Council by which the property will be brought into compliance within one hundred eighty (180) days. (Ord. 791 (part), 1999)

Article 6-8.35 - Appeal from Decision of Council Any party aggrieved by a decision of the Council may appeal to the Coconino County Superior Court in accordance with the Rules of Procedure for Special Actions. (Ord. 791 (part), 1999)

Article 6-8.36 - Stay of Order During Appeal to Council Except for orders to vacate or violations presenting an imminent hazard, the timely filing of an appeal shall stay enforcement of a notice to abate or assessment until the appeal is finally determined by the Council. (Ord. 791 (part), 1999)

Article 6-8.37 - Interference with Inspection, Abatement Any person who interferes, prevents, or attempts to interfere or prevent an individual employed by the City or other person contracted for by the City, from investigating an alleged violation of this Chapter, or from correcting or abating a violation of this Chapter is guilty of a Class 1 misdemeanor. (Ord. 791 (part), 1999)

Article 6-8.38 - False Information Any person who knowingly makes a false or fraudulent statement, or knowingly misrepresents a fact, or misleads an individual employed by the City or other person contracted for by the City, when that individual is investigating, correcting or abating a violation of this Chapter, is guilty of a Class 1 misdemeanor. (Ord. 791 (part), 1999)

Article 6-8.39 - Conflict of Ordinances

- (a) In any case where a provision of this Chapter is found to be in conflict with a provision of any Zoning, Building, Fire, Safety or Health Ordinance or Code of the City existing on the effective date of the ordinance codified in this Chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- (b) It is not intended by this Chapter 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 Chapter, 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 Chapter are in conflict or any other chapter of the Williams City Code, the most stringent or restrictive shall prevail. (Ord. 791 (part), 1999)

Article 6-8.40 - Severability If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter, which shall remain in full force and effect; and, to this end, the provisions of this Chapter are hereby declared to be severable. (Ord. 791 (part), 1999)

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## CHAPTER 6-9 - LITTER (Ord. 495)

Article 6-9.01 - Definitions Whenever the following words or terms are used in connection with this Chapter, they shall have the meaning(s) herein ascribed to them, unless the context makes such meaning repugnant thereto, or unless said Section defines the term differently.

- (a) **Authorized Receptacle** The term "authorized receptacle" shall mean a litter storage and collection receptacle as required and authorized by the City ordinances.
- (b) **Garbage** The word "garbage" shall mean all rubbish, animal refuse, vegetable kitchen refuse, household waste, bottles, tin or aluminum cans, waste paper, grass cuttings, tree limbs or branches, weeds, and all other scraps of similar nature.
- (c) **Litter** The word "litter" shall encompass the definitions of "garbage," "refuse," and/or "rubbish" as described herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
- (d) **Private Premises** The term "private premises" shall mean any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purpose, whether indicated or temporarily or continuously inhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.
- (e) **Public Place** The term "public place" shall mean any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public park, squares, spaces, grounds and buildings.
- (f) **Refuse** The word "refuse" shall mean all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.
- (g) **Rubbish** The word "rubbish" shall mean all non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Article 6-9.02 - Litter in Public Places No person shall throw or deposit litter in or upon any street, sidewalk, park, lake, fountain, stream or other body of water, or any public place within the City except in public receptacles, in authorized private receptacles for collection, or in official City dumps. No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

Article 6-9.03 - Litter on Private Property No person shall throw or deposit litter on any occupied or vacant private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon any private

property. The owner or person in control of private property shall at all times maintain the premises free of litter, provided, however, that this Article shall not prohibit the storage of litter in authorized receptacles for collection.

Article 6-9.04 - Placement of Litter in Receptacles Persons placing litter in public receptacles or in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

Article 6-9.05 - Vehicles Causing Litter No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

Article 6-9.06 - Abatement By City

- (a) Notice To Remove The City Manager and/or his authorized agent is hereby authorized and empowered to notify the owner of any open or vacant private property within the City, or the agent of such owner, to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by registered mail addressed to said owner at his last known address.
- (b) Action Upon Non-Compliance Upon the failure, neglect or refusal of any owner or agent so notified, to properly dispose of litter dangerous to the public health, safety, or welfare within ten (10) days after the receipt of written notice provided for above, or within ten (10) days after the date of such notice, in the event the same is returned to the Williams Post Office because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the City Manager or his authorized agent is hereby empowered to pay for the disposing of such litter or to order its disposal by the City.
- (c) Charge To Owner When the City has effected the removal of such dangerous litter or has paid for its removal, the actual costs thereof, plus accrued interest at the rate of nine (9%) per cent per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property.
- (d) Recorded Statement Constitutes Lien Where the full amount due the City is not paid by such owner within ten (10) days after the disposal of such litter , as provided for above, then , and in that case, the City Manager or his authorized agent , shall cause to be recorded in the Official Records of the Coconino County Recorder's Office , Flagstaff, Arizona, a sworn statement showing the cost and expense incurred for the work , the date the work was done , and the location of the property on which said work was done . The recordation of such sworn statement shall constitute a lien on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law and shall be further subject to a delinquent

penalty of twelve percent (12%) in the event same is not paid in full within thirty (30) days from the date of billing. Sworn statements recorded in accordance with the provisions shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

Article 6-9.07 - Penalty Any person violating any of the provisions of this Chapter shall be deemed guilty of a Class 3 misdemeanor. Each day of such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

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## CHAPTER 6.10 - ANIMALS

Article 6-10.01 - Definitions Whenever the following words or terms are used in connection with this Chapter, they shall have the meaning(s) herein ascribed to them, unless the context makes such meaning repugnant thereto, or unless said Section defines the term differently.

- (a) Animal. The word "animal" means any animal of a species that is susceptible to rabies, except man.
- (b) At Large. The term "at large" means off the premises of the owner, not under the control of the owner, or other persons acting for the owner.
- (c) City Pound. The term "City pound" means any establishment authorized by the Council for the confinement, maintenance, safekeeping and control of dogs or other animals that come into the custody of the City enforcement agent in the performance of his official duties.
- (d) Collar. The word "collar" means a band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.
- (e) Dog. The word "dog" means a member of the Canis Familiaris family.
- (f) Enforcement Agent. The term "enforcement agent" means a City humane officer, and any assistant humane officer, appointed by Council, and all commissioned Police Officers of the City.
- (g) Guide Dog. The term "guide dog" means a dog trained to lead a blind person.
- (h) Impound. The word "impound" means the reception into custody by the enforcement agent of any dog, animal, livestock or poultry for confinement as provided for in this Chapter.
- (i) Livestock. The word "livestock" means neat animals, horses, mules, asses, sheep, goats and swine.
- (j) Poultry. The word "poultry" means any domesticated fowl.
- (k) Stray Animal. The term "stray animal" means any livestock, whose owner is unknown or cannot be located, or any animal included in the definition of livestock, whose owner is known but permits the animal to roam at large on the street, alleys or roads of the Town or on the premises of another without permission.
- (l) Vaccination. The word "vaccination" means an anti-rabies vaccination using a type of vaccine approved by the Arizona State Veterinarian Association. (Ord. 713 (part), 1993)

### Article 6-10.02 - Animals Running at Large

- (a) Animals at Large. Every person owning or having charge, care, custody or control of any dog or animal of any age shall keep such dog or animal exclusively upon his own premises; provided, however, that the dog may be off such premises if it is under the control of a competent person and restrained by a substantial chain, leash, rope or cord of

sufficient strength. Injury to any persons or damage to any property by a dog or any other animal while at large shall be the full responsibility of the owner or custodian at the time such damages were inflicted.

- (b) Unconfined. A dog or animal shall be deemed to be running at large if it is unconfined. A dog or animal is unconfined if while on the premises of its owner or harbinger, the dog or animal is not securely indoors or within securely enclosed and locked pen or dog run area upon the premises of the person having charge, care, custody or control of such dog or animal. Such pen or dog run area must be adequate to prevent against the escape from the area. (Ord. 713 (part), 1993)

#### Article 6-10.03 - Vicious Dog or Animal at Large

- (a) Vicious Dog or Animal. A vicious dog or animal shall mean any one of the following:
  - (1) Any dog or animal that bites human beings without provocation;
  - (2) Any dog or animal with a known propensity, tendency or disposition to bite human beings;
  - (3) Any dog or animal that while at large kills or causes injury to domestic animals;
  - (4) Any dog or animal so declared by the City Magistrate after a determination at a hearing of a pattern of aggressive behavior that has caused injury, apprehension or intimidation of individuals.
- (b) Control.
  - (1) Any person having charge, care, custody or control of a vicious dog or animal shall not permit such dog or animal off his premises unless such dog or animal is securely leashed and muzzled.
  - (2) No persons shall permit a vicious dog or animal to be unconfined.
- (c) Exhibitions or parades of animals which are *ferae naturae* in the eyes of the law may be conducted only upon a security permit from the Chief of Police.
- (d) Any violation of this Section shall be a Class 1 misdemeanor. In addition to any fine which might be assessed, the City Magistrate may issue an order to the county animal enforcement agent to destroy the vicious dog or animal in accordance with Ariz. Rev. Stat. Ann. Sec. 11-1014 G. (Ord. 741 (part), 1995; Ord. 713 (part), 1993)

#### Article 6-10.04 - Impoundment

- (a) Any dog or other animal, including livestock, found running at large shall be impounded or in the case of livestock, seized and sold as a stray animal pursuant to Arizona Revised Statutes Sections 24-101 through 24-314, at the discretion of the enforcement agent. If any dangerous, vicious or fierce dog or animal cannot, in the discretion of the enforcement agent, be safely impounded, such animal may be immediately slain. The enforcement agent, at his discretion, for any humane reason, may immediately kill any dog or other animal found at large within the City.

- (b) Upon the impounding of any dog or other animal, the enforcement agent shall immediately give the owner or custodian notice of the impounding, either personally or by certified mail, addressed to the owner or custodian's last known address if the owner or custodian is known or can be ascertained by reasonable investigation. The enforcement agent shall, within twenty-four (24) hours after taking up and impounding any animal, except a dog, make a report to the office of the City Clerk, stating the kind of animal and describing it by color otherwise, or by any marks or brands that may be on it and when it was taken up and impounded. (Ord. 713 (part), 1993)

#### Article 6-10.05 - Redemption Fees

- (a) Any dog or other impounded animal may be redeemed by the owner or custodian upon providing proof of legal right to possession of said dog or other animal and the payment of an impoundment fee to defray part of the cost of maintenance of such dog or animal. A surcharge shall be added to the impound fee for each subsequent time the same dog or other animal is impounded.
- (b) If the animal is a dog and unlicensed, the owner must, in addition to the fees provided for above, pay the license fee for the current year and present a current, valid certificate of vaccination against rabies.
- (c) The fees for impoundment, surcharges and disposal fees shall be set by a resolution of the City Council. (Ord. 713 (part), 1993)

#### Article 6-10.06 - Disposition of Animals

- (a) Disposition of Unclaimed Animals. Any dog or other animal, which is not claimed within three days (excluding weekends and legal holiday) after the owner is notified of its impoundment, may be purchased for the cost of the impoundment fee, including spaying or neutering. Any dog or other animal not redeemed or purchased may be destroyed.
- (b) Disposition of Animals at Request of Owner. Upon the request for disposal of any dog or other animal by the owner of said animal, the enforcement agent shall take up and humanely dispose of said dog or other animal. If the owner delivers any dog or other animal to the enforcement agent, the enforcement agent shall humanely dispose of said dog or other animal. (Ord. 713 (part), 1993)

Article 6-10.07 - Enforcement Agent An enforcement agent shall be appointed by the Chief of Police. It is unlawful for any person to, in any manner, intervene, impede, prevent, obstruct or intimidate the enforcement agent in the discharge of his duties, in taking up or attempting to take up and impound any and all animals which it shall be his duty to impound under the provisions of the Chapter, or who shall rescue or attempt to rescue any animal so taken up or to release any animal so impounded. (Ord. 713 (part), 1993)

#### Article 6-10.08 - Rabies Control

- (a) Whenever a dog or other animal susceptible to rabies bites any person, the incident shall be reported to the enforcement agent immediately by any person having knowledge thereof. It is unlawful for any person to destroy or dispose of any dog or other animal

which has bitten any person within a period of seven (7) days after such biting. Any dog or other animal that bites any person shall be impounded and quarantined by the enforcement agent or, at the request of and at the expense of the owner, placed in a veterinary hospital for a period of not less than seven (7) days to determine whether the dog or other animal has rabies. The owner may cage the dog or other animal on his premises, subject to verification by the enforcement agent, and the payment of an inspection fee to defray the cost thereof, to be fixed by the Council.

- (b) The owner of any dog or other animal that has bitten a person may voluntarily deliver the dog or other animal to the enforcement agent at the pound, otherwise there shall be a charge against the owner if the enforcement agent must pick up the dog. The owner shall pay the costs of pickup and maintaining the dog or other animal during the period of quarantine. Upon the failure of the owner to obtain the release of charges and costs within three (3) days after expiration of said quarantine period, including compliance with the license and vaccination provisions herein, the enforcement agent may sell or otherwise humanely dispose of such dog or other animal. (Ord. 713 (part), 1993)

Article 6-10.09 - Vaccination of Dogs Every person who shall keep a dog within the City shall cause such dog to be vaccinated against rabies at four (4) months of age by an approved veterinarian. (Ord. 713 (part), 1993)

Article 6-10.10 - Licenses

- (a) All dogs kept, harbored or maintained in the City must be licensed and registered if over four (4) months of age. Dog licenses shall be issued by the enforcement agent upon payment of a license fee. The license fee payable shall be the amount fixed from time to time by resolution of the Council; provided, that in the absence of any such established amount, the enforcement agent may collect and deposit in the appropriate accounts provided for such purpose, a fee in the same amount as is applicable for similar dog licensing in unincorporated areas of the County. The owner shall state at the time application is made for such license, his name and address, the name, breed, color and sex of each dog owned or kept by him and shall provide proof of spaying, if applicable.
- (b) Tourists or transient owners keeping or maintaining a dog within the City shall not be required to obtain a license for the dog if the dog is kept confined and if the dog has a valid current license from another city, town or county during the entire period the dog is kept in the City.
- (c) A guide dog belonging to a blind person who is a resident of the State or any bona fide nonprofit organization which is in the business of breeding, raising or training dogs that are to be used for guiding the blind shall, upon application by the owner or organization to the City and upon presentation of proper proof, be licensed pursuant to this Article, without payment of a fee.
- (d) Each person obtaining a dog license under the terms of this Article shall receive at the time of licensing, a tag on which shall be inscribed the name of the City, the number of the license and the year in which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times except as otherwise provided in this

Article. If the dog license is lost or destroyed, the owner shall immediately procure a duplicate license tag from the enforcement agent for which a fee of one-half the original fee shall be charged.

- (e) It is unlawful for any person to fail to obtain a license for a dog required to be licensed, or counterfeit or attempt to counterfeit an official dog tag or remove such tag from any dog for the purpose of willful and malicious mischief or place a dog tag upon a dog unless the tag was issued to that dog.
- (f) Whenever the ownership of a dog has been changed the new owner must secure a transfer of license to such owner. A transfer fee shall be equal to one-half of the original fee charged.
- (g) Dogs while being used for hunting, or while being exhibited at American Kennel Club approved shows, or while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached; provided they are properly vaccinated and licensed.
- (h) The enforcement agent shall apprehend and impound any dog found without a current valid license tag.
- (i) A kennel license shall be available upon conditions and at a fee to be determined by the Council.
- (j) Before a license is issued to any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address, and giving the dog's description, date of vaccination and type, manufacturer and serial number of the vaccine and the date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the enforcement agent on or before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this Article.
- (k) A dog vaccination in any other place prior to entry into the City may be licensed in the City, provided that, at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that place or a veterinarian employed by a governmental agency in that place, stating the owner's name and address and giving the dog's description, date of vaccination and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this Article.
- (l) The enforcement agent may make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.
- (m) The license and dog tags issued under this Chapter shall expire and become automatically ineffective as a means of protection to dogs on December 31st of each year. (Ord. 713 (part), 1993)

Article 6-10.11 - Collars Required Every such dog shall have a collar around his neck with the metal license tag aforesaid securely fastened thereto, and in such manner as to permit ready examination. (Ord. 713 (part), 1993)

Article 6-10.12 - Prohibited Acts

- (a) Dog Fighting. No person shall own or harbor any dog for the purpose of dog fighting or training of a dog to attack or cause any injury to any domestic animal.
- (b) Neglect. It is unlawful for any person owning or having charge, care, custody or control of any dog within the City limits to not properly care for said dog. To properly care for a dog requires providing the dog with sufficient food and water, maintaining the dog in good health, providing the dog with adequate shelter from the elements, and keeping dog pens or dog runs clean and sanitary, generally free of fecal and other matter that may attract flies, rodents, or cause an offensive odor that may disturb the comfort of any person. Any dog found in a neglected manner may be taken into custody and impounded by the enforcement agent.
- (c) Interference with Peaceful Enjoyment of Peoples' Lives. Any person maintaining any dog or other animal, livestock or poultry in such a manner as to become a public nuisance or to deprive others of the peaceful enjoyment of the lives and property shall be in violation of this Chapter. (Ord. 713 (part), 1993)

Article 6-10.13 - Citations Whenever any person is in violation of the provisions of this Chapter, the City enforcement agent may hand deliver or mail to the last known mailing address of such person a violation citation. Such citation shall be approved as to form by the City Attorney and the City Magistrate and shall advise the person involved of the specific violation with which he is charged, including the particulars thereof. (Ord. 713 (part), 1993)

Article 6-10.14 - Enforcement of State Statutes Relating to Livestock

- (a) Any violation of A.R.S. Sections 24-201 through 24-314 (Title 24, Articles 1, 2, 3 and 4) may be amended from time to time, shall also be a violation of this Chapter.
- (b) For purposes of enforcement of this Article, the City enforcement officer shall have the same powers, duties and responsibilities of an "inspector" as set forth in A.R. S. Sections 24-201 through 24 - 314. (Ord. 713 (part), 1993)

Article 6-10.15 - Penalty Except as otherwise provided, any person violating any of the provisions of this Article shall be deemed guilty of a Class 3 misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder. For a second conviction under this Article the court shall impose a fine in an amount not less than seventy-nine dollars (\$79.00). For a third conviction under this Article the court shall impose a fine in an amount not less than one hundred seventy-nine dollars (\$179.00). For a fourth conviction under this Article and every conviction thereafter the court shall impose a fine in an amount not less than two hundred thirty-six dollars (\$236.00). (Ord. 741 (part), 1995; Ord. 713 (part), 1993)

## CHAPTER 6-11 GROUND-FEEDING OF PIGEONS

### Article 6-11.01 - Regulations; Penalty

- (a) No person shall encourage the lingering, roosting and/or congregating of pigeons by offering or providing food by ground-feeding of birds within the City limits of the City of Williams. This Section does not prohibit feeding pigeons that are kept in pens, cages or enclosures at all times. Nor does it prohibit the feeding of birds by means other than direct ground-feeding such as raised feeders or feeding of birds utilizing practices that prohibit pigeons from obtaining feed.
- (b) All persons currently ground-feeding birds, thus encouraging the lingering, roosting and/or congregating of pigeons that are not kept in pens, cages or enclosures shall immediately cease and desist such practice and remove and/or properly dispose of all waste generated by such practices.
- (c) Whoever violates subsections (a) and (b) of this Article shall be subject to civil penalty of not more than one hundred dollars (\$100.00) for each offense. Each day in which a violation is proven shall constitute a separate and new offense under this Article. (Ord. 783 § 1, 1998)

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