

## **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.
- j. No owner, agent, tenant, or occupant will allow, cause or permit the placement and/or storage of debris, construction material (e.g. rock, brick mortar, lumber) or any other material in or on a public street within the city of Maricopa. ~~without having obtained a permit from the city.~~

B. *Exemptions.*

1. The provisions of subsection ~~(A)(2)(c) & (i)~~ of this section shall not apply to ~~any construction material~~ when a valid building permit exists for the property on which the construction material is located ~~on either the property itself or adjacent to the public Right-of-Way (ROW)~~ and the construction material is intended to be incorporated in the project for which the permit is issued. ~~The following placement standards shall be adhered to:~~

- a. Sidewalks must be kept clear at all times.

b. Material storage utilizing a public street shall not be larger than 20 feet by 7 feet in area, parallel to a public sidewalk or edge of pavement. Traffic control devices such as a traffic cone with reflectors shall be utilized around the material storage and shall not block public travel lane.

c. Material shall not block any neighboring driveways.

d. Shall not be placed within 30 feet of a street corner.

e. Shall be removed after 72 hours.

f. ~~Notwithstanding the exemption above, it shall~~ Nonetheless, ~~it shall~~ be unlawful to store any such construction materials on any property ~~or adjacent public ROW~~, 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.

G. *Repealed.*