

#### 8.20.010 Definitions.



In this chapter unless the context requires otherwise:

“Abandoned vehicle” means an unregistered motor vehicle or recreational vehicle left unattended for a period of seventy-two hours on a street or private property, which is inoperable, stripped, unclaimed, scrapped, junked or discarded. This term shall also mean a vehicle being repaired when such repairs take 72 hours or more.

“Abandoned vehicle parts” means any vehicle part which is inoperable, unclaimed, scrapped, junked, discarded or not used in or on any vehicle within any seven-day period.

“Classic car” means a vehicle licensed pursuant to A.R.S. Title 28, Chapter 3, Article 2 as a horseless carriage, classic car or historic vehicle.

“Inoperative motor vehicle” means a vehicle which cannot be driven upon the public streets for reasons including, but not limited to, being in a state of disrepair, or inoperative due to mechanical disassembly; or physically incapable of operation under its own power.

“Junked motor vehicle” mean a vehicle that is inoperative, stripped, scrapped, discarded, wrecked, on blocks or similar devices, or has deflated or missing tire(s); or the absence of a license affixed or assigned thereto.

“Vehicle” means a self-propelled device in, upon or by which any person or property is or may be transported or drawn upon a public highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

“Vehicle parts” means any parts, components or accessories of a vehicle. [Code 2004 § 10-1-1.]

#### 8.20.020 Abandoned vehicles.



A. *Unsheltered Storage Prohibited.* The unsheltered storage of any abandoned vehicle or abandoned vehicle parts for a period of 15 days or more on any private property within the corporate limits of this city is hereby declared to be a nuisance and dangerous to the public safety.

B. *Exceptions.*

1. The provisions of subsection (A) of this section shall not apply to the storage of abandoned vehicles or abandoned vehicle parts on the premises of a business enterprise operating in a lawful place and manner when necessary to the operation of such business enterprise or to a storage place or depository for vehicles or vehicle parts maintained in a lawful

place and manner. The exceptions contained in this subsection shall be an affirmative defense to be pled and proved by the defendant in any judicial proceedings under this section.

2. The provisions in subsection (A) of this section shall not apply to classic cars while such are maintained or stored on the owner's private property.

### C. Removal.

1. The owner, tenant, lessee or other occupant of any private property within the corporate limits of the city upon which storage is prohibited by subsection (A) of this section and also the owner of such abandoned, inoperative or junked motor vehicle(s); or an accumulation of scrapped vehicle parts involved in such storage shall jointly and severally abate the nuisance.

2. Any person who fails, neglects or refuses to abate such nuisance shall be notified in writing by certified or registered mail or by personal service by the city manager or his representative to abate the nuisance within 15 days from the date appearing on such written notice.

3. When any person to whom notice as provided in this subsection has been mailed fails, neglects or refuses for more than 15 days from the date appearing on the notice to abate the nuisance, the city manager or his representative is hereby authorized to remove the abandoned, inoperative or junked motor vehicle(s); or the accumulation of scrapped vehicle parts from the premises and dispose of same according to law.

4. The owner, tenant, lessee or other occupant of any private property, from which the city has removed an abandoned, inoperative or junked motor vehicle(s); or the accumulation of scrapped parts pursuant to this section, shall be liable for all costs incurred in removing and disposing said items from the property. [Ord. 17-05; Code 2004 § 10-1-2.]

## 8.20.040 Nuisances.



### A. Nuisances Prohibited.

1. It is unlawful for any person to maintain or commit a nuisance, or to willfully omit to perform any legal duty relating to the removal of a nuisance, including but not limited to an order of abatement by order of a court of competent jurisdiction.

2. No person shall erect, maintain, use, place, deposit, cause, allow, leave or permit to be or remain in or upon any private lot, building, structure or premises, or in or upon any public right-of-way, street, avenue, alley, park, parkway or other public or private place any condition, thing or act, to the prejudice, danger or annoyance of others, including but not limited to, the following:

a. Throwing, depositing, dumping or discharging into or about any ditch within the city anything injurious to the public health or offensive to the senses.

b. No owner, lessee, tenant or other person who keeps or controls any animal shall cause, allow or permit any manure or liquid discharge of such animal to unreasonably accumulate on private property or to be unloaded, left or dumped in or upon any ditch, street, alley, sidewalk, place, vacant lot or public property within the city.

c. Storage of construction materials for a period in excess of 14 days in whole, broken or discarded condition in unsheltered areas of a yard and in which insects may breed or multiply or which provides harborage for rodents or which constitutes a hazard to the public health and safety.

d. No person shall park, or permit to be parked, any motor vehicle for the purpose of sale upon any lot or area within the city.

e. Storage of bottles, glass, cans, pieces of scrap metal, metal articles, paper or other abandoned material or items in unsheltered areas of private property, unless the same is kept in appropriate bins or receptacles approved by the city manager, county health officer or this code or any other ordinance of the city.

f. No person shall leave, place or park any abandoned vehicle upon any city right-of-way, street, alley, parking lot or other city property.

g. No person shall place, deposit or leave in or upon any city right-of-way, street, alley, gutter, park or other city building or property any bottles, glass, cans, graffiti, pieces of scrap metal, metal articles, paper or other abandoned material or items, except in proper containers for collection.

h. No person shall leave or permit to remain exposed outside on any property, or within any unoccupied or abandoned building, dwelling or other structure or in any place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container that has an airtight door or lid, snaplock or other locking device that may not be readily released from the inside, unless such person has first removed such door, lid, snaplock or other locking device from such ice box, refrigerator or container.

i. No person shall allow or permit any dangerous, deteriorated, abandoned, partially destroyed or unfinished buildings, addition, appendage, or other structure, or any building in violation of the provisions of the building code, or any vacated or abandoned building not securely closed by materials compatible with the color of the building within the city limits.

*B. Exemptions.*

1. The provisions of subsection (A)(2)(c) of this section shall not apply to:

a. Any construction material when a valid building permit exists for the property on which the construction material is located and the construction material is intended to be incorporated in the project for which the permit is issued.

Notwithstanding the exemption above, it shall nonetheless be unlawful to store any such construction materials on any property if the storage presents a demonstrated hazard or risk of hazard to the public health and safety.

2. The provisions of subsection (A)(2)(d) of this section shall not apply to:

- a. The display of one motor vehicle for sale when the motor vehicle is either owned by the resident of the property or is placed there with the express permission of the resident of the property, and is not in either case being sold in connection with an automobile sales business; or
- b. Property appropriately zoned by the zoning code which allows such activity.

3. The provisions of subsection (A)(2)(e) of this section shall not apply to a properly licensed business, acting in accordance with the Maricopa zoning code, and conducted as a recycling business, auto-recycling center or other similar operation. Notwithstanding this exemption, it shall nonetheless be unlawful to store any materials in violation of subsection (A)(2)(e) of this section on any property if the storage presents a demonstrated hazard or risk of hazard to the public health and safety.

*C. Violators Liable for Costs.*

1. If the owner or occupant of any property within the city does not remove or abate such public nuisance from such property within a reasonable period after the citation has been served by the city, a reasonable period being a maximum of 14 days or less if the interests of public safety and health so necessitate, the city may, at the expense of the owner or occupant, remove or cause the removal thereof.

2. Any person who places, deposits, leaves or causes a public nuisance in or upon any city right-of-way, street, alley, park or other city building or property, shall be liable for all costs incurred by the city to remove or clean up such nuisance.

*D. Assessment of Costs.* When the city has effected removal and/or disposal pursuant to this section, the actual cost of such removal shall become an assessment upon the building or property from which such public nuisance is removed, and the record owner of such property shall be liable for the payment of same. If the actual cost of such removal has not been paid within 14 days of billing by the city by ordinary mail, such assessment shall be recorded in the office of the county recorder, and from the date of its recording, it shall be a lien on such building or property until paid. Such liens shall be subject and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record.

*E. Subsequent Assessments.* A prior assessment against the building or property shall not be a bar to a subsequent assessment for such purposes, and any number of liens on the same property may be enforced in the same action.

*F. Right of Record Owner to Appeal.* The owner of record of such building or property shall have the right to appeal such citation to the city council within the time allowed in such citation to remedy the alleged violation. The decision of the city council on such appeal shall be final.

9.05.010 Definitions.



“Construction materials” means asphalt, concrete, plaster, tile, rocks, bricks, sand, dirt, lumber, blocks or any other material commonly used in construction or landscaping material.

“Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action.

“Guardian” means a person who, under court order, is the guardian of the person of a minor or a public or private agency with whom a minor has been placed by an authorized agency or court; or at least 21 years of age and authorized by a parent or guardian to have the care and custody of a minor.

“Insufficient control” means failure to exercise reasonable care and diligence in the supervision of the juvenile.

“Litter” means any rubbish, trash, weeds, 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 an unreasonable height or in unreasonable amount. Any debris created during any construction shall be considered litter for purposes of this section, as will any handbills, posters or other similar advertising material posted within the city and not removed within 72 hours after the time of event.

“Minor” means any person under 18 years of age.

“Nuisance” shall mean anything which is injurious to health, or is indecent, or offensive to the senses of a reasonable person, or an obstruction to the free use of property, so as to interfere with the comfortable and reasonable enjoyment of life or property by an entire community or neighborhood, or by any person, or which unlawfully obstructs the free passage or use, in the customary manner, of any public park, square, alley, sidewalk, street or highway.

“Parent” means a person who is a natural parent, adoptive parent or stepparent of another person.

“Private property” means land owned by any person other than the United States, the state, the county or the city.

“Prostitution” shall mean the act of performing a sexual activity for hire by a male or female person.

“Sexual activity” shall mean vaginal or anal intercourse, fellatio, cunnilingus, analingus, masturbation, sodomy or bestiality.

“Unsheltered” means anything located outside a garage in such a manner as to be visible to a person standing upon any public street, alley, sidewalk or right-of-way or to any person standing at ground level upon any adjoining piece of property. [Ord. 10-03 § 1; Res. 10-13 § 1; Code 2004 § 10-1-1.]

**9.30.010 Fences – Barbed wire and electric.**



A. *Use and Maintenance of Certain Fences Restricted.* Except as set forth in this section or unless otherwise specifically permitted by zoning, it is unlawful for any person to erect or maintain within the city any electric fence or any fence constructed in whole or in part of barbed, razor or similar wire. Any such fence is hereby declared a public nuisance and subject to abatement by order of the city court.

B. *Exceptions.* Notwithstanding the provisions of subsection [\(A\)](#) of this section:

3. Unless specifically prohibited by the provisions of the zoning code, security barbed wire may be used as the top of a fence in any commercial or industrial facility or property; provided, however, that such barbed wire must be located no less than six feet from ground level at any point.