

Chapter 9

HEALTH AND SANITATION

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Article 9-1 Health and Sanitation

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Section 9-1-1 Definitions

In this chapter unless the context otherwise requires:

A. "Garbage" means all waste materials, except sewage and body wastes including all organic wastes that have been prepared for, or intended to be used as, food or have resulted from the preparation of food, including all such substances from all public and private establishments and residences that are subject to rotting and the formation of foul smelling products.

B. "Hazardous or dangerous wastes" means all wastes that are hazardous by reason of their pathological, explosive, flammable, radiological or toxic nature. The terms shall include any refuse that can cause damage or injury to property or person. The terms include any chemical, compound, or substance designated by the United States Environmental Protection Agency or state as hazardous.

C. "Medical sharps" means any sharp objects capable of inflicting injury, including but not limited to syringes, needles and lancets used for insulin intake, blood samples, drug use or medical purposes.

D. "Medical waste" means human or animal tissue, any part of a human or animal body that has been removed by surgery, and any other materials such as facial tissues, bandages and hypodermic needles contaminated by bodily fluids.

E. "Refuse" means all garbage and trash.

F. "Trash" means all waste materials other than garbage and sewage or body waste.

G. "Recyclable material" means discarded materials which may be collected, separated, cleansed, treated or reconstituted and returned to the economic stream in the form of raw materials or products. Recyclable materials are designated by the city by public notice and may include, but are not limited to, paper, plastics, steel and aluminum containers and glass.

H. "Recycling" means the process of collecting, separating, cleansing, treating, and reconstituting discarded materials that would otherwise become solid waste and returning them to the economic stream in the form of raw material for reconstituted products.

I. "Uncontained waste" means all man-made materials that are bulky or cumbersome such as washers, hot water heaters and other appliances, sofas tables, beds and other large household furniture, yard waste and other refuse items which by size and shape are not readily containable.

J. "Yard waste" means brush, grass and vegetation clippings, weeds, twigs, leaves, limbs, branches and trunks from trees, palm fronds and general yard, garden and tree rubbish and waste materials.

Section 9-1-2 Collection Agency

The city, or other collectors authorized by the city, shall collect all refuse within the city.

No person, except as provided in this chapter, shall collect or gather refuse within the city.

Section 9-1-3 Collection Schedule

A. Hours of Collection. The hours of collection of refuse shall be designated by the council.

B. Residential Collection. The city will provide residential collection to customers, to consist of once-per-week collection of recyclable materials, and once-per-week collection of non-recyclable materials. Residential refuse service shall not be performed on holidays. Regular collection days falling on a holiday shall be rescheduled by the city. In the absence of a Citywide recycling program refuse collection will be twice per week.

C. Uncontained Waste Collection. The city may collect uncontained waste from residential customers semi-annually, at locations and times publicized by the city. The city will collect only such uncontained waste typically generated by a single-family household and yard waste from the premises. This collection shall include man-made materials such as appliances, household furniture and small auto parts. The city may charge an additional fee for uncontained waste collection.

D. Special Collection. A special collection, for unusual or excess waste materials, may be made for an additional fee, upon request by the customer to the city/collector.

E. Uncontained Waste Collection. The city may from time to time organize special collection days at which uncontained waste from residential customers will be collected. These events will be publicized by the city.

F. Commercial Collection. The city will provide commercial, industrial and institutional collection by individual contract with the city.

G. Recycling Collection. Recycling collection is provided as part of residential or commercial collection.

Section 9-1-4 Rates

The council shall from time to time fix the rates and classifications for garbage and trash collection within the city and shall make such other rules and regulations as may be necessary to properly administer and enforce this chapter.

Section 9-1-5 Recycling Program

The city shall attempt to furnish recycling services when practical.

Article 9-2 Preparation of Refuse for Collection

Sections:

- 9-2-1 Preparation of Refuse**
- 9-2-2 Location for Pick Up**
- 9-2-3 Lids and Covers**
- 9-2-4 Use of Containers**
- 9-2-5 Medical Waste**

Section 9-2-1 Preparation of Refuse

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

A. Garbage. The customer shall furnish containers for the accumulation, storage and collection of all garbage. Such containers shall be tightly covered and be of rust-resistant metal or plastic. The maximum capacity of each container shall not exceed thirty gallons and loaded for collection shall not exceed fifty pounds in weight. Such containers shall be kept in good repair and in a sanitary condition. Containers found to be no longer serviceable through disrepair or maintained in an unsanitary condition may be condemned by the city for further use. Legal notice of such condemnation shall consist of a label or tag affixed to the container. The owner or user of any receptacle so tagged may appeal in writing to the city manager within ten days from the date that receptacle is tagged. Receptacles not placed in a satisfactory condition or replaced within fifteen days of said notice may be removed and destroyed by the city.

B. Trash. Trash shall be placed in containers or tied in bundles by the customer and set out for collection. Containers may be garbage containers described above, or boxes not exceeding three square feet by four feet deep or plastic bags of at least three mil strength. In any event, the weight of a loaded container or bundle shall not exceed fifty pounds. Customers wishing to retain disposal boxes should mark the box "SAVE" in a readily seen manner.

C. Brush, Tree Limbs. Shall be cut into pieces no more than five feet in length, be piled in neat order with all long branches parallel to one another and shall have all metal or foreign materials removed to facilitate chipping. The city may limit the amount of loose yard brush to be collected from a single residence. Century plants, cacti, and similar plants hazardous to collection employees shall be cut into lengths of less than three feet, and boxed to prevent human contact.

D. Appliances and Vehicles. The city will collect discarded appliances from dwelling premises that two persons can readily lift into a truck. The customer shall remove or cause to be removed all other appliances, vehicles or equipment classed as refuse from their premises or the public right-of-way. The customer must remove the locking mechanism from the doors of freezers and refrigerators before setting them outside for collection. A customer shall arrange for special collection of appliances, air conditioners and other items using freon gases or liquids. Large auto parts, tires with rims and used oil must be disposed of by the customer, and will not be disposed of by the city.

E. Building Materials. All owners, contractors and builders of structures shall, upon the completion, repair or demolition of any structure, gather up and haul away, at their sole cost and expense, all refuse, including all timber scraps, shingles, plaster, brick, stone, concrete and other building material, and shall place the lot and all nearby premises utilized in such construction in a sightly condition. Residential cus-

tomers may dispose of small amounts of building materials from time to time, providing it is placed in a container as described above and contains no concrete, masonry or soil.

F. By-products. Any commercial or manufacturing by-product refuse shall be disposed of by the owner as directed by the city.

G. Soil and Concrete. Water soil, concrete, masonry blocks, sod and rocks shall be disposed of by the owner, tenant or occupant of the premises.

H. Recyclables. Recyclables must be reasonably clean, empty and dry when placed in containers designated by the city for recycling. Recyclables may be bagged, but not tied.

I. Uncontained Refuse. Uncontained waste shall be placed in the public right-of-way or in the alley for pick up no earlier than the weekend immediately preceding the designated collection week.

Items must be placed in neat, separated stacks, one foot apart and parallel to the street or alley adjacent to the owner's property line for collection.

Trash may not be placed on sidewalks or in any location that would interfere with regular collection, pedestrian or vehicular traffic.

J. Dangerous and Hazardous Materials. No person shall deposit or cause to be deposited in any refuse or recycling container serviced by the city, anything dangerous or hazardous to the city's collection equipment or a threat to the health, safety and welfare of the city employees or the general public.

The city reserves the right to deny collection service for refuse determined by the city to be hazardous and the city may require the customer to properly dispose of the refuse by other means.

Placement in properly marked container. Hazardous wastes shall be placed in a proper container marked in plain view with the language "DANGER – HAZARDOUS." The waste hauler shall be notified and shall instruct

the customer as to the proper disposal of such waste.

K. Explosives. Explosives such as arms ammunition, war souvenirs or explosive items or power of any kind and highly inflammable materials shall not be placed in any refuse or recycling container. Residents shall dispose of these items by calling the city police department for special directions.

L. Acids, Caustics and Rapid Oxidizers. Acids, caustics and rapid oxidizers, including chemicals used in swimming pools, shall not be disposed of in refuse containers. Residents shall dispose of such chemicals by calling the city for containment instructions and special pickup.

M. Coals or Ashes. Warm or hot coals or ashes shall not be placed in any regular trash container.

N. Small Animals. Small dead animals shall not be disposed of in any regular trash container and must be properly disposed of by the owner by other means.

Section 9-2-2 Location for Pick Up

Containers used for garbage or rubbish shall be placed for collection as follows:

A. Where there is an alley in the rear of the premises, the container shall be placed immediately adjacent to the alley or in the alley in such a manner as not to impede vehicular access.

B. Where there is no alley, containers shall be placed at the curb in front of the premises except that at a corner lot containers may be placed at the curb of the side street, if approved by the manager. Refuse containers may not be placed on sidewalks or curbing in any manner as to interfere with or be hazardous to pedestrians or vehicles.

C. When necessary to set containers at the front curb, they may be set out after six o'clock p.m. of the day preceding regular collection and shall be removed from the curb by midnight of the day of collection. Containers shall be stored between collections in such a manner that they are not readily visible from the street.

Section 9-2-3 Lids and Covers

The lids or covers of all containers shall at all times be kept secure so that flies and other insects may not have access to the contents and shall be removed while the containers and receptacles are being filled, emptied or cleaned.

Section 9-2-4 Use of Containers

It is unlawful for any person to deposit, or cause to be deposited, any refuse in any container that he does not own or is not entitled to use as a tenant.

Section 9-2-5 Medical Waste

It is unlawful for any person to cause or allow the disposal of medical wastes within the city except as provided:

A. Unless more stringent disposal is required by state or federal law, medical wastes other than medical sharps generated from paramedic or rescue operations, hospitals, doctor offices, clinics, nursing and/or other care homes or businesses shall be placed in plastic bags, tied securely and disposed of in a pathogenic waste incinerator approved by the Arizona Department of Health Services.

B. Unless more stringent disposal is required by state or federal law, medical sharps shall be placed in either a specially-manufactured medical sharps container, heavy-plastic or metal container, puncture proof with a tight-fitting lid. Household containers such as plastic detergent bottles may be used if the following conditions are met:

1) Electrical or duct tape must be used to secure the lid to the container;

2) The container must be marked as "NOT RECYCLABLE – MEDICAL WASTE" in black permanent marker. The letter must be in plain view, and at least one-half (½") in height. The container shall not be disposed of in any bin designated for recycling;

3) No clear glass container may be used; and

4) No more than three-fourths ($\frac{3}{4}$) volume of the container may be used for disposal of medical sharps.

Article 9-3 Other Methods of Garbage and Trash Removal

Sections:

- 9-3-1 Hauling Refuse**
- 9-3-2 Vehicles and Receptacles to be Spill Proof**
- 9-3-3 Spilled Refuse**
- 9-3-4 Dumping Refuse**
- 9-3-5 Burning Refuse**

Section 9-3-1 Hauling Refuse

It is unlawful for any person to haul or cause to be hauled any refuse on or along any public street, avenue or alley in the city, in violation of any of the provisions in this chapter.

Section 9-3-2 Vehicles and Receptacles to be Spill Proof

It is unlawful for any person to haul or cause to be hauled on or along any public street in the city any garbage, unless such garbage is contained in strong, watertight vehicles or vehicles with watertight receptacles, constructed to prevent any such garbage from falling, leaking or spilling and any odor from escaping.

Section 9-3-3 Spilled Refuse

Any person hauling any refuse along the streets of the city shall immediately replace in the conveyance used for such hauling any refuse which may fall upon any street.

Section 9-3-4 Dumping Refuse

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

Section 9-3-5 Burning Refuse

It is unlawful for any person to burn any refuse in an open outdoor fire within the city, except as may be permitted by Maricopa County air pollution control regulations.

Article 9-4 Removal of Litter

Sections:

- 9-4-1 Definitions**
- 9-4-2 Litter on Private Property**
- 9-4-3 Owner to Maintain Premises**
- 9-4-4 Procedure to Compel Removal of Litter**
- 9-4-5 Notice to Remove**
- 9-4-6 Service of Notice**
- 9-4-7 Appeal to Council**
- 9-4-8 Removal by City**
- 9-4-9 Lien for Removal**
- 9-4-10 Placement of Debris**

Section 9-4-1 Definitions

In this article, unless the context otherwise requires:

A. "Litter" means any rubbish, trash, weed, filth or debris which constitute a hazard to public health and safety and shall include all putrescible and nonputrescible solid wastes including garbage, trash, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial waste; any deposit, accumulation, pile or heap of brush, grass, debris, weeds, cans, cloth, paper, wood, rubbish or other unsightly or unsanitary matter of any kind whatsoever; and any growth of weeds, brush, grass or other vegetable growth to a height of over six inches.

B. "Private premises" means any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps or vestibules belonging or

appurtenant to such dwelling, house, building or other structures.

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

Section 9-4-2 Litter on Private Property

No person shall throw or deposit litter on any occupied or unoccupied 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 public place.

Section 9-4-3 Owner to Maintain Premises

The owner or person in control of any private property shall at all times maintain the premises free of litter, provided that this section shall not prohibit the storage of refuse in suitable containers.

Section 9-4-4 Procedure to Compel Removal of Litter

The city manager shall enforce the provisions of Sections 9-4-2 and 9-4-3 by prosecuting violators in the Litchfield Park magistrate court pursuant to the criminal provisions of this code. If such prosecution fails to secure compliance with the provisions of said sections, or in the event of inability to prosecute violators by reason of failure to secure jurisdiction over their persons, the manager shall compel the removal of litter by the procedure outlined in Sections 9-4-5 through 9-4-9.

Section 9-4-5 Notice to Remove

To compel the removal of litter through the provisions of this section and of Section 9-4-6, if a person owning or controlling any property

fails, neglects or refuses to remove or properly dispose of litter, located on property owned or controlled by such person, he shall be given written notice by the manager to remove all litter from such property within ten days from the date the notice was received by him, and prior to the date of compliance on the notice. Such notice shall be received not less than ten days before the date set thereon for compliance and shall contain an estimate of the cost of removal by the city, a statement that unless the person owning or controlling such property complies therewith within ten days from the date such written notice is received that the city will, at the expense of the person owning or controlling said property, perform the necessary work at a cost not to exceed the estimate given in the notice, and that such person may appeal in writing to the council within ten days from the date the notice is received by him and prior to the date of compliance.

Section 9-4-6 Service of Notice

Notice shall be personally served on the owner or person controlling such property, by a police officer of the city in the manner provided in Rule 4(d) of the Arizona Rules of Civil Procedure, or mailed to the owner or person controlling such property at his last known address by certified or registered mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him by certified or registered mail at his last known address.

Section 9-4-7 Appeal to Council

Prior to the date set compliance on the notice, the owner or person controlling such property may appeal in writing to the council from the demand of the manager. The council shall hear and determine the same and the decision of the council shall be final. The council may either affirm or reverse the decision of the

manager or modify the scope of the work as required in the notice.

Section 9-4-8 Removal by City

When any such person to whom notice, as aforesaid, has been given, and on or before the date of compliance on the notice, or within such further time as may have been granted by the council on appeal, fails, neglects or refuses to remove from such property any or all litter, the manager is authorized and directed to cause same to be removed and disposed of at the expense of the owner or person controlling such property. Upon completion of the work, the manager shall prepare a verified statement of account of the actual cost of such removal or abatement, the date the work was completed, and the street address find the legal description of the property on which said work was done, including five percent for additional inspection and other incidental costs in owning or controlling such property in the manner prescribed in Section 9-4-6. The owner or person controlling such property shall have thirty days from the amount of the assessment as contained in the verified statement. If an appeal is not filed with the clerk within such thirty-day period, then the amount of the assessment as determined by the manager shall become final and binding. If an appeal is taken, the council shall, at its next regular meeting, hear and determine the appeal and may affirm the amount of the assessment, modify the amount thereof, or determine that no assessment at all shall be made. The decision of the council shall be final and binding on all persons.

Section 9-4-9 Lien for Removal

If no appeal is taken from the amount of the assessment, or if an appeal is taken and the council has affirmed or modified the amount of the assessment, the original assessment or the assessment as so modified shall be recorded in the office of the county recorder and, from the date of recording, shall be a lien

on said lot or tract of land until paid. Such liens shall be subject and inferior to the lien for general taxes and to all prior recorded mortgage and encumbrances of record. A sale of the property to satisfy a lien obtained under the provisions of the section shall be made upon judgment of foreclosure or order of sale. The city shall have the right to bring an action to enforce the lien in the superior court at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this section shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

Section 9-4-10 Placement of Debris

It is unlawful for any person, firm or corporation to place any rubbish, trash, filth or debris upon any private or public property not owned or under the control of said person, firm or corporation and, in addition to any fine which may be imposed for a violation of any provision of this section, shall be liable for all costs which may be assessed pursuant to this article for the removal of said rubbish, trash, filth or debris.

Article 9-5 Public Nuisances

Sections:

- 9-5-1 Purpose and Scope**
- 9-5-2 Definitions**
- 9-5-3 Owner, Occupant or Person in Control to Maintain Premises**
- 9-5-4 Public Nuisances Defined**

- 9-5-5 Property Maintenance Regulations**
- 9-5-6 Authority to Inspect**
- 9-5-7 Abatement in Lieu of or in Addition to Civil or Criminal Complaint**
- 9-5-8 Emergency Abatement**
- 9-5-9 Interference with Abatement**
- 9-5-10 False Information**
- 9-5-11 Notice to Abate Nuisance**
- 9-5-12 Violation; Penalty**

Section 9-5-1 Purpose and Scope

The city council finds that the failure of a property owner, occupant or person in control to maintain property in a safe and sanitary manner as required by this article creates a public nuisance. Public nuisances promote the spread of disease, endanger the physical safety of occupants and cause neighborhood blight. The purpose of this article is to promote the health, safety and welfare of the citizens of the city and to protect property values in the city by defining, prohibiting and abating public nuisances. This article shall apply to all buildings, structures and lands within the city without regard to the use or occupancy of the date of acquisition, construction, improvement or alteration of such building, structure or land. (Ord. 05-104 § 1)

Section 9-5-2 Definitions

In this article, unless the context otherwise requires:

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

B. “Blight” or “blighted” means unsightly conditions including accumulation of debris; fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting; landscaping that is dead, characterized by uncontrolled growth, lack of maintenance or

damage; buildings and structures, whether main or accessory, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance; and other similar conditions of disrepair and deterioration regardless of the conditions of other properties in the neighborhood.

C. “Carport” means a covered shelter open on at least one side that is intended to be used for the parking of cars of residents of the attached dwelling.

D. “Dilapidated structure” means any unsightly and dangerous structure as defined by the International Property Maintenance Code as adopted by the city and on file with the city clerk, or any old abandoned, or partially destroyed structure.

E. “Filth” means any accumulation of garbage, junk or litter, any condition which constitutes a breeding place for flies, rodents, mosquitoes and other insects which are capable of carrying and transmitting disease-causing organisms to any person or persons, any spoiled or contaminated food or drink intended for human consumption, or all sewage, human excreta, wastewater, garbage or other organic wastes deposited, stored, discharged or exposed so as to be potentially an instrument or medium in the transmission of disease to or between any person or persons.

F. “Hardship” means a condition that would cause substantial suffering or privation for the owner or person in control due to a lack of either (1) financial resources or (2) knowledge or support

G. “Hazard” means a condition that may cause serious personal harm.

H. “Imminent hazard” means a condition that presents an immediate likelihood for causing serious personal harm.

I. “Junk” means accumulations of the following materials: discarded or scrapped furniture; glass, metal, paper, or machinery parts; inoperative machinery or appliances; building

material waste; discarded or empty containers; or unused furniture, mattresses, boxes, crates and similar items.

J. “Occupant” means the person occupying or having custody of a structure or property as a lessee or otherwise.

K. “Outdoor light fixtures” means outdoor artificial illuminating devices, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but shall not be limited to, search, spot or flood lights for buildings and structures, recreational areas, parking lot lighting, landscape lighting, billboards and other signage and street lighting.

L. “Owner” means the owner of record based on the records of the Maricopa County recorder’s office.

M. “Person in control” means a person who has possession or the use and enjoyment of private property, whether or not said person is the owner of the property.

N. “Private property” means any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited temporarily or continuously uninhabited or vacant, and includes but is not limited to any yard, grounds, walk, driveway, porch, steps, vestibule or mail box belonging or appurtenant to such dwelling, house, building or other structure.

O. “Public property” means streets, sidewalks, boulevards, alleys or other public rights-of-way, public parks, squares, spaces, grounds and buildings. (Ord. 07-123 § 1; Ord. 05-104 § 1)

Section 9-5-3 Owner, Occupant or Person in Control to Maintain Premises

The owner, occupant or person in control of any private property shall at all times maintain the premises free of public nuisances. (Ord. 05-104 § 1)

Section 9-5-4 Public Nuisances Defined

Acts, omissions, conditions and things upon any private property or public property in the city which are injurious to the public health, safety and general welfare, which interfere with the comfortable and reasonable use and enjoyment of property by any persons, or which unlawfully obstructs the free passage or use of any public property are hereby declared to be public nuisances. Public nuisances include but are not limited to the following:

A. Outdoor light fixtures of such intensity as to interfere substantially and unnecessarily with the use and enjoyment of public or private property by any considerable number of people, or as to constitute a hazard or threat to the public health, safety and welfare of the people of the city; provided, however, this section shall not apply where the person causing, allowing or permitting said outdoor fixture is authorized by any school or by any ordinance of the city.

B. Signs, billboards, awnings and similar structures and trees, hedges, and other obstructions over or near private property or public property so situated or constructed as to cause an obstruction which prevents persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk or otherwise endangers the public safety or property of others.

C. Electric fences or attachments to any fence of any glass, nails, metal objects or other materials in such a manner that is likely to injure any person who comes in contact with such object.

D. Barbed wire or razor wire, except for barbed wire or razor wire affixed at the top of an otherwise lawful fence enclosing a municipal, institutional or commercial use if limited to no more than three strands of barbed wire or one coil of razor wire not less than six feet and two inches above the ground.

E. Noise emissions in violation of Section 10-1-3.

F. The erection, continuance or use of any building, room or other place in the city for the exercise of any trade, employment or manufacture which, by noxious exhalations, including, but not limited to, smoke, soot, dust, fumes or other gases, offensive odors or other annoyances discomforting or offensive or detrimental to the health of individuals or of the public except for normal cooking odors and normal exhalation or smoke produced by normal heating devices.

G. Any unguarded or abandoned excavation, pit, well or hole dangerous, injurious or harmful to life or property.

H. Slaughterhouses or the practice of slaughtering cattle, hogs, sheep or any other kind of animal.

I. Private property maintained or left in a condition of filth.

J. Accumulations of junk, unless stored safely within a lawful, enclosed building or structure.

K. The creation of dust in violation of requirements and standards of Maricopa County.

L. Inoperable or unregistered vehicles as set forth in Article 12-5.

M. The discharge of water onto a street, sidewalk, gutter, alley, public utility easement, parking area, or another person's property unless the flow (1) results from water supply system malfunctions that are fixed within seventy-two hours, (2) results from firefighting or inspection of fire hydrants, (3) is from water applied as a dust control measure as may be required by law, (4) is from water applied to abate spills of flammable or otherwise hazardous materials, where water is the appropriate methodology, (5) is from water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available, or (6) results from water used for construction or maintenance activities where the applica-

tion of water is the appropriate methodology and where no other practical alternative exists.

N. Construction equipment left or permitted to remain overnight in the front yard of any private property or public property, whether freestanding or on one or more axles; or building materials stored overnight in the front yard of any private property or public property, whether freestanding or on pallets or skids, when such equipment or materials are not for use at the property or stored pursuant to a valid and current building permit issued by the city for work at that property. Equipment and materials may be stored in the side yard area of any private property so long as they are screened from public view by an opaque wall, fence or other permitted screen.

O. The keeping of any animal, chemical, biological agent or any other item which produces a noxious odor, vapor or fume that is determined by the city to be detrimental to the health of individuals or to the public.

P. Private property not maintained in accordance with Section 9-5-5. (Ord. 05-104 § 1)

Section 9-5-5 Property Maintenance Regulations

Failure of an owner, occupant or person in control to maintain structures and premises within the city in a safe and sanitary manner consistent with the requirements set forth below shall be and is hereby declared to be a public nuisance and creating, causing, allowing or maintaining a public nuisance shall be unlawful and may be abated as set forth in this article. All structures and premises within the city shall, at a minimum, comply with the following:

A. Shingles, tiles or other roofing materials as visible from the adjacent rights-of-way shall be maintained in good condition, repaired or replaced. Missing shingles or tiles shall be replaced.

B. Broken exterior windows, missing or broken doors, missing or broken exhaust ducts, missing, torn or broken painted surfaces and window screening, and missing or broken screen walls that are visible from the adjacent rights-of-way shall be repaired or replaced.

C. All exterior walls, doors, stairs, porches, foundations and railings visible from adjacent rights-of-way that have peeling or chipping paint, exposed holes, inadequate bracing or foundation shall be repaired so that these conditions shall not exist.

D. All cooling devices visible from adjacent rights-of-way shall be maintained so as to keep such devices in good working order free of rust, corrosion, or peeling paint.

E. Any hazardous electrical systems, gas connections, water connections and wastewater connections shall be maintained and repaired in accordance with the city's building, plumbing, electrical, mechanical and fire codes.

F. Yards and exposed exterior surfaces such as exterior windows, doors, canopies, metal awnings, roofs, exhaust ducts, chimneys, painted surfaces, window screening, fences, screen walls, retaining walls, foundations, cooling devices, outdoor stairs, porches and railings visible from the adjacent rights-of-way shall be maintained in a structurally sound condition that does not constitute a hazard and is impervious to moisture and weather elements. Front yards and exposed exterior surfaces as visible from adjacent rights-of-way shall also be maintained so as to not exhibit deterioration, disrepair, or blight constituting more than twenty contiguous square feet, or more than ten percent of the area of any exposed individual plane surface unbroken by corners or angles.

G. The exterior of the premises shall be kept free of all nuisances and any hazards to the safety of the occupant and other persons utilizing the premises and free of unsanitary conditions. It shall be the duty of the owner,

occupant or person in control to keep the premises free of hazards, including but not limited to: accumulation of brush, weeds, debris, or other materials which constitute a fire hazard.

H. Recreational vehicles, watercraft, utility trailers or any non-vehicle-mounted camper shell or truck camper shall not be stored within the front yard of a residential use. Such recreational vehicle, watercraft, utility trailer, or camper may be temporarily parked in a front driveway for a period of time not to exceed seventy-two hours for the purpose of loading, unloading, cleaning and maintenance.

I. Carports shall be used exclusively for the storage of automobiles, bicycles, electric carts and other such commonly used transportation equipment except as permitted in subsections (I)(1) and (2) of this section.

1. Latched cabinets if the remaining carport space meets city parking requirements. The cabinets shall be well-maintained and the exterior finish of the cabinets shall be compatible with the color of the residence.

2. Construction materials being utilized in a home remodeling project on-site may be placed in an open carport for a period of time up to fourteen consecutive days, which time period may be extended by the building inspector for good cause shown. All such construction materials shall be assembled and stored so that it does not present a safety hazard to the residents of the property or to the public.

3. Carports whose interior area is not visible from the public street or neighboring properties are exempt from this subsection. (Ord. 07-123 § 1; Ord. 05-104 § 1)

Section 9-5-6 Authority to Inspect

A. The building inspector and code enforcement officer are hereby authorized to make inspections for violations of this article in the normal course of job duties, or in response to a citizen complaint that an alleged violation of the provisions of this article may

exist, or when there is a reason to believe that a violation of this article has been or is being committed.

B. In order to determine compliance with this article, private property may be entered with the consent of the owner or occupant or as authorized by a court of competent jurisdiction. (Ord. 08-144 § 1; Ord. 05-104 § 1)

Section 9-5-7 Abatement in Lieu of or in Addition to Civil or Criminal Complaint

In addition to or in lieu of filing a civil or criminal complaint, the city may file notice to abate any public nuisance as defined in this article. Such abatement shall proceed independently of any civil or criminal violation filed pursuant to this section and the city building inspector, city prosecutor and city attorney are authorized to proceed with the filing of civil or criminal complaints to abate a public nuisance. (Ord. 05-104 § 1)

Section 9-5-8 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 and any occupant or person in control to take such action as is appropriate to correct or abate the emergency upon notice by the building inspector to the owner, occupant or person in control. In addition, the city may act to correct or abate the emergency. In the event the city is unable to contact the owner, occupant, or person in control, it in no way affects the city's right to correct or abate the emergency. The owner and any occupant or person in control shall be granted a hearing before the council on the matter upon his written request, as soon as practicable, but such appeal shall in no case stay the abatement or correction of such emergency. (Ord. 05-104 § 1)

Section 9-5-9 Interference with 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, when that individual is investigating, correcting or abating a violation of this article, is guilty of a Class 1 misdemeanor. (Ord. 05-104 § 1)

Section 9-5-10 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 section, is guilty of a Class 1 misdemeanor. (Ord. 05-104 § 1)

Section 9-5-11 Notice to Abate Nuisance

A. Notice to Abate.

1. If, after an inspection, the city finds one or more violations of this article, the city shall, in writing, notify the owner and any occupant or person in control of the violation. The owner and any occupant or person in control shall have thirty days from the date of the notice to bring the structure or property into compliance with this article.

2. If the structure or property is not brought into compliance with this article within the thirty-day period set forth in subsection (A)(1) of this section, and if the city elects to use the abatement process, the city shall, in writing, give the owner and any occupant or person in control a notice to abate the nuisance. The notice to abate shall set forth the following information:

a. The owner, occupant or person in control has thirty days from the mailing of the notice to abate or correct the violation.

b. Identification of the property in violation by street address if known, and if

unknown, then by book, map and parcel number.

c. Statement of the violation in sufficient detail to allow a reasonable person to identify and correct the violation(s).

d. An estimate of the cost of abatement by the city plus five percent for the costs of inspection and other incidental costs associated with abating the nuisance.

e. Re-inspection date and time.

f. Name, address and telephone number of the city inspector who sent the notice to abate.

g. A warning stating that if the violation(s) are not corrected within the thirty-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.

h. A statement that the owner, occupant or person in control may appeal in writing to the council within fifteen days from the date the notice is mailed by the city.

i. The fifteen-day notice set forth in this section shall not apply to emergency abatements.

3. The building inspector may extend the time limits set forth in subsection (A)(1) of this section if the owner, occupant or person in control demonstrates to the satisfaction of the building inspector that complying with the notice of violation or notice to abate is a hardship and if the owner, occupant or person in control agrees in writing to a schedule for coming into compliance with the requirements of this article and complies with such schedule.

4. The notice requirements set forth in this subsection do not apply if the building inspector determines there is need for an emergency abatement pursuant to Section 9-5-8.

B. Service of Notices.

1. Any notice required to be given for any purposes under this article shall be by having the building inspector deliver the notice to the owner and to the occupant or person in control

or by mailing the notice to the owner and to the occupant or person in control by certified mail, return receipt requested.

2. Notice is deemed effective on the date it is hand-delivered or deposited in the United States mail.

3. Nothing herein shall preclude the 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.

C. 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 an entity thereafter acquiring such property. The non-filing of any notice to abate shall in no way affect the validity of such notice as to entities so notified. When the property is brought in compliance, a satisfaction of notice to abate shall be filed with the county recorder.

D. Appeals to the Council.

1. Any notice to abate or any assessment may be appealed to the council.

2. An appeal must be filed within fifteen days of the service of the notice to abate or assessment and must be filed with the city clerk's office.

3. Failure to timely file an appeal shall constitute a waiver of the right to a hearing of the appeal before the council and such person shall be estopped to deny the validity of any notice or assessment which could have been timely appealed.

4. The notice of appeal shall set forth, in writing, the appellant's reasons for believing he is not in violation of this article or that the assessment is excessive.

5. The appeal shall be accompanied by an appeal fee of twenty-five dollars, such sum to be deposited in the general fund of the city.

6. In case of hardship, the assessment may be suspended until the council issues a final decision.

E. Grounds for Appeal. Any person may appeal a notice to abate or assessment to the council:

1. When it is claimed the property or building subject to the notice is not in violation of this article;

2. When it is claimed the true intent of this article or standards described in this article have been incorrectly interpreted; or

3. When it is claimed that the statement of costs for correcting or abating the violation is excessive.

F. Procedures on Appeal.

1. The council shall set a date for hearing an appeal within forty days of the receipt of notice of appeal by the city clerk.

2. The council shall take testimony from all parties to the appeal. The parties may, if they choose, be represented by an attorney.

3. The council shall prepare a written summary of the hearing and shall set forth the decision reached. The findings and decision shall be mailed to all parties to the appeal.

G. Conflicting Provisions; Special Assessment.

1. Conflict of Ordinances. In any case where a provision of this article 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 section, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

It is not intended by this section 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 section, or with private restrictions placed upon the property by covenant, deed, or other private agreement.

In cases where two or more provisions of this article are in conflict, the most stringent or restrictive shall prevail.

2. Special Assessment Lien. In the event the city is required to correct or abate a violation of this article, the city shall prepare a verified statement and account of the actual cost of such removal or abatement, including five percent for inspection and other incidental costs in connection with such correction or abatement. The verified statement and account shall be an assessment upon the property from which the city corrected or abated the violation and shall be collected at the same time and in the same manner as other city assessments are collected. Such assessment shall be recorded in the office of the Maricopa County recorder and from the date of its recording shall be a lien on the property. Such lien shall be subject to and inferior to the lien for general taxes and to all prior recorded mortgages. A sale of the property to satisfy a lien obtained under the provisions of this subsection shall be made upon judgment of foreclosure and order of sale. The city may institute an action to enforce the lien in the superior court of the county at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of truth of all matters recited therein and of the regularity of all proceedings prior to the recording thereof.

A prior assessment pursuant to this subsection 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. 05-104 § 1)

Section 9-5-12 Violation; Penalty

A. Civil Violations. Except as provided in subsection (B) of this section, any person found in violation of any provision of this article may be cited for a civil violation. Upon a finding that a person is responsible for a civil

violation of this article, the civil hearing officer shall impose a civil sanction of not less than one hundred dollars nor more than five hundred dollars for each violation.

B. Habitual Offenders; Violations of Section 9-5-9; Violation of Section 9-5-10. A habitual offender is a person who commits a violation of this article after previously having been found responsible for committing three or more civil violations of this article within a twenty-four-month period, whether by admission, by payment of the fine, by default or by judgment after hearing and shall be guilty of a criminal misdemeanor complaint in the city of Litchfield Park municipal court against habitual offenders who violate this article. For purposes of calculating the twenty-four-month period under this subsection, the dates of the commission of the offenses are the determining factor.

For habitual offenders and persons violating Sections 9-5-9 and 9-5-10, upon conviction of a violation of this article the court may impose a sentence of incarceration not to exceed six months in jail, or a fine not to exceed two thousand five hundred dollars, exclusive of penalty assessments prescribed by law, or both.

C. Every action or proceeding under this section shall be commenced and prosecuted in accordance with the laws of the state of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure. (Ord. 05-104 § 4)

Article 9-6 Fugitive Dust Control

Sections:

- 9-6-1 Definitions**
- 9-6-2 Parking Restrictions on Vacant Lots**
- 9-6-3 Operation of Vehicles on Public and Private Property**
- 9-6-4 Parking, Maneuvering, Ingress and Egress**
- 9-6-5 Leaf Blower Restrictions**

- 9-6-6 Compliance Monitoring**
- 9-6-7 Violation Deemed a Public Nuisance**
- 9-6-8 Remedies Not Exclusive**
- 9-6-9 Compatibility with Other Regulations**

Section 9-6-1 Definitions

As used in this article:

“County dust control permit” means a permit issued by Maricopa County evidencing that a dust-generating operation has a satisfactory dust control plan in place approved by the Maricopa County air quality department.

“Fugitive dust” means the particulate matter not collected by a capture system that is entrained in the ambient air and is caused from human and/or natural activities, such as, but not limited to, movement of soil, vehicles, equipment, blasting, and wind. For the purpose of this article, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, or from piledrivers.

“Leaf blower” means any device that generates a stream of air that is designed, or used, to blow leaves, grass cuttings, trash, or other debris.

“Off-road vehicle” means any self-propelled conveyance specifically designed for off-road use, including, but not limited to, off-road or all-terrain equipment, trucks, cars, motorcycles, motorbikes, or motor buggies, and excluding devices moved by human power or used exclusively on stationary rails or tracks and excluding motorized wheelchairs.

“PM-10” means the standard adopted by the Environmental Protection Agency that focuses on smaller particulates in the air that are likely responsible for adverse health effects because of their ability to reach the lower regions of the respiratory tract. The PM-10 standard includes particles with a diameter of ten micrometers or

less (0.0004 inches or one-seventh the width of a human hair).

“Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

“Public roadway” means any street, alley, road, highway or thoroughfare of any kind that is used by the public or that is open to the public as a matter of right, for the purpose of vehicular travel.

“Unstabilized” means a surface that has not been paved or stabilized with asphaltic concrete, cement concrete, hardscape, penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate, decomposed granite cover, or grass or other continuous vegetative cover, or any combination of such paving or stabilizing.

“Vacant lot” means: (1) an unsubdivided or undeveloped tract of land adjoining a residential, industrial, institutional, governmental, or commercial lot that contains no approved or permitted buildings, structures, or uses of a temporary or permanent nature; or (2) a partially developed residential, industrial, institutional, governmental, or commercial lot.

“Vehicle” means a self-propelled device and its appurtenances, excluding devices moved by human power or used exclusively on stationary rails or tracks, including, but not limited to, off-road vehicles. (Ord. 08-137 § 1)

Section 9-6-2 Parking Restrictions on Vacant Lots

A. Except as permitted in subsections (B) and (C) of this section, it shall be unlawful to park or use a vehicle, including an off-road vehicle, on an unstabilized vacant lot within the city.

B. This section does not prohibit a landowner from allowing vehicles to park on vacant lots for the purposes of a special event if: (1) the city council approves a special event permit for such purposes; and (2) the lot upon

which such vehicles are parked has been dust-proofed (chemically stabilized and/or covered with gravel as approved by the city engineer) prior to, during and, if necessary, subsequent to the special event.

C. This section does not apply to vacant lots that have been issued a county dust control permit. (Ord. 08-137 § 1)

Section 9-6-3 Operation of Vehicles on Public and Private Property

A. A person shall not operate any vehicle, including but not limited to an off-road vehicle, on an unpaved surface that is not a public or private roadway, street or lawful easement, without lawful authority. Lawful authority shall consist of rules, regulations, or orders of a federal agency, this state, a county or municipality, which shall be made available to the public by any one of the following:

1. A sign to designate the property is open to such use. Such sign shall be in compliance with the standard travel management sign protocol used by Southwest Land Management Agencies and shall at a minimum be conspicuously placed at all points of vehicular access and contain the following information: “Travel must remain on designated routes.” Copies of the standard travel management sign protocol are available for review at the Maricopa County Air Quality Department, 1001 North Central Avenue, Phoenix, AZ, 85004;

2. Orders of a government land management agency;

3. Most current maps approved by such government land management agency; or

4. Virtual posting from a government land management agency.

B. A person shall not operate any vehicle, including but not limited to an off-road vehicle, on unpaved private property that is not a private roadway, street or lawful easement and that is closed by the landowner by rule or regulation of a federal agency, this state, a county

or municipality or by proper posting, without the written consent of the person in control. Consent of the lawful owner consists of either or both of the following:

1. A sign to designate the property is open to such use. Such sign shall be in compliance with the standard travel management sign protocol used by Southwest Land Management Agencies and shall at a minimum be conspicuously placed at all points of vehicular access and contain the following information: "Travel must remain on designated routes." Copies of the standard travel management sign protocol are available for review at the Maricopa County Air Quality Department, 1001 North Central Avenue, Phoenix, AZ, 85004;

2. Prior written permission which contains the following:

a. The name, address, and telephone number of the person granting permission for the use of the property;

b. A description of the interest the person granting permission has in the property (i.e., property owner, lessee, or agent);

c. If the person granting permission is not the owner of the property, the written permission shall also contain the name, address and telephone number of the property owner;

d. Specify the period of time for which permission for the use of the property is being granted; and

e. The signature of the person granting permission for the use of the property.

C. Whenever any person is stopped by an enforcement officer for a suspected violation of this article, he shall, upon the request of the enforcement officer, identify or present the lawful authority or consent of the lawful owner required in this section.

D. The property owner, person entitled to possession of the property, or invitee who has lawful authority may operate such vehicles on the property if such use does not violate any other applicable laws.

E. This section shall not apply to the operation of vehicles used in the normal course of government operations.

F. This section shall not apply to operation directed by utilities for operation, distribution, and transmission systems provided that both of the following conditions are met:

1. Operations are performed in, or using, a marked company vehicle; and

2. If operations are performed in, or using, a personal vehicle, then identification of the company shall be visible and readable by the public without having to be asked by the public (such as including or posting a sign on the vehicle or in the vehicle window that is visible to the public).

G. This section shall not prohibit the use of a vehicle that is either designed primarily for travel on, over, or in the water, or is used in installation, inspection, maintenance, repair or repeated activities involving facilities for the provision of railroad service.

H. As required by A.R.S. Section 9-500.27, a person who violates this section is guilty of a Class 3 misdemeanor.

I. As required by A.R.S. Section 9-500.27, if a person violates this section, in addition to or in lieu of a fine, a judge may order the person to perform at least eight but not more than twenty-four hours of community restitution or to complete an approved safety course related to the off-highway operation of motor vehicles, or both. (Ord. 08-137 § 1)

Section 9-6-4 Parking, Maneuvering, Ingress and Egress

A. Other than Residential. All persons who are owners, tenants or operators shall maintain parking, maneuvering, ingress and egress areas at developments other than residential buildings with four or fewer units with one or more of the following dustproofing paving methods:

1. Asphaltic concrete;

2. Cement concrete;
3. Penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate; and/or
4. A stabilization method approved by the city.

B. Residential. All persons who are owners, tenants or operators shall maintain parking, maneuvering, ingress and egress areas that are three thousand square feet or more in size at residential buildings with four or fewer units with a paving or stabilization method authorized by a permit issued by the city engineer. (Ord. 08-137 § 1)

Section 9-6-5 Leaf Blower Restrictions

A. A person shall not operate a leaf blower in a manner that causes landscape debris to be blown into a public roadway.

B. No person who is an employee or contractor of the city shall operate a leaf blower on any high pollution advisory day forecast by the Department of Environmental Quality, except while in vacuum mode. (Ord. 08-137 § 1)

Section 9-6-6 Compliance Monitoring

A. The city shall be permitted to enter and inspect property subject to regulation under this article when necessary to determine compliance with this article.

B. Any temporary or permanent obstruction to safe and easy access to the property to be inspected shall be promptly removed by the property owner at the written or oral request of the city.

C. If the city has been refused access to any part of the premises and the city is able to demonstrate probable cause to believe that there may be a violation of this article on the premises, or that there is a need to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community,

the city may seek issuance of a search warrant from any court of competent jurisdiction.

D. Unless an alternative process or penalty is expressly indicated within this article or the city code, any violation of this article shall constitute a civil infraction subject to Article 1-8 of this code.

E. Pursuant to A.R.S. Section 9-500.04(H), the requirements of Sections 9-6-2, 9-6-4, and 9-6-5 of this article do not apply to any site that has a permit issued by a control officer as defined in A.R.S. Section 49-471 for the control of fugitive dust from dust generating operations.

F. This article shall not apply during a period of emergency or if the operation is directed by a peace officer or other public authority. (Ord. 08-137 § 1)

Section 9-6-7 Violation Deemed a Public Nuisance

In addition to the enforcement process and penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety and welfare and is deemed a nuisance, subject to the abatement procedures set forth in Article 9-5 of this chapter. (Ord. 08-137 § 1)

Section 9-6-8 Remedies Not Exclusive

The remedies listed in this article are not exclusive of any other remedies available under applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies. The city may recover all attorneys' fees, court costs and other expenses associated with enforcement of this article, including monitoring expenses. (Ord. 08-137 § 1)

Section 9-6-9 Compatibility with Other Regulations

This article is not intended to modify or repeal any other ordinance, rule, regulation, or

other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards of human health or the environment shall control. (Ord. 08-137 § 1)