



## Town of Chino Valley

### MEETING NOTICE TOWN COUNCIL

**REGULAR MEETING  
TUESDAY, FEBRUARY 26, 2019  
6:00 P.M.**

**Council Chambers  
202 N. State Route 89  
Chino Valley, Arizona**

*A majority of the Councilmembers may attend a private invocation in the Council Conference Room immediately prior to the Council meeting. No Town business will be discussed.*

### AGENDA

**1. CALL TO ORDER, PLEDGE OF ALLEGIANCE; ROLL CALL**

**2. INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**

- a.** Proclamation declaring February 25, 2019–March 2, 2019 as "Stand With Me, Be Drug Free Week," sponsored by MATFORCE.

**3. CALL TO THE PUBLIC**

*Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.*

**4. RESPONSE TO THE PUBLIC**

*Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.*

**5. CURRENT EVENT SUMMARIES AND REPORTS**

*This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.*

- a.** Status reports by Mayor and Council regarding current events.

- b. Status report by Town Manager Cecilia Gritman regarding Town accomplishments, and current or upcoming projects.
- c. Presentation regarding the May 21, 2019 Special Election Ballot Questions. (Frank Marbury, Public Works Director/Town Engineer; Joe Duffy, Finance Director)

## 6. **CONSENT AGENDA**

*All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.*

## 7. **ACTION ITEMS**

*The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.*

- a. Consideration and possible action to approve Ordinance No. 2019-865 to rezone 2.85 acres of real property, Assessor's Parcel Number 306-29-002N, located approximately .25 miles east of the southeast corner of East Center Street and South State Route 89 from SR-2.5 (Single Family Residential-2.5 acre minimum) zoning district to MR-1 (Multiple Family Residential-1 acre minimum) zoning district. (Owner of Record: Clatterbuck Jared Shaun) (Alex Lerma, Planner)

Recommended Action: Adopt Ordinance No. 2019-865 rezoning 2.85 acres of real property from SR-2.5 (Single Family Residential-2.5 acre minimum) zoning district to MR-1 (Multi-Family Residential-1 Acre Minimum) zoning district with the conditions recommended by staff.

- b. Presentation, discussion and possible action regarding Town of Chino Valley's Manufactured Home Sales Tax. (Joe Duffy, Finance Director)

Recommended Action: Direct staff per Council discussion.

- c. Consideration and possible action to adopt two ordinances relating to property maintenance matters in the Unified Development Ordinance (UDO) and Town Code as follows:
  - (1) Adopt Ordinance No. 2019-862 amending the UDO by deleting Sub-subsection 1.11.10 Abatement of Hazards to Public Health and Safety and Civil Sanctions Pursuant to A.R.S. §9-499, and amending Sub-subsection 1.6.2. Powers and Duties [of the Zoning Administrator and Assistant Zoning Administrator], and deleting Section 6 Property Maintenance; and
  - (2) Adopt Ordinance No. 2019-864 declaring the document entitled "Town of Chino Valley Property Maintenance and Public Nuisance Town Code Amendments Dated February 26, 2019" as a public record; adopting said document; and amending Town Code Title V Public Works, Chapter 52 Removal of Rubbish, Trash and the Like, and Culvert Maintenance, repealing Title V Chapter 52 subchapter Removal of Rubbish, trash and the Like; Dilapidated Structures, adding new Title VIII Health and Safety, and amending Title XIII General Offenses. (Joe Duffy, Finance Director)

Recommended Action: Adopt Ordinance No. 2019-862 and Ordinance No. 2019-864 to amend the Unified Development Ordinance and Town Code with regard to property maintenance matters.

## 8. EXECUTIVE SESSION

*Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.*

- a. An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding the acquisition of a portion of the Prescott Water system and pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider the Town's position and instruct the Town Attorney regarding the Town's position regarding an intergovernmental agreement with the City of Prescott. (Cecilia Gritman, Town Manager)

## 9. ACTION ITEMS RESUMED

*After the Executive Session, Council will reconvene the Regular Meeting.*

## 10. ADJOURNMENT

Dated this 20th day of February, 2019.

By: *Jami C. Lewis, Town Clerk*

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/agendacenter> and in the Public Library and Town Clerk's Office.

### CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: \_\_\_\_\_ Time: \_\_\_\_\_ By: \_\_\_\_\_  
Jami C. Lewis, Town Clerk

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## TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

### Town Council Regular Meeting

2.a.

**Meeting Date:** 02/26/2019  
**Contact Person:** Chuck Wynn, Police Chief  
 Phone: 928-636-2646 x-1258  
**Department:** Police  
**Estimated length of Staff Presentation:** 5 minutes  
**Physical location of item:** N/A

#### AGENDA ITEM TITLE:

Proclamation declaring February 25, 2019–March 2, 2019 as "Stand With Me, Be Drug Free Week," sponsored by MATFORCE.

#### SITUATION & ANALYSIS:

MatForce is presenting a Proclamation for Stand With Me, Be Drug Free Week, February 25- March 02, 2019.

#### Attachments

Proclamation

# PROCLAMATION

## *Stand With Me, Be Drug Free Week February 25-March 2, 2019*



*Whereas*, MATFORCE has proclaimed February 25 to March 2, 2019 to be Stand With Me, Be Drug Free Week; and

*Whereas*, the Town of Chino Valley embraces a vision of a healthy, vibrant, and strong community for children, youth, families and people of all ages; and celebrates the fact that a majority of people do not abuse drugs and alcohol; and

*Whereas*, the Town of Chino Valley recognizes that youth prevention is essential, based on the fact that 9 out of 10 people who struggle with substance use disorders began using substances as a teenager; and

*Whereas*, knowing that families are adversely affected by illegal drug use, including work problems, legal problems, mental health problems, physical illness, addiction, accidents, accidental death, economic loss, child abuse, destruction of families, driving while impaired, and crimes against persons and property; and

*Whereas*, the Town of Chino Valley would like to commend and pay tribute to all of its citizens who choose to be free of illegal drug use; and

*Now, Therefore*, I, Darryl Croft, Mayor of the Town of Chino Valley, do hereby proclaim February 25 to March 2, 2019 to be Stand With Me, Be Drug Free Week, and encourage our citizens to participate in the celebration of a drug-free, healthy community by participating in the planned events, activities and displays.

*In Witness Whereof*, I have hereunto set my hand and caused the Seal of the Town of Chino Valley to be affixed this 26th day of February, 2019.

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Darryl L. Croft, Mayor

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ATTEST: Jami C. Lewis, Town Clerk



## TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

### Town Council Regular Meeting

5.c.

**Meeting Date:** 02/26/2019  
**Contact Person:** Cecilia Grittman, Town Manager  
**Department:** Council  
**Estimated length of Staff Presentation:** 10 minutes  
**Physical location of item:** N/A

### AGENDA ITEM TITLE:

Presentation regarding the May 21, 2019 Special Election Ballot Questions. (Frank Marbury, Public Works Director/Town Engineer; Joe Duffy, Finance Director)

### SITUATION & ANALYSIS:

Each Council meeting from February 26 through May 14, staff members will give a brief presentation on the two Ballot Questions being proposed on the May 21 Special Election ballot. This will be done as part of the Town's informational outreach to the community to provide details of the proposals and contact information of Town officials for people that may have additional questions.

### Attachments

*No file(s) attached.*

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## TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

### Town Council Regular Meeting

7.a.

**Meeting Date:** 02/26/2019

**Contact Person:** Alex Lerma, Associate Planner  
Phone: 928-626-4427 x-1295

**Department:** Development Services

**Item Type:** Action-Presentation

**Estimated length of staff presentation:** 5 minutes

**Physical location of item:** Approximately .25 mile east of the southeast corner of East Center Street and South State Route 89.

### AGENDA ITEM TITLE:

Consideration and possible action to approve Ordinance No. 2019-865 to rezone 2.85 acres of real property, Assessor's Parcel Number 306-29-002N, located approximately .25 miles east of the southeast corner of East Center Street and South State Route 89 from SR-2.5 (Single Family Residential-2.5 acre minimum) zoning district to MR-1 (Multiple Family Residential-1 acre minimum) zoning district. (Owner of Record: Clatterbuck Jared Shaun) (Alex Lerma, Planner)

### RECOMMENDED ACTION:

Staff and Planning and Zoning Commission forward a recommendation of approval to Town Council to adopt Ordinance No. 2019-856 rezoning 2.85 acres of real property from SR-2.5 (Single Family Residential-2.5 acre minimum) zoning district to MR-1 (Multi-Family Residential-1 acre minimum) zoning district with the following condition:

- 1.) The property shall generally conform to the attached site plan.
- 2.) A block wall shall be located along all property lines except for the front property line.
- 3.) If the project is developed in phases, the block wall shall be completed during the first phase.

### SITUATION AND ANALYSIS:

See attached Staff Report

### Fiscal Impact

**Fiscal Impact?:** None

**If Yes, Budget Code:**

**Available:**

**Funding Source:**

### Attachments

Center Street Duplex Staff Report  
Center Street Duplex Site Plan  
Ordinance 2019-865

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## TOWN OF CHINO VALLEY PLANNING AND ZONING COMMISSION

### Staff Report February 5, 2019

#### APPLICATION SUMMARY

**File Number:** Z18-000003

**Assessor's Parcel Number:** 306-29-002N

**Site Location:** Located approximately .25 mile east of the southeast corner of East Center Street and South State Route 89.

**Owners of Record:** Jared Shaun Clatterbuck

**Applicant:** Granite Basin Engineering, Inc.

**Request:** Request to rezone 2.8 acres of real property from SR -2.5 (Single Family Residential–2.5 acre minimum) zoning district to MR -1 (Multiple Family Residential–1 acre minimum) zoning district. The MR-1 zoning district will allow development of nine (9) duplex properties which will comprise eighteen (18) individual residences.

#### SITE DATA

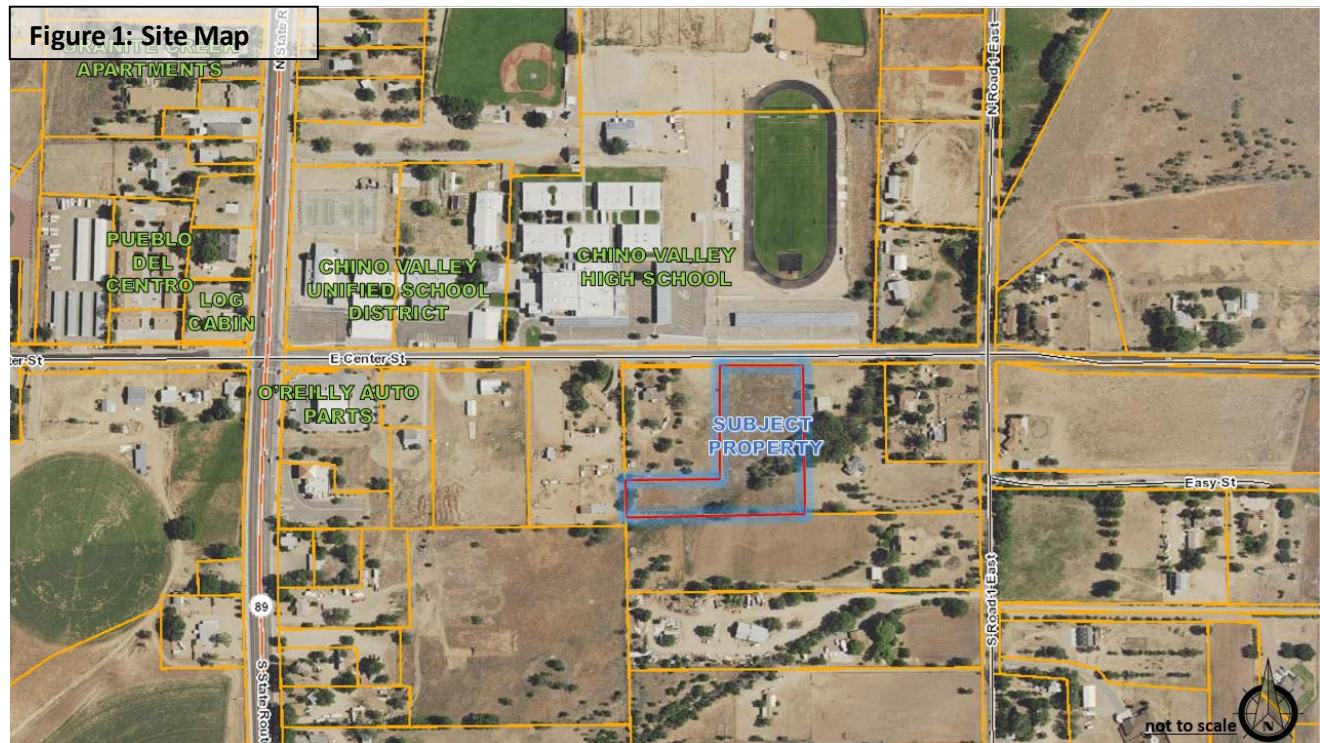
|                                          |                                                      |
|------------------------------------------|------------------------------------------------------|
| <b>Existing Zoning</b>                   | SR-2.5 (Single Family Residential- 2.5 Acre Minimum) |
| <b>Lot Size</b>                          | 2.85 acres (approx. 124,146 sq. ft.)                 |
| <b>Subdivision</b>                       | N/A                                                  |
| <b>General Plan Land Use Designation</b> | Commercial/ Multi-Family Residential                 |
| <b>Existing Land Use</b>                 | Vacant                                               |

#### BACKGROUND

##### SITE DESCRIPTION

The subject property is located approximately .25 miles east of the southeast corner of East Center Street and South State Route 89. The property is accessed by East Center Street. The site has a zoning classification of SR-2.5 (Single Family Residential- 2.5 Acre Minimum) and identified with a General Plan

Land Use Designation of Commercial/ Multi- Family Residential. There are no Improvements to the site.  
See Figure 1.

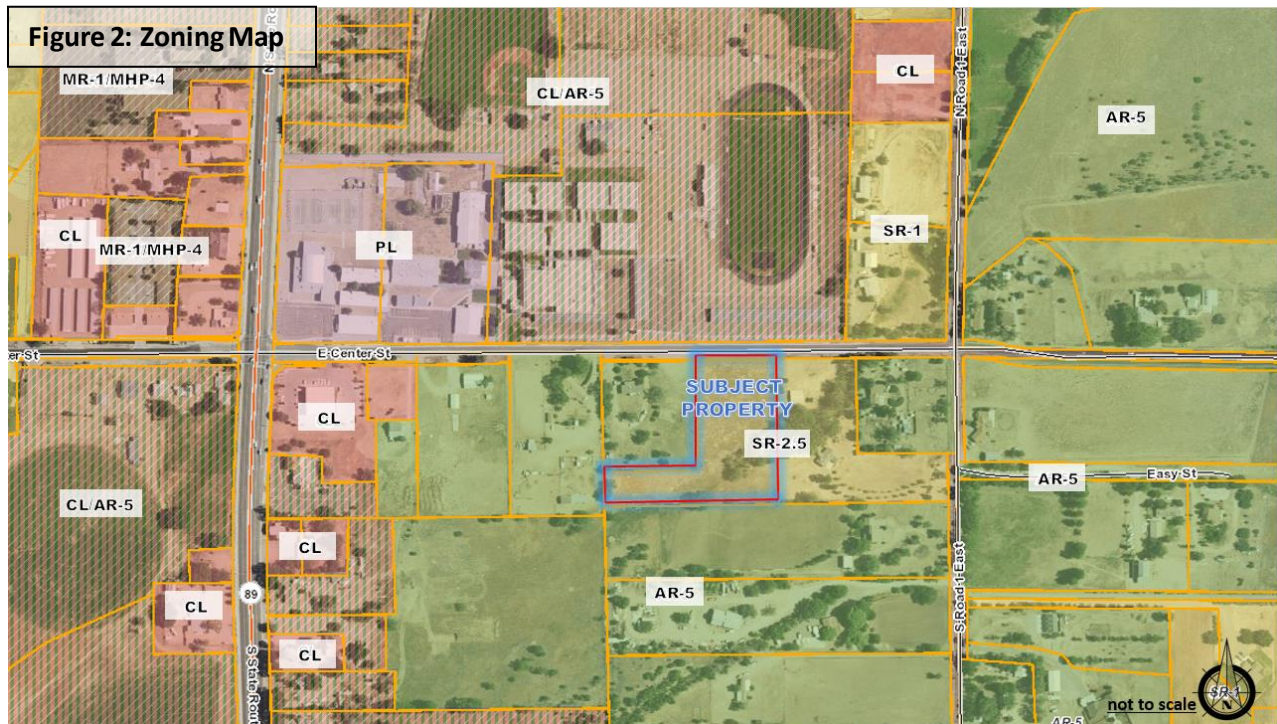


#### SURROUNDING PROPERTIES ZONING AND LAND USES

The area is predominantly low/medium density single family residential development and commercial development further west. The property directly north is zoned CL/AR-5 (Commercial Light/ Agricultural Residential- 5 Acre Minimum) and PL (Public Land) with Chino Valley High School and Chino Valley Unified School District. To the east, properties are zoned SR-2.5 (Single Family Residential- 2.5 Acre Minimum) and AR-5) with single family residence and vacant land. The properties to the south are zoned AR-5 with residential uses. To the west, properties are zoned AR-5 and CL (Commercial Light) with residential development and commercial development along State Route 89. **See Figure 2**

| AREA  | ZONING            | GENERAL PLAN LAND USE DESIGNATION    | LAND USE                                                              |
|-------|-------------------|--------------------------------------|-----------------------------------------------------------------------|
| North | CL/AR-5, PL, SR-1 | Commercial/ Multi-Family Residential | Chino Valley High School, Chino Valley School Unified School District |
| East  | SR-2.5, AR-5      | Commercial/ Multi-Family Residential | Single Family Residence, Vacant                                       |
| South | AR-5              | Commercial/ Multi-Family Residential | Single Family Residence, Vacant                                       |

|             |          |                                      |                                                      |
|-------------|----------|--------------------------------------|------------------------------------------------------|
| <b>West</b> | AR-5, CL | Commercial/ Multi-Family Residential | Single Family Residential ,<br>Commercial Properties |
|-------------|----------|--------------------------------------|------------------------------------------------------|



## PROJECT DESCRIPTION

The applicant has proposed to rezone the subject property from AR-5 zoning district to MR-1 (Multi-Family Residential- 1 acre minimum) zoning district. The MR-1 zoning will allow the applicant to a project generally consisting of nine (9) duplex apartments buildings providing eighteen (18) individual residences. Site infrastructure will consist of underground utilities, a 24' wide private drive with rolled curb & gutter, sidewalk and a CAFMA approved turnaround at the end of the private drive. Each unit will have a 2 car garage with a 16' wide by 22-24' deep driveway, which combined is sufficient for up to 4 vehicles. It is the intent of the owner to privately own and maintain the streets, which will be covered by an easement to allow public access and utilities.

This property has rights to 0.71 Acre Feet of Assured Water Supply per year from the City of Prescott CVI D IGA supplies, which would adequately service only two single family residences. Also, the extension of and connection to the City of Prescott's water distribution system is cost prohibitive as this portion of Center Street is not currently serviced. Due to these factors, the applicant has proposed to serve the development with an on-site water distribution system consisting of a well, pump and water storage tank. The water main size, number of fire hydrants and locations will be determined as required by CAFMA. Each unit will have individual water services.

An existing 12-inch sewer main located in the Center Street frontage of this project will be the connection point to the Town's sewer collection system. The on-site sewer system, consisting of new main line, manholes and services, will connect to the existing Town sewer main via a new manhole installed in Center Street. Each unit will have a separate residential sewer service connection.

Open space provisions will be dual purpose in nature, promoting stormwater control and maintenance while offering a recreational opportunity for residents. The stormwater detention area will include a playground and picnic facility intended to promote communal activity. **See Appendix A: Site Plan**

## **CITIZENS REVIEW & PUBLIC HEARING PROCESS**

Town Staff notified property owners within a 300 foot radius, resulting in twelve (12) notices for the neighborhood meeting and public hearings. To date staff has not received any request or comments for the application.

The neighborhood meeting was held on January 14, 2019 at Town Hall. There were six residents who attended the meeting. Those who attended were provided a conceptual site plan of the subject property. Mr. Clutterbuck presented a brief narrative of the proposed project.

Most of the issues that were brought up by the citizens were in relation to the risk of their well's water levels depleting based on the density of the proposed project. The residents to the east of the subject property also had concerns about the natural wash that is within their property and extends to the subject property. They were concerned that the wash would be altered and affect the natural drainage of the area.

The citizens raised the issue about the screening that was proposed along the subject property lines. They mentioned the fence would not be enough of a buffer between them and the subject property and suggested a block wall instead. The applicant agreed and stated that the site plan will be revised to replace the fence with a block screen wall.

The citizens were also concerned about the density of the project. They stated that even though the applicant was only proposing 18 units, based on the size of the lot, the MR-1 zoning development standards allow up to 40 units or 14.5 units per acre. The applicant assured the residents that the project will only consist of 18 units, further stating that he will speak to staff about the possibility of attaching the site plan to the Ordinance in some way to limit the density to 18 units.

## **FEBRUARY 5<sup>TH</sup> PLANNING AND ZONING COMMISSION**

The item went before the Planning and Zoning Commission as an action item on February 5<sup>th</sup>, 2019. Staff presented to the Commission a summary of the applicant's intent to develop the property into residential duplexes. Staff noted that based on comments from both the Commission and Council during study session, the applicant made modifications to the site plan based on those comments. Staff made mention that the surrounding residents brought up several issues during the neighborhood meeting and that the applicant was working with those residents to come to some type of agreement.

During public comment, surrounding property owners brought up the same issues and concerns that were addressed at the public hearing process. The resident to the east of the subject property was concerned about drainage across the property. She presented a 100-year flood map which showed that up to four feet of water was possible in locations of the applicant's property. She stated that the culverts on Center Street could not handle the volume of water, so water would be backed up.

Another property owners stated that the project would significantly impact her property. Her concern was the amount of water the development would use. There was only about 2.5 useable acres because of the wash, which was extremely deep and ran into her own property making half her property unusable. She stated that significant modifications would need to be done to the wash area. She was also concerned about the increased traffic.

Public Works director stated that the map the resident presented as a 100 year flood map was actually an exhibit from an area drainage study the Town had commissioned. It showed a worst-case scenario, making assumptions on water levels, but was a good measure and tool to use when determining water levels. He further stated that the project engineer would be tasked with designing a system that would handle and carry the water offsite. It would be the Town's job to review the design and ensure the water flow was handled. He concluded that any design or modifications must be natural, historic and properly handle the water flow and could not adversely impact adjacent properties.

The Commission forwarded a recommendation of approval with the conditions set for by staff.

**Vote: 6-1 Passed**

## STAFF ANALYSIS AND RECOMMENDATION

### GENERAL PLAN CONFORMANCE

The requested MR-1 (MR-1) zoning district will be in conformance with the property's Commercial/ Multi-Family Residential General Plan land use designation. The Commercial/ Multi-Family Residential land use designation will continue to focus on the Land Use Goals and Strategies encouraging a variety of residential and compatible uses.

### ZONING

The MR-1 zoning district is intended to fulfill the need for high density multiple family residential development. Based on the unit count requested by the applicant, the MR-1 zoning district will be the proper classification for the property. The general area is made up of low and medium density residential uses with commercial uses along the highway. Land use patterns show that higher density uses are slowly encroaching the general area. Granite Greek Apartments, a 31 unit apartment complex was built in 1991 adjacent State Route 89. Pueblo de Centro, a 12 unit duplex project was developed in 1998 west of State Route 89 and Center Street. More recently Town Council approved the Town Center project, located approximately 850 feet south of the subject property and consisting of an active adult park model community of 200 units or 13.58 units per acre. The General Plan land use designation along with recent land use patterns show that the area has supported higher density residential uses in the past. The proposed block wall to the east and west property lines will serve as a buffer and will mitigate any negative impact on adjacent properties that are already developed. The proposed landscaping, consisting of a mix of desert landscape elements will provide buffering for all property lines and will provide aesthetics to enhance the project. **See Exhibit B: Landscaping Plan**

**STAFF & PLANNING AND ZONING COMMISSION RECOMMENDATION**

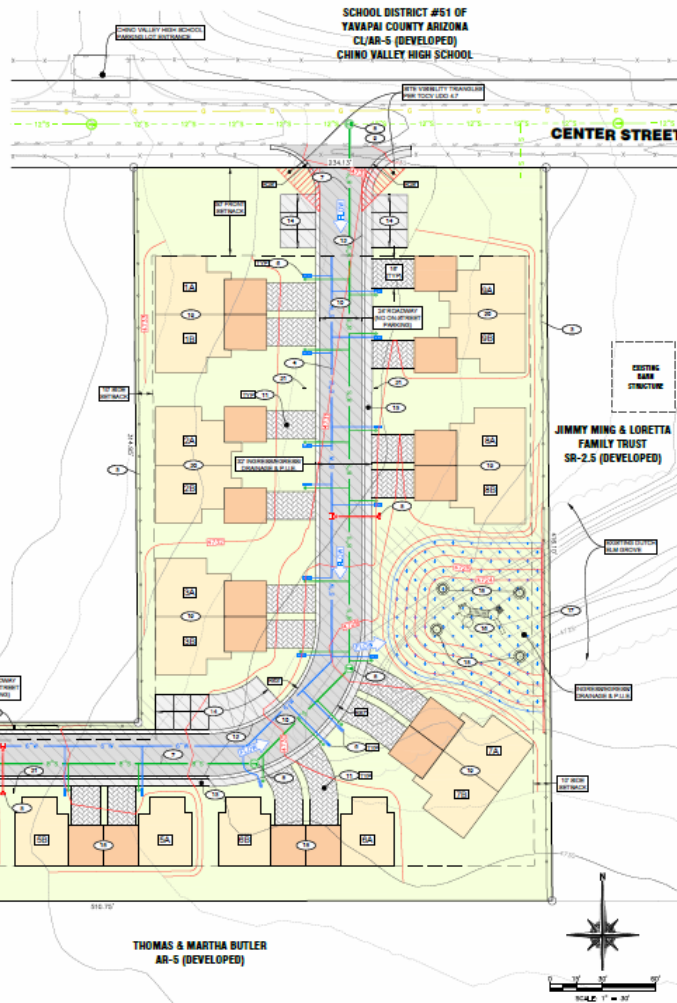
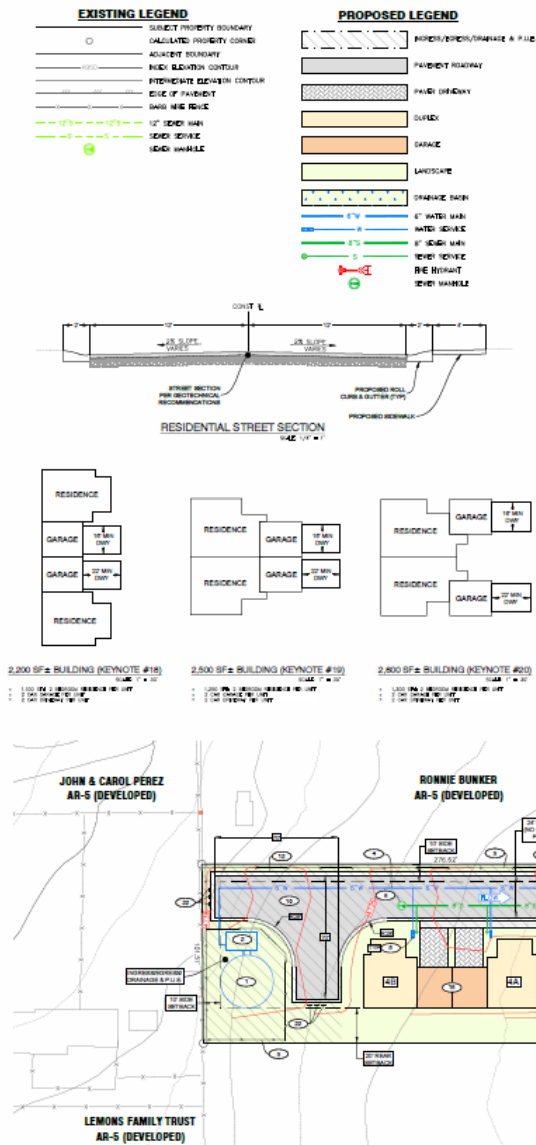
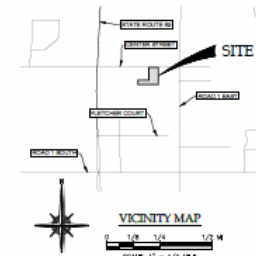
Staff and Planning and Zoning Commission forward a recommendation of approval to Town Council to adopt Ordinance 2019-856 rezoning 2.85 acres of real property from SR-2.5 (Single Family Residential- 2.5 acre minimum) zoning district to MR-1 (Multi- Family Residential- 1 Acre Minimum) zoning district with the following condition:

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# SITE PLAN

## CENTER STREET DUPLEX APARTMENTS

2.85 ACRE MULTI-FAMILY DEVELOPMENT

[illegible][illegible]

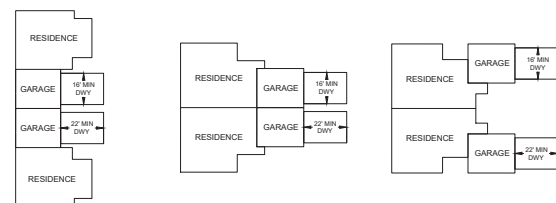
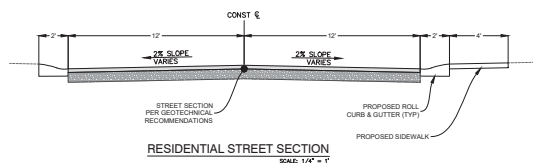
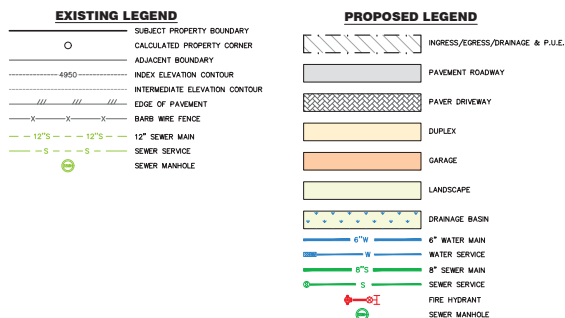
**LANDSCAPE PLAN**  
**CENTER STREET DUPLEX APARTMENTS**  
**2.85 ACRE MULTI-FAMILY DEVELOPMENT**



# SITE PLAN

## CENTER STREET DUPLEX APARTMENTS

2.85 ACRE MULTI-FAMILY DEVELOPMENT



2,200 SF± BUILDING (KEYNOTE #18)  
SCALE: 1" = 30'

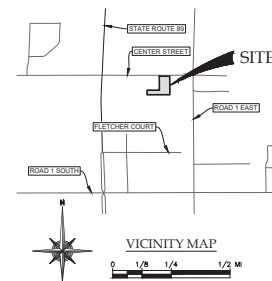
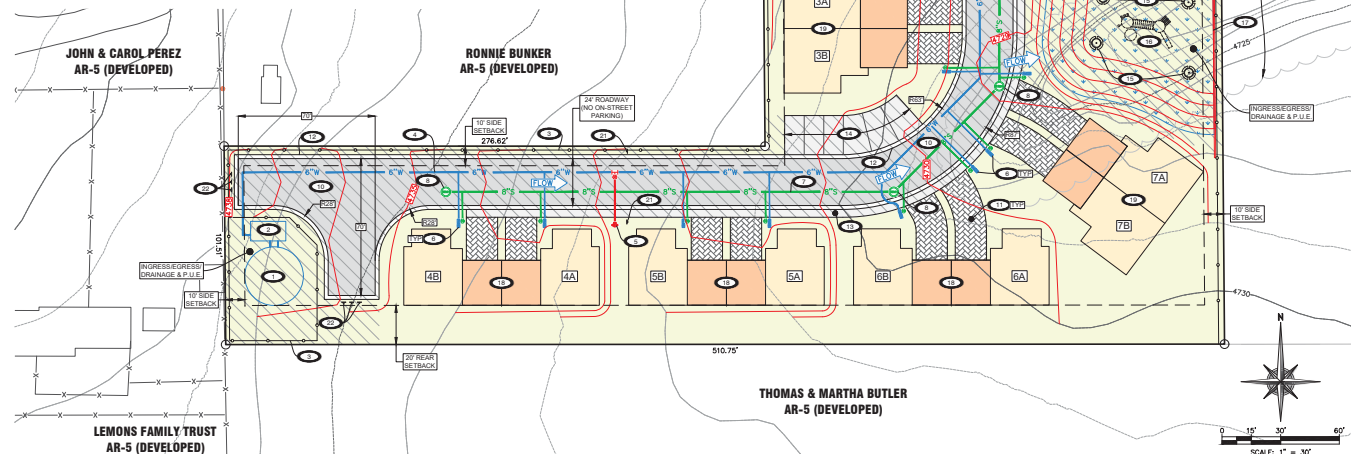
- 1,100 SF± 2 BEDROOM RESIDENCE PER UNIT
- 2 CAR GARAGE PER UNIT
- 2 CAR DRIVEWAY PER UNIT

**2,500 SF± BUILDING (KEYNOTE #19)**  
SCALE: 1" = 30'

- 1,250 SF± 2 BEDROOM RESIDENCE PER UNIT
- 2 CAR GARAGE PER UNIT
- 2 CAR DRIVEWAY PER UNIT

**2,600 SF± BUILDING (KEYNOTE #20)**  
SCALE: 1" = 30'

- 1,350 SF± 2 BEDROOM RESIDENCE PER UNIT
- 2 CAR GARAGE PER UNIT
- 2 CAR DRIVEWAY PER UNIT



**DESIGN TEAM**

OWENS/OWENS/OWENS  
JARED CATHART  
800 W. 10TH STREET, LANE  
CHNO VALLEY, ARIZONA 86303  
(908) 738-0675

**Civil Engineer**

GRANITE SCALE ENGINEERING, INC.  
1205 COWBOYBEE CENTER CH. SUITE B  
PISCATAWAY, ARIZONA 86301  
(908) 737-0671

**DESIGN NOTES**

1) TOPOGRAPHY BASED ON AERIAL PHOTOGRAPHY PERFORMED ON BEHALF OF THE TOWN OF CHNO VALLEY IN 2006

2) HORIZONTAL CONTROL BASED ON NAD83 ARIZONA STATE PLATE CENTER

3) ELEVATION BASED ON CHNO VALLEY CITY OFICIAL VERTICAL DATUM 1923 (902.029)

4) SEE PLAN DISCREPANCY BY GRANITE SCALE ENGINEERING, INC.

**PROPERTY INFORMATION**

ADDRESS: 301 EAST CENTER STREET

APN: 300-29-002N

SIZE: 2.85 ± ACRES

CURRENT USE: THE SITE IS VACANT WITH SURROUNDING INFRASTRUCTURE

|                              |                           | EXISTING    |                | PROPOSED                       |                    |
|------------------------------|---------------------------|-------------|----------------|--------------------------------|--------------------|
|                              |                           | 28-2.5      | CODE REFERENCE | MR-1                           | CODE REFERENCE     |
| <b>ZONING</b>                | SINGLE FAMILY RESIDENTIAL | 1.0 U.D.    |                | MULTIFAMILY FAMILY RESIDENTIAL | U.D.D. SECTION 3.1 |
|                              | 2.5 ACRES MINIMUM         | SECTION 3.8 |                | LARGE MINIMUM                  |                    |
| <b>DENSITY/FORMULA</b>       | 2.5 ACRES/UNIT            | 3.8 U.D.    |                | 3000 SF/UNIT                   | 3.1 U.D.1          |
| <b>MAX LOT COVERAGE</b>      | 40%                       | 3.8 U.D.    |                | 40%                            | 3.1 U.D.8          |
| <b>MIN BUILDING FOOTAGE</b>  | 30' X 7.5'                | N/A         |                | N/A                            | N/A                |
| <b>MEAN BUILDING FOOTAGE</b> | 30' X 7.5'                | 4.28        |                | 30' X 7.5'                     | 3.1 U.D.7          |
| <b>REAR YARD SETBACK</b>     | 10'                       | 3.8 U.D.    |                | 10'                            | 3.1 U.D.7          |
| <b>REAR YARD SETBACK</b>     | 10'                       | 3.8 U.D.    |                | 10'                            | 3.1 U.D.7          |
| <b>REAR YARD SETBACK</b>     | 10'                       | 3.8 U.D.    |                | 10'                            | 3.1 U.D.7          |
| <b>REAR YARD SETBACK</b>     | 10'                       | 3.8 U.D.    |                | 10'                            | 3.1 U.D.7          |

**PROJECT INFORMATION**

PROJECT NAME: COWBOY STREET OFFICE BUILDING

PROJECT TYPE: MULTI-FAMILY RESIDENTIAL BUILDING APARTMENTS

PROPOSED USE: MULTI-FAMILY RESIDENTIAL

PROPOSED DENSITY: 18 UNITS PER 2.85 ACRES ( 6.3 UNITS / ACRE )

BUILDING TYPE: (R-1.5) (STORY)

**FIRE SUPPLEMENTS**

NOT REQUIRED FOR THIS PROJECT, THERE ARE UNDER 3,000 SF UNDER ROOF IF PROJECT PROCEEDS

18 GALLON WATER SUPPLY TANK

|                                   | 28-2.5 | EXIST' MAX IN (MR-1)             |                               |
|-----------------------------------|--------|----------------------------------|-------------------------------|
| <b>MEAN BUILDING FOOTAGE</b>      | 4.28'  | (33' MAX IN MR-1)                |                               |
| <b>LOT COVERAGE</b>               | 24.0%  | (40% MAX IN MR-1)                |                               |
| <b>MIN BUILDING UNIT</b>          | 6      | 1.0 U.D. 5.2                     | 2 BEDROOM UNITS = 12 BEDROOMS |
| <b>MIN BUILDING UNIT</b>          | 6      | 1.2 U.D. 5.1                     | 2 BEDROOM UNITS = 16 BEDROOMS |
| <b>PARKING UNIT AREA</b>          | 40     | 2.8 U.D. 5.1                     | 2 BEDROOM UNITS = 12 BEDROOMS |
| <b>PARKING UNIT AREA</b>          | 40     | PER UNIT (2 BEDROOMS & 2 GARAGE) | = 72 PARKING SPACES           |
| <b>PARKING SPACES PER BEDROOM</b> | (7.2)  | PARKING SPACES (400) BEDROOMS    | = 18 PARKING SPACES/BEDROOM   |
| <b>EXPECTED OCCUPANCY</b>         | (15)   | OCCUPANTS PER BEDROOM            | = 60 OCCUPANTS                |
| <b>GROSS BUILDING AREA</b>        | 28,740 | SF                               |                               |
| <b>USABLE FLOOR AREA</b>          | 23,220 | SF                               |                               |

LANDSCAPE AREA / PERCENTAGE: 63.33% **50' MIN**

**SITE PLAN NOTES**

1. 60,000 GALLON WATER TANK
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|-----------------------------------------------------------------------|--|---------------------------------------------------------------------------------|--|-------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------|--|----------------------------------------|--|-------------------------------------------------------------------------------------|--|
| <div style="text-align: center;"> <h1>1</h1> <p>SHEET 1 OF</p> </div> |  | DATE: 10/30/2018<br>SCALE: 1" = 30'<br>DRAWN: TS<br>DESIGNED: TS<br>CHECKED: AS |  | <b>PRELIMINARY<br/>NOT FOR<br/>CONSTRUCTION</b> |  | 6480 CLATTERBUCK<br>800 N. CHINO VALLEY AVENUE<br>CHINO VALLEY, ARIZONA 86323<br><br>CENTER STREET DUPLEX APARTMENTS<br>TECHNICAL REVIEW SITE PLAN |  |  <p><b>GRANITE BASIN</b><br/>ENGINEERING, INC.<br/>Caitlin Steele, AIA<br/>Principal<br/>825.717.0978</p> |  | <input checked="" type="checkbox"/> FOR REVIEW ONLY<br><input type="checkbox"/> FOR INFO ONLY<br><input type="checkbox"/> FOR APPROVAL ONLY<br><input type="checkbox"/> FOR RECORDING ONLY<br><input type="checkbox"/> FOR CONSTRUCTION ONLY<br><input type="checkbox"/> FOR AS-BUILT ONLY |  | NAME: <b>1</b><br>DESCRIPTION: <b>REPLACE SOFTEN FENCING WITH BLOCK SOFTEN WALL</b> |  | DATE: <b>1/15/19</b><br>BY: <b>DSB</b> |  |  |  |
|-----------------------------------------------------------------------|--|---------------------------------------------------------------------------------|--|-------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------|--|----------------------------------------|--|-------------------------------------------------------------------------------------|--|

## ORDINANCE NO. 2019-865

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 2.8 ACRES OF REAL PROPERTY GENERALLY LOCATED APPROXIMATELY .25 MILES EAST OF THE SOUTHEAST CORNER OF EAST CENTER STREET AND SOUTH STATE ROUTE 89, FROM SR-2.5 (SINGLE FAMILY RESIDENTIAL - 2.5 ACRE MINIMUM) TO MR-1 (MULTIPLE FAMILY RESIDENTIAL - 1 ACRE MINIMUM) ZONING DISTRICT.**

**WHEREAS**, the Mayor and Common Council of the Town of Chino Valley (the "Town Council") desires to amend the Town of Chino Valley Official Zoning Map for a  $\pm 2.8$  acre parcel zoned SR-2.5 (Single Family Residential - 2.5 acre minimum) to MR-1 (Multiple Family Residential - 1 acre minimum); and

**WHEREAS**, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan, and any overlay zoning district; and

**WHEREAS**, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

**WHEREAS**, the Planning and Zoning Commission recommended approval of the rezoning; and

**WHEREAS**, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. The Official Zoning Map is hereby amended for property consisting of approximately 2.8 acres, described in Exhibit 1 and shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated herein by this reference, to rezone it from SR-2.5 (Single Family Residential - 2.5 acre minimum) to MR-1 (Multiple Family Residential - 1 acre minimum). The Property described herein shall be used in accordance with the Town of Chino Valley Unified Development Ordinance, and subject to the following stipulations:

1. The property shall generally conform to the attached site plan.
2. A block wall shall be located along all property lines except for the front property line.
3. If the project is developed in phases, the block wall shall be completed during the first phase.

Section 3. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 26th day of February, 2019.

\_\_\_\_\_  
Darryl L. Croft, Mayor

ATTEST:

\_\_\_\_\_  
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Andrew J. McGuire, Town Attorney  
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2019-865 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on February 26, 2019, and that quorum was present, and that the vote thereon was \_\_\_\_ ayes and \_\_\_\_ nays and \_\_\_\_ abstentions. \_\_\_\_ Council members were absent or excused.

\_\_\_\_\_  
Jami C. Lewis, Town Clerk

EXHIBIT 1  
TO  
ORDINANCE NO. 2019-865

[Legal Description]

See following page.

All that portion of Section 27, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the Northeast corner of Section 27;

Thence South 00 degrees 59 minutes 25 seconds East 300.00 feet along the Section line;

Thence South 89 degrees 29 minutes 55 seconds West 25.00 feet to a one-half inch rebar on the Westerly line of ROAD 1 EAST;

Thence South 89 degrees 29 minutes 55 seconds West 265.40 feet to a one-half inch rebar;

Thence North 00 degrees 59 minutes 25 seconds West 275.00 feet to a one-half inch rebar on the South line of CENTER STREET;

Thence South 89 degrees 29 minutes 55 seconds West 234.14 feet to a one-half inch rebar and THE TRUE POINT OF BEGINNING;

Thence South 89 degrees 29 minutes 55 seconds West 234.13 feet to a one-half inch rebar;

Thence South 00 degrees 59 minutes 25 seconds East 314.95 feet to a one-half inch rebar;

Thence South 89 degrees 29 minutes 55 seconds West 276.62 feet to a one-half inch rebar;

Thence South 00 degrees 59 minutes 25 seconds East 101.51 feet to a one-half inch rebar;

Thence North 89 degrees 27 minutes 30 seconds East 510.75 feet to a one-half inch rebar;

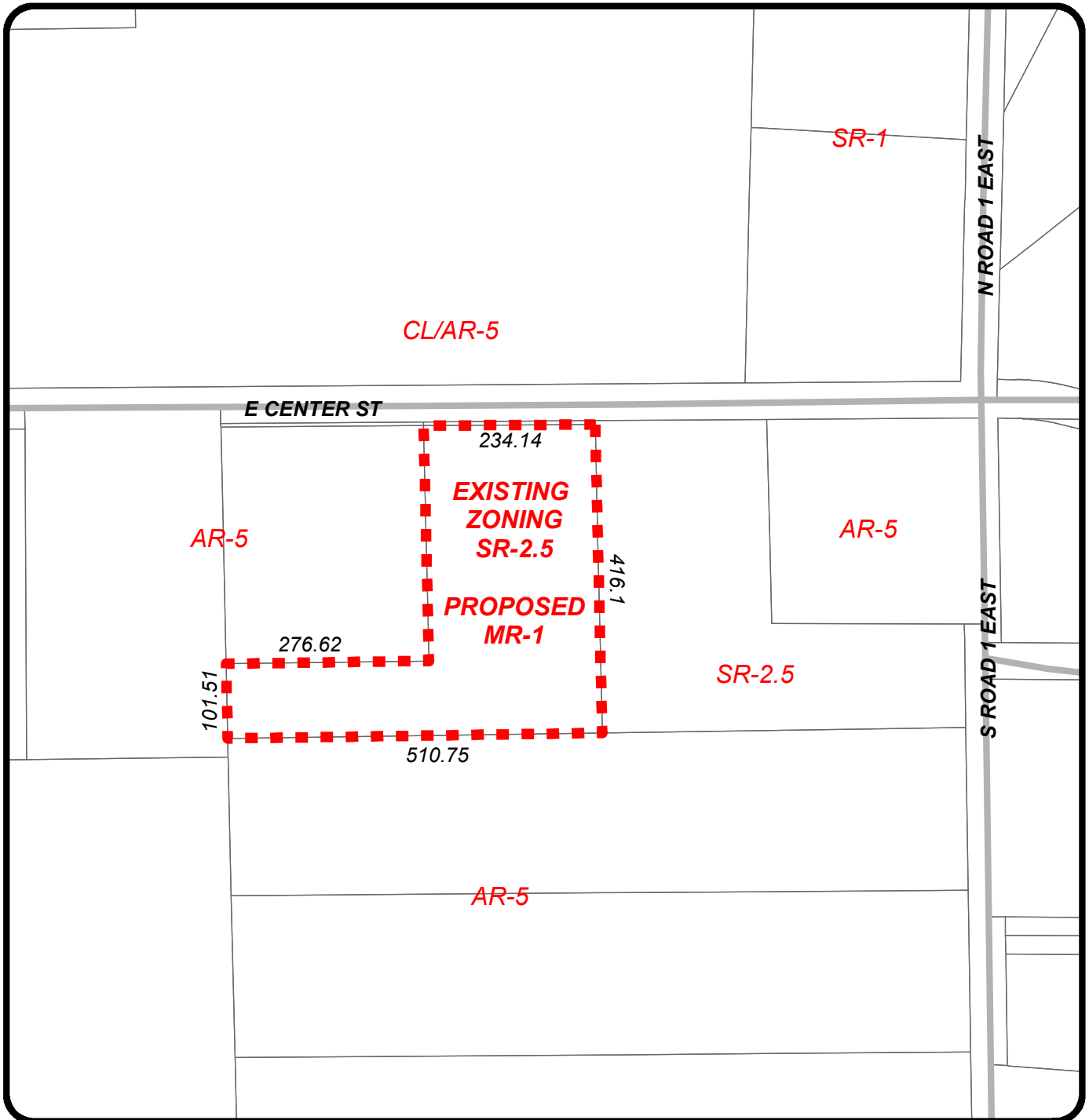
Thence North 00 degrees 59 minutes 25 seconds West 416.10 feet TO THE TRUE POINT OF BEGINNING.

EXHIBIT 2  
TO  
ORDINANCE NO. 2019-865

[Zoning Exhibit]

See following page.

# Zoning Exhibit 2



## Z18-000003: Center Street Duplex

■ ■ ■ Subject Property

Applicant: Granite Basin Engineering, Inc.

Request: Single Family Residential (SR-2.5)  
to Mult-Family Residential (MR-1)

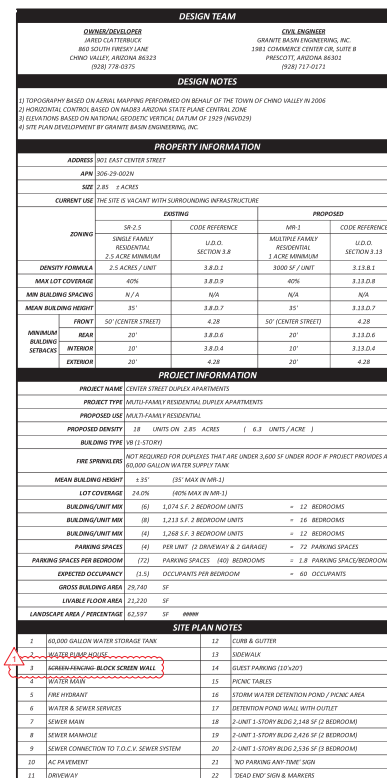
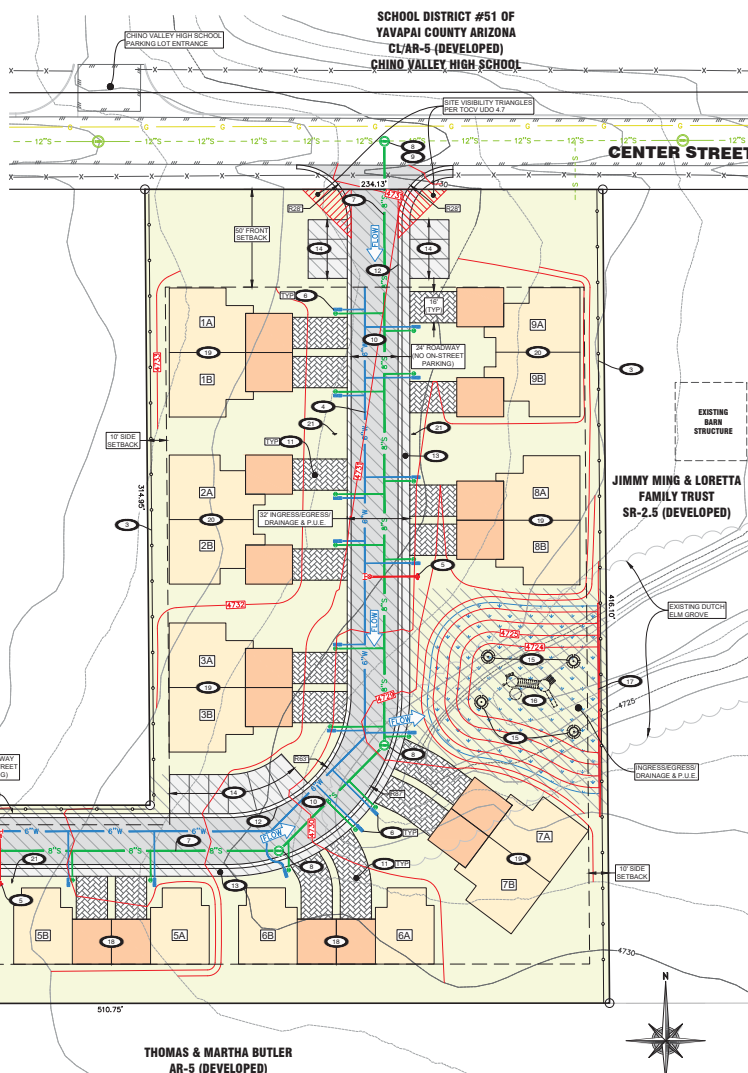
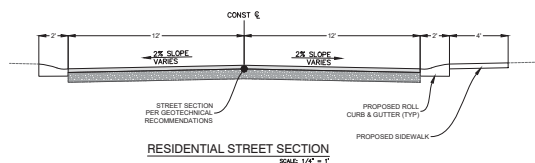
Location: South side of Center Street between Hwy 89 & Road 1 East  
Chino Valley, AZ 86323, APN- 306-29-002N

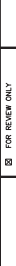


Not to Scale

# SITE PLAN

## 2.85 ACRE MULTI-FAMILY DEVELOPMENT



|                                                                                                                                                                                                                                                                                                            |  |                                                                                                                                                                                                                               |  |
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| 1                                                                                                                                                                                                                                                                                                          |  | SHEET 1 OF                                                                                                                                                                                                                    |  |
| JOB: 10099<br>DATE: 10/20/2019<br>SCALE: 1" = 30'<br>DRAWN: TS<br>DESIGNED: TS<br>CHECKED: AS                                                                                                                                                                                                              |  | PRELIMINARY<br>NOT FOR<br>CONSTRUCTION                                                                                                                                                                                        |  |
| JARED GLATTERBUCK<br>860 SOUTH FRESKY LANE,<br>CHINO VALLEY, ARIZONA, 86323<br><br>CENTER STREET DUPLEX APARTMENTS<br>TECHNICAL REVIEW SITE PLAN                                                                                                                                                           |  | <div><p>GRANITE BASIN<br/>ENGINEERING, INC.<br/>1801 Commerce<br/>Center Street, Suite #<br/>200<br/>Chino Valley, AZ 86323-7207</p></div> |  |
| <div><input checked="" type="checkbox"/> FOR REVIEW ONLY<br/><input type="checkbox"/> FOR INFO ONLY<br/><input type="checkbox"/> FOR APPROVAL ONLY<br/><input type="checkbox"/> FOR RECOMMEND ONLY<br/><input type="checkbox"/> FOR CONSTRUCTION ONLY<br/><input type="checkbox"/> FOR AS-BUILT ONLY</div> |  | REVISIONS                                                                                                                                                                                                                     |  |
| N/A                                                                                                                                                                                                                                                                                                        |  | DESCRIPTION                                                                                                                                                                                                                   |  |
| 1                                                                                                                                                                                                                                                                                                          |  | REPLACE SCREEN FENCING WITH BLOCK SCREEN WALL                                                                                                                                                                                 |  |
| DATE: 7/27/19                                                                                                                                                                                                                                                                                              |  | BY: RS                                                                                                                                                                                                                        |  |
| <div><p>all dated lines in moving type<br/>JARED GLATTERBUCK<br/>ENGINEER<br/>STATE OF ARIZONA<br/>NO. 20000<br/>EXPIRATION DATE 06/30/2020</p></div>                                                                   |  |                                                                                                                                                                                                                               |  |



## TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

### Town Council Regular Meeting

7.b.

**Meeting Date:** 02/26/2019  
**Contact Person:** Joe Duffy, Finance Director  
 Phone: 928-636-2646 x-1211  
**Department:** Finance  
**Item Type:** Action-Presentation  
**Estimated length of staff presentation:** 5 minutes  
**Physical location of item:** N/A

#### AGENDA ITEM TITLE:

Presentation, discussion and possible action regarding Town of Chino Valley's Manufactured Home Sales Tax.

#### RECOMMENDED ACTION:

Direct staff per Council discussion.

#### SITUATION AND ANALYSIS:

On December 13, 2016 the Town Council reduced the tax rate on Manufactured Homes from 4% to 2%. The reduced tax rate went into effect on March 1, 2017.

Council has asked staff to update them on the status of the manufactured sales tax on a regular basis and to allow an opportunity for Council to direct staff with further research or modifications.

#### Fiscal Impact

**Fiscal Impact?:** TBD  
**If Yes, Budget Code:**  
**Available:**  
**Funding Source:**

#### Attachments

*No file(s) attached.*

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## TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

### Town Council Regular Meeting

7.c.

**Meeting Date:** 02/26/2019  
**Contact Person:** Joe Duffy, Finance Director  
 Phone: 928-636-2646 x-1211  
**Department:** Finance  
**Item Type:** Action  
**Estimated length of staff presentation:** 15 minutes  
**Physical location of item:** N/A

### AGENDA ITEM TITLE:

Consideration and possible action to adopt two ordinances relating to property maintenance matters in the Unified Development Ordinance (UDO) and Town Code as follows:

- (1) Adopt Ordinance No. 2019-862 amending the UDO by deleting Sub-subsection 1.11.10 Abatement of Hazards to Public Health and Safety and Civil Sanctions Pursuant to A.R.S. §9-499, and amending Sub-subsection 1.6.2. Powers and Duties [of the Zoning Administrator and Assistant Zoning Administrator], and deleting Section 6 Property Maintenance; and
- (2) Adopt Ordinance No. 2019-864 declaring the document entitled "Town of Chino Valley Property Maintenance and Public Nuisance Town Code Amendments Dated February 26, 2019" as a public record; adopting said document; and amending Town Code Title V Public Works, Chapter 52 Removal of Rubbish, Trash and the Like, and Culvert Maintenance, repealing Title V Chapter 52 subchapter Removal of Rubbish, trash and the Like; Dilapidated Structures, adding new Title VIII Health and Safety, and amending Title XIII General Offenses. (Joe Duffy, Finance Director)

### RECOMMENDED ACTION:

Adopt Ordinance No. 2019-862 and Ordinance No. 2019-864 to amend the Unified Development Ordinance and Town Code with regard to property maintenance matters.

### SITUATION AND ANALYSIS:

Code Compliance was having difficulty interpreting and enforcing conflicting property maintenance-related provisions in the UDO and the Town Code. Town Staff working with Legal Council decided that the property maintenance provisions did not belong in the UDO and should be in the Town Code. The Town Code was then reviewed and it was discovered to contain several conflicting and/or redundant provisions.

Ordinance 2019-862 was prepared to remove the property maintenance provisions from the UDO. It is intended to clarify, reorganize and update property maintenance, public nuisance and abatement provisions to current state law.

Ordinance 2019-864 was prepared to update the Town Code on the recommended property maintenance

changes.

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| <b>Fiscal Impact</b>        |    |
| <b>Fiscal Impact?:</b>      | No |
| <b>If Yes, Budget Code:</b> |    |
| <b>Available:</b>           |    |
| <b>Funding Source:</b>      |    |
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| <b>Attachments</b>              |  |
| ORD 2019-862-UDO amdts          |  |
| ORD 2019-864-Town Code amdts    |  |
| ORD 2019-864 Exhibit-text amdts |  |
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## ORDINANCE NO. 2019-862

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 154 UNIFIED DEVELOPMENT ORDINANCE, BY AMENDING SECTION 1 ADMINISTRATION AND PROCEDURES, SUBSECTION 1.11 VIOLATION AND PENALTY, BY DELETING SUB-SUBSECTION 1.11.10 ABATEMENT OF HAZARDS TO PUBLIC HEALTH AND SAFETY AND CIVIL SANCTIONS PURSUANT TO A.R.S. § 9-499 IN ITS ENTIRETY AND AMENDING SUBSECTION 1.6 ZONING ADMINISTRATOR AND ASSISTANT ZONING ADMINISTRATOR, BY AMENDING SUB-SUBSECTION 1.6.2 POWERS AND DUTIES TO DELETE ADMINISTRATION OF THE TOWN'S PROPERTY MAINTENANCE CODE; AND BY DELETING SECTION 6 PROPERTY MAINTENANCE IN ITS ENTIRETY, ALL RELATED TO REMOVING PROPERTY MAINTENANCE REGULATIONS FROM THE TOWN'S ZONING CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, both the Town of Chino Valley Town Code and the Town of Chino Valley Unified Development Ordinance contain regulations relating to property maintenance in the Town, some of which are in conflict; and

**WHEREAS**, the Town Council of the Town of Chino Valley finds that the proper place for the property maintenance provisions are in the Town Code; and

**WHEREAS**, after proper notice required by law and in accordance with ARS 9-462.04, the Planning and Zoning Commission, made this document available to the public on December 13, 2018 and held a public hearing on January 15, 2019, during which the Commission took comments from the public and, after consideration and discussion, recommended approval of the proposed amendments to the Town Council; and

**WHEREAS**, the Town Council finds all legally required notice and public hearing requirements have been satisfied;

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the Town of Chino Valley, Arizona, as follows:

### Section 1. In General.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Section 1 Administration and Procedures, Subsection 1.11 Violation and Penalty, Sub-Subsection 1.11.10 Abatement of Hazards to Public Health and Safety and Civil Sanctions Pursuant to A.R.S. §9-499 is deleted in its entirety.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Section 1 Administration and Procedures, Subsection 1.6 Zoning Administrator and Assistant Zoning Administrator, Sub-subsection 1.6.2 Powers and Duties is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in strikeout):

### 1.6.2 Powers and Duties

The Zoning Administrator and Assistant Zoning Administrator shall perform the following functions:

1. Enforce this Ordinance by ensuring that all activities, construction, and development within the Town are in conformance with the Town zoning regulations.
2. Administer the Town's Development Guidelines (as may be created and adopted by the Town), which are included in this Ordinance by reference.
3. Accomplish all administrative tasks required by this Ordinance including receiving and processing applications for all persons requesting a rezone, use permit, plan review, Zoning Administrator, appeal, or other action of the Commission, Board of Adjustment, or Town Council.
4. Subject to the policies of the Commission and Town Council, interpret this Ordinance to members of the public, Town departments, and other branches of government.
5. Serve as planning staff to Council and Commission, and, as necessary, attend meetings of these and other organizations and agencies.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Section 6 Property Maintenance is deleted in its entirety.

#### Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

#### Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 26th day of February, 2019.

[SIGNATURES ON FOLLOWING PAGE]

\_\_\_\_\_  
Darryl L. Croft, Mayor

ATTEST:

\_\_\_\_\_  
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gust Rosenfeld, PLC, Town Attorney  
By: Susan D. Goodwin

I hereby certify the above foregoing Ordinance No. 2019-862 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on February 26, 2019, and that quorum was present, and that the vote thereon was \_\_\_\_ ayes and \_\_\_\_ nays and \_\_\_\_ abstentions. \_\_\_\_ Council members were absent or excused.

\_\_\_\_\_  
Jami C. Lewis, Town Clerk

# ORDINANCE NO. 2019-864

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING THE DOCUMENT ENTITLED “TOWN OF CHINO VALLEY PROPERTY MAINTENANCE AND PUBLIC NUISANCE TOWN CODE AMENDMENTS DATED FEBRUARY 26, 2019” AS A PUBLIC RECORD; ADOPTING THE “TOWN OF CHINO VALLEY PROPERTY MAINTENANCE AND PUBLIC NUISANCE TOWN CODE AMENDMENTS DATED FEBRUARY 26, 2019”; AMENDING THE TOWN OF CHINO VALLEY TOWN CODE AS FOLLOWS: (1) AMENDING TITLE V PUBLIC WORKS, CHAPTER 52 REMOVAL OF RUBBISH, TRASH AND THE LIKE, AND CULVERT MAINTENANCE, SUBCHAPTER GENERAL PROVISIONS, SECTION 52.02 WATER AND EARTHEN MATERIAL FLOW TO CHANGE THE TITLE OF THE CHAPTER TO GARBAGE AND TRASH REMOVAL AND COLLECTION; CULVERT MAINTENANCE; DELETING SECTION 52.02 WATER AND EARTHEN MATERIAL FLOW; AND RENUMBERING SECTION 52.03 CULVERTS OR OTHER DRAINAGE INFRASTRUCTURE; INSTALLATION AND MAINTENANCE (2) REPEALING TITLE V PUBLIC WORKS, CHAPTER 52 GARBAGE AND TRASH REMOVAL AND COLLECTION; CULVERT MAINTENANCE, SUBCHAPTER REMOVAL OF RUBBISH, TRASH AND THE LIKE; DILAPIDATED STRUCTURES; (3) ADDING NEW TITLE VIII HEALTH AND SAFETY TO INCLUDE NEW CHAPTER 81: HEALTH AND SAFETY IN GENERAL § 81.01 PURPOSE AND APPLICABILITY, § 81.02 DEFINITIONS; ADDING NEW CHAPTER 82: DECLARATION AND PROHIBITION OF PUBLIC NUISANCES, § 82.01 OFFENSIVE PREMISES, § 82.02 UNSECURED EXCAVATIONS, § 82.03 REMOVAL OF RUBBISH, TRASH, GARBAGE, WEEDS, FILTH, AND DEBRIS, § 82.04 DISPOSAL OF ANIMAL WASTE, § 82.05 OVERGROWTH OF WEEDS OR NOXIOUS PLANTS, § 82.06 UNSAFE STRUCTURES, § 82.07 ABANDONED VEHICLES, § 82.08 LIGHT, § 82.09 ABANDONED REFRIGERATORS, § 82.10 LITTER; CONSTRUCTION DEBRIS, § 82.11 HANDBILLS ON VEHICLES AND POSTED PREMISES PROHIBITED, § 82.12 VIOLATIONS; PENALTIES; ABATEMENT; ADDING NEW CHAPTER 83: PROPERTY MAINTENANCE, § 83.01 PURPOSE; APPLICABILITY, § 83.02 DUTY TO MAINTAIN PREMISES, § 83.03 EXTERIOR BUILDING STANDARDS, § 83.04 PREVENTION OF PEST INFESTATION, § 83.05 SWIMMING POOLS, § 83.06 OBSTRUCTION OF SIDEWALKS PROHIBITED, § 83.07 LANDSCAPING, § 83.08 GRAFFITI, § 83.09 PARKING OF COMMERCIAL VEHICLES AND EQUIPMENT, § 83.10 VIOLATIONS; PENALTIES; ABATEMENT; ADDING NEW CHAPTER 84 ABATEMENT OF PUBLIC NUISANCES, § 84.01 PURPOSE AND FINDINGS, § 84.02 APPLICABILITY, § 84.03 OWNER, OCCUPANT, OR PERSON IN CONTROL TO MAINTAIN PREMISES, § 84.04 AUTHORITY TO INSPECT, § 84.05 INSPECTION AND INVESTIGATION: INTERFERENCE, FALSE INFORMATION; FAILURE TO PROVIDE EVIDENCE OF IDENTITY, § 84.06 EMERGENCY ABATEMENT, § 84.07 ABATEMENT IN LIEU OF OR IN ADDITION TO CIVIL OR CRIMINAL COMPLAINT, § 84.08 ABATEMENT PROCEDURES, § 84.09 ASSESSMENTS; HOW PAID; ACCRUAL OF INTEREST; AMENDING TITLE XIII GENERAL OFFENSES, CHAPTER 130 GENERAL OFFENSES, SECTION 130.01 BURNING AND SECTION 130.02 WATER; FLOW UPON STREETS PROHIBITED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

**WHEREAS**, that certain document entitled “The Town of Chino Valley Property Maintenance and Public Nuisance Town Code Amendments dated February 26, 2019”, is hereby declared to be a public record and three paper copies or one paper copy and one electronic copy

maintained in compliance with Arizona Revised Statutes § 44-7041, are filed in the office of the Town Clerk and kept available for public use and inspection; and

**WHEREAS**, the Town Council desires to update its property maintenance standards and to provide a process to abate public nuisances for the benefit of the Town.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

The Town code of the Town of Chino Valley, Arizona, is hereby amended by amending by(1) amending Title V Public Works, Chapter 52 Removal Of Rubbish, Trash and the Like, and Culvert Maintenance, Subchapter General Provisions, Section 52.02 Water and Earthen Material Flow to change The title of the Chapter to Garbage And Trash Removal And Collection; Culvert Maintenance; deleting Section 52.02 Water and Earthen Material Flow; and renumbering Section 52.03 Culverts or Other Drainage Infrastructure; Installation and Maintenance (2) repealing Title V Public Works, Chapter 52 Garbage and Trash Removal and Collection; Culvert Maintenance, Subchapter Removal of Rubbish, Trash and the Like; Dilapidated Structures; (3) adding new Title VIII Health and Safety to include new Chapter 81: Health and Safety in General § 81.01 Purpose and Applicability, § 81.02 Definitions; adding new Chapter 82: Declaration and Prohibition of Public Nuisances, § 82.01 Offensive Premises, § 82.02 Unsecured Excavations, § 82.03 Removal of Rubbish, Trash, Garbage, Weeds, Filth, and Debris, § 82.04 Disposal of Animal Waste, § 82.05 Overgrowth of Weeds or Noxious Plants, § 82.06 Unsafe Structures, § 82.07 Abandoned Vehicles, § 82.08 Light, § 82.09 Abandoned Refrigerators, § 82.10 Litter; Construction Debris, § 82.11 Handbills on Vehicles and Posted Premises Prohibited, § 82.12 Violations; Penalties; Abatement; adding new Chapter 83: Property Maintenance, § 83.01 Purpose; Applicability, § 83.02 Duty to Maintain Premises, § 83.03 Exterior Building Standards, § 83.04 Prevention of Pest Infestation, § 83.05 Swimming Pools, § 83.06 Obstruction of Sidewalks Prohibited, § 83.07 Landscaping, § 83.08 Graffiti, § 83.09 Parking of Commercial Vehicles and Equipment, § 83.10 Violations; Penalties; Abatement; adding new Chapter 84 Abatement of Public Nuisances, § 84.01 Purpose and Findings, § 84.02 Applicability, § 84.03 Owner, Occupant, or Person in Control to Maintain Premises, § 84.04 Authority to Inspect, § 84.05 Inspection and Investigation: Interference, False Information; Failure to Provide Evidence of Identity, § 84.06 Emergency Abatement, § 84.07 Abatement in Lieu of or in addition to Civil or Criminal Complaint, § 84.08 Abatement Procedures, § 84.09 Assessments; How Paid; Accrual of Interest; Amending Title XIII General Offenses, Chapter 130 General Offenses, Section 130.01 Burning and Section 130.02 Water; Flow Upon Streets Prohibited, all as set forth in that document entitled “The Town of Chino Valley Property Maintenance and Public Nuisance Town Code Amendments dated February 26, 2019”, which document is hereby adopted and incorporated into this ordinance by reference.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or

unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

#### Section 4. Providing for Penalties

Any person found to be in violation of any provision of this ordinance shall be guilty of a civil violation, punishable by imposition of a civil sanction not less than \$100.00 and not to exceed \$500.00. Each day a violation continues shall be considered a separate violation. In addition to any penalties or civil sanctions imposed by the court, the town may impose fees in an amount set separately by resolution approved by the Town Council for reinspection of the premises at the request of the property owner to determine whether the property has been brought into compliance after initiation of enforcement or prosecution of the provisions set forth in this title. A person who commits a violation of this ordinance after previously having been found responsible for committing two or more civil violations of this ordinance within an 18-month period, whether by admission, by payment of the sanction, by default, or by judgment after hearing, shall be guilty of a class one misdemeanor. For purposes of calculating the 18-month period, the dates of the commission of the offenses are the determining factor.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 26th day of February, 2019.

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Darryl L. Croft, Mayor

ATTEST:

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Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

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Gust Rosenfeld, PLC, Town Attorney  
By: Andrew J. McGuire

I hereby certify the above foregoing Ordinance No. 2019-864 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on February 26, 2019, and that quorum was present, and that the vote thereon was \_\_\_\_ ayes and \_\_\_\_ nays and \_\_\_\_ abstentions. \_\_\_\_ Council members were absent or excused.

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Jami C. Lewis, Town Clerk

## Town of Chino Valley

### Property Maintenance and Public Nuisance Town Code Amendments

**February 26, 2019**

The Town Code of Chino Valley, Arizona, Title V Public Works, Chapter 52 Removal of Rubbish, Trash and the Like, and Culvert Maintenance, Subchapter General Provisions, Section 52.02 Water and Earthen Material Flow is hereby amended by changing the title of the chapter to Garbage and Trash Removal and Collection; Culvert Maintenance; by deleting Section 52.02 Water and Earthen Material Flow; and by renumbering Section 52.03 Culverts or Other Drainage Infrastructure; Installation and Maintenance to read as follows (additions shown in ALL CAPS; deletions shown in strikeout):

#### **Chapter 52: GARBAGE AND TRASH Removal of Rubbish, Trash and COLLECTION; the Like, and Culvert Maintenance**

\* \* \*

#### **§ 52.02 ~~Water and Earthen Material Flow~~**

~~It is unlawful for any person to willfully or negligently permit or cause the escape or flow of water or earthen material onto public streets or adjacent properties in such a manner as to cause flooding or to endanger or impede vehicular traffic or pedestrian traffic. EARTHEN MATERIAL shall include, but shall not be limited to, soil, silt, clay, sand, gravel, rock, dirt, mud, organic material, or a combination thereof.~~

#### **§ 52.0302 Culverts or Other Drainage Infrastructure, Installation and Maintenance.**

\* \* \*

The Town Code of Chino Valley, Arizona, Title V Public Works, Chapter 52 Garbage and Trash Removal and Collection; Culvert Maintenance, Subchapter Removal of Rubbish, Trash and the Like; Dilapidated Structures, is hereby deleted in its entirety.

The Town Code of Chino Valley, Arizona, is amended to add new Title VIII Health and Safety to read as follows (additions shown in ALL CAPS; deletions shown in strikeout):

### **TITLE VIII HEALTH AND SAFETY**

#### **CHAPTER 81: HEALTH AND SAFETY IN GENERAL**

##### **§ 81.01 PURPOSE AND APPLICABILITY**

(A) THE PURPOSE OF THIS TITLE IS TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE TOWN BY PROVIDING FOR THE REMOVAL OF RUBBISH, TRASH, WEEDS, FILTH, DEBRIS, AND DILAPIDATED BUILDINGS; BY DEFINING, PROHIBITING AND SETTING FORTH THE PROCEDURES TO ABATE PUBLIC NUISANCES PURSUANT TO THE POLICE POWERS OF THE TOWN AND TO ENSURE PUBLIC HEALTH, SAFETY AND WELFARE IN SO FAR AS

THEY ARE AFFECTED BY PUBLIC NUISANCES; AND PROTECT NEIGHBORHOODS FROM BLIGHT BY SETTING MINIMUM REQUIREMENTS APPLICABLE TO BUILDING EXTERIORS AND REAL PROPERTY.

(B) THIS TITLE SHALL APPLY TO ALL BUILDINGS, STRUCTURES AND LANDS WITHIN THE TOWN WITHOUT REGARD TO THE USE, OCCUPANCY, OR THE DATE OF ACQUISITION, CONSTRUCTION, IMPROVEMENT OR ALTERATION OF SUCH BUILDING, STRUCTURE OR LAND.

## **§ 81.02 DEFINITIONS**

FOR THE PURPOSE OF THIS TITLE, THE FOLLOWING DEFINITIONS SHALL APPLY UNLESS THE CONTEXT CLEARLY INDICATES OR REQUIRES A DIFFERENT MEANING.

**ABATEMENT.** 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, REPAIRING, REPLACING, OR EFFACING IT.

**ABANDONED VEHICLE.** ANY VEHICLE, OTHER THAN ONE FALLING WITHIN THE CATEGORIES ENUMERATED BY ARIZONA REVISED STATUTES SECTIONS 28-2482 ET SEQ. AND 28-4832 ET SEQ. (I.E., HORSELESS CARRIAGES, CLASSIC CARS, HISTORIC VEHICLES, OR STREET ROD VEHICLES), WHICH IS WITHOUT CURRENT LICENSE PLATES OR TABS, OR IS INOPERABLE, STRIPPED, UNCLAIMED, JUNKED OR DISCARDED. THIS DEFINITION ALSO INCLUDES VEHICLES BEING REPAIRED, WHEN SUCH REPAIRS TAKE NINETY (90) DAYS OR MORE. FOR PURPOSES OF THIS CHAPTER, THE TERM "ABANDONED VEHICLE" ALSO REFERS TO TRAILERS AND DISMANTLED OR PARTIALLY DISMANTLED MOTOR VEHICLES WHICH BY REASON OF DISMANTLING, DISREPAIR, OR OTHER CAUSES, ARE INCAPABLE OF BEING PROPELLED UNDER THEIR OWN POWER.

**AUTHORIZED PRIVATE RECEPTACLE.** A STORAGE AND COLLECTION RECEPTACLE FOR RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND OTHER DISCARDED MATERIALS AS REQUIRED OR AUTHORIZED BY THE TOWN.

**BLIGHT OR BLIGHTED.** AN UNSIGHTLY OR UNSAFE CONDITION INCLUDING, BUT NOT LIMITED TO, ACCUMULATION OF FILTH, WEEDS, DEBRIS, DILAPIDATION, AND OTHER SIMILAR CONDITIONS OF NEGLECT, DISREPAIR AND DETERIORATION, REGARDLESS OF THE CONDITION OF OTHER PROPERTIES IN THE NEIGHBORHOOD.

**BUILDING.** A STRUCTURE HAVING A ROOF THAT IS USED, INTENDED TO BE USED, OR CAPABLE OF SUPPORTING, HOUSING, SHELTERING, OR ENCLOSING A PERSON, ANIMAL, OR TANGIBLE GOODS.

**DEBRIS.** THE REMAINS OF SOMETHING BROKEN DOWN, DESTROYED, OR DISCARDED THAT IS OF LITTLE OR NO APPARENT ECONOMIC VALUE.

**DEFENSIBLE SPACE.** THE AREA AROUND A BUILDING OR PROPERTY LINE IN WHICH VEGETATION, DEBRIS, AND OTHER TYPES OF COMBUSTIBLE FUELS HAVE BEEN TREATED, CLEARED OR REDUCED TO SLOW THE SPREAD OF FIRE.

**DILAPIDATED STRUCTURE.** ANY REAL PROPERTY STRUCTURE THAT IS DECAYED, DETERIORATED, OR HAS OTHERWISE FALLEN INTO PARTIAL RUIN AND WHOSE CONDITION POSES A DANGER TO LIFE, HEALTH, SAFETY OR PROPERTY OF THE PUBLIC.

**FILTH.** ANY ACCUMULATION OF GARBAGE, JUNK, OR LITTER, OR ANY OTHER ACCUMULATION OR CONDITION WHICH MAY CONSTITUTE A BREEDING PLACE FOR FLIES, RODENTS, MOSQUITOES AND OTHER INSECTS.

**GARBAGE.** PUTRESCIBLE ANIMAL, VEGETABLE, AND ORGANIC WASTE MATERIALS, RESULTING FROM THE HANDLING, PREPARATION, COOKING AND CONSUMPTION OF FOOD THAT IS SUBJECT TO RAPID DECOMPOSITION OR ROT.

**HANDBILL.** A PRINTED SHEET OR SHEETS OF PAPER OR SIMILAR MATERIAL DISTRIBUTED BY HAND.

**HARDSHIP.** A CONDITION THAT WOULD CAUSE SUBSTANTIAL SUFFERING OR PRIVATION DUE TO A LACK OF FINANCIAL RESOURCES, KNOWLEDGE, OR SUPPORT.

**HAZARD.** A CONDITION THAT MAY CAUSE SERIOUS PERSONAL HARM.

**HEALTH HAZARD:** THE PRESENCE OF ANY ITEM(S) WHICH ADVERSELY IMPACT OR JEOPARDIZE THE WELL-BEING OR HEALTH OF AN INDIVIDUAL. SUCH ITEMS MAY PROVIDE EVIDENCE OF OCCUPANCY WITHOUT ADEQUATE FACILITIES OR MAY BE INCLUSIVE OF HUMAN/ANIMAL WASTE, MEDICAL OR BIOLOGICAL WASTE, GASEOUS OR COMBUSTIBLE MATERIALS, RADIOACTIVE WASTE, DANGEROUS OR CORROSIVE CHEMICALS/LIQUIDS, FLAMMABLE AND/OR EXPLOSIVE MATERIALS, FRIABLE ASBESTOS, OFFAL AND DECAY/MATTER. SUCH ITEMS CONSTITUTE AN IMMINENT HAZARD.

**IMMINENT HAZARD.** A CONDITION THAT PRESENTS AN IMMEDIATE LIKELIHOOD FOR CAUSING SERIOUS PERSONAL HARM.

**INFESTATION.** THE PRESENCE OF UNPLEASANT, DAMAGING OR UNHEALTHFUL INSECTS, RODENTS OR REPTILES.

**JUNK.** AN ITEM THAT, IN ITS PRESENT STATE, IS OF LITTLE OR NO APPARENT ECONOMIC VALUE AND IS NOT CONFINED WITHIN A JUNK OR SALVAGE YARD, INCLUDING BUT NOT LIMITED TO LITTER AND SOLID WASTE. JUNK DOES NOT INCLUDE:

(1) A VEHICLE OR PART THEREOF WHICH IS COMPLETELY ENCLOSED WITHIN A BUILDING IN A LAWFUL MANNER WHERE IT IS NOT VISIBLE FROM THE STREET OR OTHER PUBLIC OR PRIVATE PROPERTY;

(2) A VEHICLE OR PART THEREOF WHICH IS STORED OR PARKED IN A LAWFUL MANNER ON PRIVATE PROPERTY FOR THE BUSINESS PURPOSES OF A DISMANTLER, VEHICLE DEALER, AUTOMOTIVE RECYCLER OR JUNKYARD THAT HOLDS A VALID CHINO VALLEY BUSINESS LICENSE;

(3) A VEHICLE WHICH IS ELIGIBLE FOR LICENSING WITH PERSONALIZED STREET ROD VEHICLE PLATES OR WITH LICENSE PLATES FOR VEHICLES OF HISTORIC VALUE;

(4) A MOTOR VEHICLE WHICH IS BEING REPAIRED IN SECTIONS OR REBUILT BY AN INDIVIDUAL OR BUSINESS ENTITY ENGAGED IN THE BUSINESS OF REPAIRING OR REBUILDING AUTOMOBILES; AND

(5) A MOTOR VEHICLE WHICH IS BEING REPAIRED, RESTORED OR REBUILT BY THE OWNER OF THE VEHICLE AT HIS OR HER PRIVATE RESIDENCE.

**LITTER.** TRASH, WEEDS, FILTH, DEBRIS, AND ALL OTHER WASTE MATERIAL, WHICH IS NOT DISPOSED OF OR CONTAINED IN A MANNER REQUIRED BY THIS CHAPTER OR IN ACCORDANCE WITH CHAPTER 52.

**OCCUPANT.** THE PERSON OR LEGAL ENTITY HAVING ACTUAL USE, POSSESSION, CONTROL, OR CUSTODY OF A STRUCTURE AND/OR PREMISES AS A LESSEE OR OTHERWISE.

**OWNER.** THE LEGAL ENTITY LISTED AS OWNER OF THE REAL PROPERTY IN THE OFFICIAL RECORDS OF THE YAVAPAI COUNTY RECORDER.

**PARK.** A PUBLIC AREA DEVOTED TO PUBLIC RECREATIONAL USE, INCLUDING RESERVATION, PLAYGROUND, OR RECREATION CENTER.

**PERSON IN CONTROL.** A PERSON WHO HAS RESPONSIBILITY FOR THE CARE AND MAINTENANCE OF THE PRIVATE PROPERTY, WHETHER OR NOT THAT PERSON HAS POSSESSION OR THE USE AND ENJOYMENT OF SAID PROPERTY. THE "PERSON IN CONTROL" MAY BE THE OWNER, OCCUPANT, PROPERTY MANAGER, OR DESIGNATED AGENT OF THE OWNER.

**PRIVATE PREMISES.** ANY REAL PROPERTY AND BUILDINGS AND STRUCTURES LOCATED THEREON THAT ARE NOT OWNED OR OPERATED BY A PUBLIC ENTITY OR OPENED TO USE BY THE PUBLIC.

**PROPERTY.** ANY REAL PROPERTY, LAND, PREMISES, STRUCTURE, OR ANYTHING ERECTED, GROWING ON OR AFFIXED THERETO.

**PUBLIC PROPERTY.** PUBLIC RIGHTS-OF-WAY, STREETS, SIDEWALKS, BOULEVARDS, ALLEYS OR OTHER PUBLIC WAYS AND ANY AND ALL PUBLIC PARKS, SQUARES, SPACES, GROUNDS AND BUILDINGS.

**REFUSE.** PUTRESCIBLE AND NON-PUTRESCIBLE SOLID WASTES, EXCEPT BODY WASTES, INCLUDING GARBAGE, RUBBISH, ASHES, STREET CLEANINGS, DEAD ANIMALS, ABANDONED, WRECKED OR JUNKED VEHICLES OR PARTS THEREOF AND SOLID MARKET AND INDUSTRIAL WASTES.

**RUBBISH.** NON-PUTRESCIBLE SOLID WASTES CONSISTING OF BOTH COMBUSTIBLE AND NON-COMBUSTIBLE WASTES, INCLUDING BUT NOT LIMITED TO, PAPER, WRAPPINGS, CIGARETTES, CARDBOARD, METAL CANS, YARD CLIPPINGS, LEAVES, METAL, WOOD, GLASS, BEDDING, CROCKERY AND SIMILAR MATERIALS.

**SIDEWALK.** THAT PAVED PORTION OF A RIGHT-OF-WAY BETWEEN THE CURB LINES OR LATERAL LINES OF THE STREET BED AND THE BOUNDARY LINE OF SUCH RIGHT-OF-WAY DESIGNED AND INTENDED FOR THE MOVEMENT AND USE OF PEDESTRIAN TRAFFIC.

**STREET OR ROAD.** THE ENTIRE WIDTH BETWEEN THE BOUNDARY LINES OF EVERY PUBLICLY MAINTAINED RIGHT-OF-WAY, WAY OR ROADWAY EASEMENT WHEN ANY PART THEREOF IS OPEN TO THE USE OF THE PUBLIC FOR PURPOSES OF VEHICULAR TRAVEL, INCLUDING THE ENTIRE DEDICATED PUBLIC RIGHT-OF-WAY, WHETHER THE RIGHT-OF-WAY IS PAVED OR NOT.

**STRUCTURE.** ANYTHING CONSTRUCTED OR ERECTED AND LOCATED ON THE GROUND OR ATTACHED TO SOMETHING LOCATED ON THE GROUND.

**TRASH.** RUBBISH, WASTE, DEBRIS, AND ALL OTHER NON-PUTRESCIBLE WASTES.

**VACANT STRUCTURE.** A STRUCTURE THAT IS UNOCCUPIED OR THAT IS ILLEGALLY OCCUPIED.

**VEHICLE.** 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 TRACKS, EXCEPT FOR A DEVICE PROPELLED SOLELY BY HUMAN POWER.

## **CHAPTER 82: DECLARATION AND PROHIBITION OF PUBLIC NUISANCES**

### **§ 82.01 OFFENSIVE PREMISES.**

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO SUFFER OR PERMIT PREMISES OWNED, OCCUPIED, OR CONTROLLED BY HIM OR ANY CELLAR, PRIVY, VAULT, CESSPOOL, POOL, SEWER OR PRIVATE DRAIN TO BECOME NAUSEOUS, FOUL OR OFFENSIVE TO THE SENSES OR PREJUDICIAL TO THE PUBLIC HEALTH OR COMFORT.

### **§ 82.02 UNSECURED EXCAVATIONS.**

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON IN CONTROL TO LEAVE UNGUARDED OR TO ABANDON ANY EXCAVATION, PIT, PRIVY, VAULT, SUMP, OR HOLE ON HIS PROPERTY THAT IS MORE THAN SIX INCHES (6") IN DIAMETER AND MORE THAN EIGHTEEN INCHES (18") DEEP. IF THE PERSON IN CONTROL PROTECTS ANY SUCH EXCAVATION FROM ACCESS BY THE PUBLIC BY EFFECTIVE BARRIER OR WARNING DEVICE, IT SHALL NOT BE DEEMED UNGUARDED OR ABANDONED.

### **§ 82.03 REMOVAL OF RUBBISH, TRASH, GARBAGE, WEEDS, FILTH, AND DEBRIS.**

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON IN CONTROL TO FAIL TO REMOVE ANY RUBBISH, TRASH, GARBAGE, WEEDS, OR OTHER ACCUMULATION OF FILTH OR DEBRIS THAT CONSTITUTES A HEALTH HAZARD OR SAFETY HAZARD, UNLESS SAID RUBBISH, TRASH,

GARBAGE, WEEDS, OR OTHER ACCUMULATION OF FILTH OR DEBRIS IS KEPT IN COVERED AUTHORIZED PRIVATE RECEPTACLES.

**§ 82.04 DISPOSAL OF ANIMAL WASTE.**

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO DISPOSE OF ANIMAL MANURE OR WASTE IN ANY QUANTITY IN ANY MANNER WHICH IS NOT SECURELY PROTECTED FROM INSECTS AND THE ELEMENTS, OR TO KEEP OR HANDLE ANIMAL WASTE IN VIOLATION OF ANY ORDINANCE OF THE TOWN, YAVAPAI COUNTY, OR THE STATE OF ARIZONA; PROVIDED, HOWEVER, THAT NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT THE USE OF ANIMAL MANURE ON ANY FARM, GARDEN, OR RANCH IN SUCH A MANNER AND FOR SUCH PURPOSES ARE COMPATIBLE WITH CUSTOMARY METHODS OF GOOD HUSBANDRY.

**§ 82.05 OVERGROWTH OF WEEDS OR NOXIOUS PLANTS.**

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON IN CONTROL OF PROPERTY:

(A) TO PERMIT UPON THE PROPERTY THE GROWTH OF POISON OAK, POISON IVY, OR ANY NOXIOUS OR TOXIC WEEDS OR UNCULTIVATED PLANTS (WHETHER GROWING OR OTHERWISE), WEEDS, TALL GRASS, UNCULTIVATED SHRUBS OR GROWTH HIGHER THAN 12 INCHES OR WHICH OTHERWISE PRESENT A FIRE HAZARD; OR

(B) TO PERMIT UPON THE PROPERTY PLANTS OR OTHER MATERIAL, WHICH ARE DEAD, DORMANT OR SO DRY AS TO BE READILY FLAMMABLE OR COMBUSTIBLE ON SUCH LAND THAT MAY CONSTITUTE A FIRE HAZARD OR OTHER THREAT TO THE PUBLIC HEALTH OR SAFETY.

(C) FOR RESIDENTIAL PROPERTY GREATER THAN 2 ACRES AND PROPERTY GREATER THAN 2 ACRES THAT IS ADJACENT TO ANY PROPERTY, TO FAIL TO MAINTAIN A DEFENSABLE SPACE OF 25 FEET ALONG THE ADJACENT PROPERTY LINE.

(D) FOR COMMERCIAL PROPERTY WITH STREET FRONTAGE, TO FAIL TO MAINTAIN 25 FEET FROM PROPERTY LINE AND ALL ADJOINING PROPERTY LINES.

**§ 82.06 UNSAFE STRUCTURES.**

(A) IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO MAINTAIN OR ALLOW ANY STRUCTURE TO BECOME UNSAFE, UNSANITARY OR DEFICIENT.

(B) A STRUCTURE SHALL BE DEEMED UNSAFE, UNSANITARY OR DEFICIENT IF ANY OF THE FOLLOWING CONDITIONS ARE PRESENT:

- (1) INADEQUATE MEANS OF EGRESS FACILITIES;
- (2) INADEQUATE LIGHT OR VENTILATION;
- (3) IT CONSTITUTES A FIRE HAZARD;

(4) IT IS INFESTED WITH RODENTS, INSECTS OR OTHER PESTS THAT POSE A RISK TO PUBLIC HEALTH OR SAFETY;

(5) IT CONTAINS AN ACCUMULATION OF LITTER, GARBAGE, REFUSE, TRASH OR OTHER UNSANITARY MATERIAL;

(6) IT IS OTHERWISE DANGEROUS TO HUMAN LIFE OR THE PUBLIC WELFARE;

(7) IT INVOLVES ILLEGAL OR IMPROPER OCCUPANCY;

(8) IT HAS MISSING OR BROKEN EXTERIOR WINDOWS, DOORS, OR FENCES, OR OTHER INADEQUATE MAINTENANCE TO THE DEGREE THAT IT POSES A DANGER OF PHYSICAL INJURY TO ANY PERSON OR ANIMAL;

(9) IT IS A VACANT STRUCTURE AND IS NOT SECURED AGAINST ENTRY.

#### **§ 82.07 ABANDONED VEHICLES.**

IT IS UNLAWFUL AND A PUBLIC NUISANCE TO PERMIT AN ABANDONED, INOPERABLE, STORED OR JUNKED MOTOR VEHICLE, OR PARTS THEREOF, TO REMAIN ON PRIVATE PROPERTY UNLESS SUCH VEHICLE, OR PARTS THEREOF, ARE CONCEALED FROM PUBLIC VIEW BY FENCES OR GARAGES CONSISTENT WITH THE TOWN'S ZONING ORDINANCE REQUIREMENTS, EXCEPT VEHICLES STORED ON COMMERCIAL PROPERTY WHERE THEY ARE ACTIVELY BEING REPAIRED OR RESTORED.

#### **§ 82.08 LIGHT.**

IT IS UNLAWFUL AND A PUBLIC NUISANCE TO CAUSE, ALLOW, OR PERMIT ANY ARTIFICIAL ILLUMINATION 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 WITH THE LAWFUL USE OF ANY SCHOOL, PUBLIC PLACE OR PUBLIC STREET, OR WITH ANY GOVERNMENTAL OR PUBLIC FUNCTION OF THE TOWN, OR AS TO CONSTITUTE A HAZARD OR THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE PEOPLE OF THE TOWN. THIS SECTION SHALL NOT APPLY WHERE THE PERSON RESPONSIBLE FOR THE ARTIFICIAL ILLUMINATION IS AUTHORIZED BY THE TOWN MANAGER, ANY SCHOOL WITHIN THE TOWN, THIS CODE OR VALID ORDINANCE OF THE TOWN.

#### **§ 82.09 ABANDONED REFRIGERATORS.**

A. EXCEPT AS PROVIDED IN SUBSECTIONS B AND C BELOW, NO PERSON SHALL PARK OR ALLOW TO BE PARKED ANY COMMERCIAL VEHICLE OR HEAVY EQUIPMENT HAVING A GROSS VEHICLE WEIGHT RATING (GVWR) EXCEEDING THIRTEEN THOUSAND (13,000) POUNDS, ON ANY RESIDENTIAL PROPERTY IN THE TOWN, EXCEPT WHEN NECESSARY TO CONDUCT AN AUTHORIZED COMMERCIAL PURPOSE ON THE PROPERTY.

B. ON DEVELOPED RESIDENTIAL PROPERTIES OF ONE ACRE OR MORE, ONE COMMERCIAL VEHICLE OR HEAVY EQUIPMENT HAVING A GVWR EXCEEDING THIRTEEN THOUSAND (13,000) POUNDS IS PERMITTED.

C. ON DEVELOPED RESIDENTIAL PROPERTIES OF ONE ACRE OR MORE, TWO OR MORE COMMERCIAL VEHICLES OR HEAVY EQUIPMENT HAVING A GVWR EXCEEDING THIRTEEN THOUSAND (13,000) POUNDS ARE PERMITTED IF THE VEHICLES ARE CONCEALED FROM PUBLIC VIEW.

**§ 82.10 LITTER; CONSTRUCTION DEBRIS.**

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO:

(A) THROW, DEPOSIT, SWEEP LITTER, REFUSE, GARBAGE, OR OTHER DEBRIS ONTO, INTO OR UPON ANY GUTTER, STREET, SIDEWALK OR OTHER PUBLIC PLACE OR UPON ANY PRIVATE PREMISES WITHIN THE TOWN EXCEPT TO DEPOSIT INTO PUBLIC RECEPTACLES, OR IN AUTHORIZED PRIVATE RECEPTACLES FOR COLLECTION.

(B) TO NOT CONTAIN CONSTRUCTION DEBRIS AT ALL TIMES UPON THE PREMISES WHERE THE CONSTRUCTION IS OCCURRING.

**§ 82.11 HANDBILLS ON VEHICLES AND POSTED PREMISES PROHIBITED.**

(A) IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO THROW OR DEPOSIT ANY HANDBILL, LEAFLET, CIRCULAR, PAMPHLET, BROCHURE, OR OTHER SUCH ITEM IN OR UPON ANY PARKED VEHICLE.

(B) IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO THROW, DEPOSIT OR DISTRIBUTE ANY HANDBILL, LEAFLET, CIRCULAR, PAMPHLET, BROCHURE, OR OTHER SUCH ITEM UPON ANY PRIVATE PREMISES, IF REQUESTED BY THE PERSON IN CONTROL OF THE PREMISES NOT TO DO SO, OR IF NOTICE IS CONSPICUOUSLY POSTED ON THE PREMISES SAYING "NO TRESPASSING," "NO PEDDLERS OR AGENTS," "NO ADVERTISEMENT," "NO SOLICITING," OR ANY SIMILAR NOTICE INDICATING THAT THE PERSON IN CONTROL DOES NOT DESIRE TO HAVE ANY SUCH ITEM LEFT UPON THE PREMISES.

**§ 82.12 VIOLATIONS; PENALTIES; ABATEMENT**

(A) CIVIL PENALTY. ANY PERSON FOUND TO BE IN VIOLATION OF ANY PROVISION OF THIS CHAPTER SHALL BE GUILTY OF A CIVIL VIOLATION, PUNISHABLE BY IMPOSITION OF A CIVIL SANCTION NOT LESS THAN \$100.00 AND NOT TO EXCEED \$500.00.

(B) EACH DAY A SEPARATE VIOLATION. EACH DAY A VIOLATION CONTINUES SHALL BE CONSIDERED A SEPARATE VIOLATION.

(C) PROCEDURES. HEARINGS AND APPEALS SHALL BE CONDUCTED IN ACCORDANCE WITH THE RULES OF PROCEDURE IN CIVIL TRAFFIC VIOLATION CASES AS SET FORTH IN THE ARIZONA REVISED STATUTES, RULES OF PROCEDURE IN CIVIL TRAFFIC CASES.

(D) REINSPECTIONS COSTS. IN ADDITION TO ANY PENALTIES OR CIVIL SANCTIONS IMPOSED BY THE COURT, THE TOWN MAY IMPOSE FEES IN AN AMOUNT SET SEPARATELY BY RESOLUTION APPROVED BY THE TOWN COUNCIL FOR REINSPECTION OF THE PREMISES AT THE REQUEST OF THE PROPERTY OWNER TO DETERMINE WHETHER THE PROPERTY HAS BEEN BROUGHT INTO COMPLIANCE AFTER INITIATION OF ENFORCEMENT OR PROSECUTION OF THE PROVISIONS SET FORTH IN THIS TITLE.

(E) HABITUAL OFFENDER. A PERSON WHO COMMITS A VIOLATION OF THIS CHAPTER AFTER PREVIOUSLY HAVING BEEN FOUND RESPONSIBLE FOR COMMITTING TWO OR MORE CIVIL VIOLATIONS OF THIS CHAPTER WITHIN AN 18-MONTH PERIOD, WHETHER BY ADMISSION, BY PAYMENT OF THE SANCTION, BY DEFAULT, OR BY JUDGMENT AFTER HEARING, SHALL BE GUILTY OF A CLASS ONE MISDEMEANOR. FOR PURPOSES OF CALCULATING THE 18-MONTH PERIOD UNDER THIS SECTION, THE DATES OF THE COMMISSION OF THE OFFENSES ARE THE DETERMINING FACTOR.

(F) ABATEMENT. IN ADDITION TO OR SEPARATE FROM ACTIONS FOR CIVIL OFFENSES, VIOLATIONS OF THIS CHAPTER MAY BE ABATED PURSUANT TO THE PROVISIONS SET FORTH IN CHAPTER 84, BY INJUNCTIVE OR OTHER EQUITABLE RELIEF. THE IMPOSITION OF A PENALTY OR CIVIL SANCTION DOES NOT PREVENT ABATEMENT OR EQUITABLE RELIEF.

## **CHAPTER 83: PROPERTY MAINTENANCE**

### **§ 83.01 PURPOSE; APPLICABILITY.**

(A) PURPOSE. THE PURPOSE OF THIS CHAPTER IS TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE TOWN BY ESTABLISHING AND REQUIRING MINIMUM STANDARDS FOR THE EXTERIOR CONDITION OF BUILDINGS AND REAL PROPERTY TO PROTECT NEIGHBORHOODS BY ELIMINATING CONDITIONS THAT CONTRIBUTE TO BLIGHT AND DETERIORATION.

(B) SCOPE. THIS CHAPTER SHALL APPLY TO ALL BUILDINGS, STRUCTURES AND LANDS WITHIN THE TOWN WITHOUT REGARD TO THE USE, DATE OF CONSTRUCTION OR ALTERATION.

### **§ 83.02 DUTY TO MAINTAIN PREMISES.**

(A) IT IS THE DUTY AND RESPONSIBILITY OF EACH PERSON IN CONTROL OF ANY PREMISES TO MAINTAIN THE PREMISES IN A SAFE AND SANITARY MANNER, CONSISTENT AND IN COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER AND TO MAINTAIN THE PREMISES FREE OF LITTER, DILAPIDATED OR UNSAFE STRUCTURES, ABANDONED OR JUNK VEHICLES, AND ALL PUBLIC NUISANCES. IN ADDITION TO ANY OTHER PENALTIES WHICH MAY BE IMPOSED, FAILURE TO MAINTAIN A PREMISES AS REQUIRED BY THIS CHAPTER IS A PUBLIC NUISANCE, SUBJECT TO THE ABATEMENT PROCEDURES SET FORTH IN CHAPTER 84.

(B) ALL PERSONS OWNING ANY BUILDING, LOT OR PREMISES WITHIN THE TOWN SHALL MAINTAIN AND REPAIR ALL SIDEWALKS, DRIVEWAY CULVERTS AND STREETS ADJACENT TO SAID BUILDING, LOT OR PREMISES IN A SAFE AND SOUND CONDITION, FREE OF DECAY AND DEFECT.

**§ 83.03 EXTERIOR BUILDING STANDARDS.**

(A) EVERY EXPOSED EXTERIOR SURFACE, OPENING, FOUNDATION, WALL AND ROOF SHALL BE MAINTAINED IN STRUCTURALLY SOUND CONDITION, ABLE TO SUPPORT ITSELF UNDER REASONABLE LOADING OR WEATHER CONDITIONS, FREE FROM DECAY OR DEFECT AND IN SUCH A MANNER AS TO NOT BECOME A BLIGHTED EXTERIOR.

(B) EVERY WINDOW AND OTHER EXTERIOR SURFACE CONSTRUCTED OF OR CONTAINING GLASS SHALL BE MAINTAINED FREE FROM BREAKAGE SO AS TO PREVENT ACCESS TO THE INTERIOR AND PEST INFESTATION. EVERY BROKEN WINDOW SHALL BE REPAIRED OR COVERED WITH GLASS, PLEXIGLAS OR OTHER SECURE AND NON-COMBUSTIBLE MATERIAL AND GLAZED TO BE WEATHER TIGHT. THE REPLACEMENT MATERIAL SHALL BE DESIGNED AND OF SUCH COLOR SO AS TO BLEND WITH THE FINISH OF THE BUILDING.

(C) OUTDOOR STAIRS, PORCHES AND RAILINGS SHALL BE MAINTAINED TO BE SAFE AND STRUCTURALLY SOUND. SUPPORTS FOR RAILINGS, STAIRS AND PORCHES SHALL BE STRUCTURALLY SOUND, MAINTAINED IN SAFE CONDITION AND CAPABLE OF SUPPORTING A LOAD THAT NORMAL USE MAY PLACE THEREON.

(D) BUILDING SERVICE, EQUIPMENT AND UTILITIES SUCH AS PLUMBING, PIPING, AND FIXTURES THAT CONVEY OR DISPOSE OF LIQUID OR WASTE, ELECTRIC WIRING, COMPONENTS OR FIXTURES, MECHANICAL HEATING AND COOLING EQUIPMENT, DUCTWORK AND FIXTURES SHALL BE MAINTAINED IN A SAFE AND FUNCTIONING MANNER IN ACCORDANCE WITH APPLICABLE CODES.

(E) EVERY FENCE, SCREEN WALL AND RETAINING WALL ON THE PREMISES SHALL BE SAFE AND STRUCTURALLY SOUND. A FENCE, SCREEN WALL, OR RETAINING WALL THAT IS LEANING, DAMAGED, MISSING SLATS, BLOCKS, OR OTHER MATERIALS OR ARE OTHERWISE BROKEN OR DAMAGED IN A MANNER TO APPEAR DETERIORATED OR BLIGHTED SHALL BE DEEMED TO BE UNSAFE AND NOT STRUCTURALLY SOUND.

**§ 83.04 PREVENTION OF PEST INFESTATION.**

THE PERSON IN CONTROL OF A PROPERTY SHALL KEEP THE PREMISES FREE FROM INFESTATION BY INSECTS, RODENTS, OR OTHER NOXIOUS PESTS. THIS PROVISION SHALL NOT REQUIRE ACTION TO DISTURB THE NATURAL OR CULTIVATED ACTIVITY OF BEES, RABBITS OR OTHER INSECTS AND ANIMALS WHERE SUCH ACTIVITY IS NOT A DANGER OR NUISANCE TO ANY RESIDENT OR RESIDENCE OF THE AREA, OR WHERE OTHER APPLICABLE LEGAL REQUIREMENTS ARE MET.

**§ 83.05 SWIMMING POOLS.**

THE PERSON IN CONTROL SHALL MAINTAIN ALL SWIMMING POOLS AND SIMILAR BODIES OF WATER FREE FROM STAGNATION, POLLUTION, OR OTHER CONDITION OFFENSIVE TO THE SENSES, UNSAFE FOR ITS INTENDED USE, OR THAT MAY BE A BREEDING GROUND FOR INSECTS.

**§ 83.06 OBSTRUCTION OF SIDEWALKS PROHIBITED.**

THE PERSON IN CONTROL OF A RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL PROPERTY SHALL KEEP THE SIDEWALK OR OTHER PUBLIC PLACE FRONTING OR BORDERING THE PREMISES FREE OF GARBAGE, JUNK, OBSTRUCTIONS, AND WEEDS, AND GRASS IN EXCESS OF TWELVE (12) INCHES IN HEIGHT.

**§ 83.07 LANDSCAPING.**

THE PERSON IN CONTROL SHALL MAINTAIN TREES, SHRUBS, OR OTHER PLANT GROWTH ON THE PREMISES IN A CONDITION SO AS NOT TO ENDANGER, IMPEDE, OBSTRUCT OR INTERFERE WITH VEHICULAR OR PEDESTRIAN USE OF ANY STREET, SIDEWALK, ALLEY, OR OTHER PUBLIC WAY, OR VISIBILITY OF ANY TRAFFIC CONTROL DEVICE. THE PREMISES SHALL BE FREE FROM VEGETATION THAT IS SUBSTANTIALLY DEAD, DAMAGED, OR CHARACTERIZED BY UNCONTROLLED GROWTH, NEGLECT, LACK OF MAINTENANCE OR SIMILAR CONDITION.

**§ 83.08 GRAFFITI.**

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON IN CONTROL OF PROPERTY TO PERMIT GRAFFITI ON THE BUILDING OR STRUCTURE OR FAIL TO ERADICATE GRAFFITI FROM THE BUILDING OR STRUCTURE WITHIN THIRTY (30) DAYS OF NOTICE THEREOF.

**§ 83.09 PARKING OF COMMERCIAL VEHICLES AND EQUIPMENT.**

EXCEPT AS PROVIDED IN SUBSECTIONS A AND B BELOW, NO PERSON SHALL PARK OR ALLOW TO BE PARKED ANY COMMERCIAL VEHICLE OR HEAVY EQUIPMENT ON ANY RESIDENTIAL PROPERTY IN THE TOWN, EXCEPT WHEN NECESSARY TO CONDUCT AN AUTHORIZED COMMERCIAL PURPOSE ON THE PROPERTY.

- (A) ONE COMMERCIAL VEHICLE WITH NO MORE THAN 2 AXLES, WHEN USED AS A COMMUTOR OR FOR AN ON CALL PURPOSE.
- (B) ON DEVELOPED RESIDENTIAL PROPERTIES OF ONE ACRE OR MORE, ONE COMMERCIAL VEHICLE OR HEAVY EQUIPMENT IS PERMITTED.

**§ 83.10 VIOLATIONS; PENALTIES; ABATEMENT.**

- (A) VIOLATIONS OF THIS CHAPTER ARE DECLARED TO BE PUBLIC NUISANCES.
- (B) VIOLATIONS OF THIS CHAPTER ARE ALSO PUNISHABLE AS SET FORTH IN SECTION 82.12 AS CIVIL VIOLATIONS.

(C) IN ADDITION TO CIVIL SANCTIONS AND CRIMINAL PENALTIES THAT MAY BE IMPOSED ON HABITUAL OFFENDERS, VIOLATIONS MAY BE ABATED PURSUANT TO THE PROVISIONS SET FORTH IN CHAPTER 84 OR BY INJUNCTIVE OR OTHER EQUITABLE RELIEF. THE IMPOSITION OF A PENALTY DOES NOT PREVENT ABATEMENT OR EQUITABLE RELIEF.

## **CHAPTER 84 ABATEMENT OF PUBLIC NUISANCES**

### **§ 84.01 PURPOSE AND FINDINGS.**

(A) PURPOSE: THE PURPOSE OF THIS CHAPTER IS TO PROVIDE PROCEDURES TO ABATE PUBLIC NUISANCES PURSUANT TO THE POLICE POWERS OF THE TOWN AND TO ENSURE THE PUBLIC HEALTH, SAFETY AND WELFARE INsofar AS THEY ARE AFFECTED BY A PUBLIC NUISANCE.

(B) FINDINGS: THE TOWN COUNCIL FINDS THAT THE FAILURE OF A PERSON IN CONTROL TO MAINTAIN PROPERTY IN A SAFE AND SANITARY MANNER, AS REQUIRED BY THIS TITLE CREATES A PUBLIC NUISANCE AND IS HAZARDOUS TO THE PUBLIC HEALTH, SAFETY AND WELFARE. PUBLIC NUISANCES PROMOTE THE SPREAD OF DISEASE, ENDANGER THE PHYSICAL SAFETY OF PERSONS, AND CAUSE NEIGHBORHOOD BLIGHT.

### **§ 84.02 APPLICABILITY.**

THE PROCEDURES SET FORTH IN THIS CHAPTER APPLY TO ALL PUBLIC NUISANCES, AS DEFINED AND DECLARED IN THIS CODE, WHEREVER FOUND IN THE TOWN.

### **§ 84.03 OWNER, OCCUPANT, OR PERSON IN CONTROL TO MAINTAIN PREMISES.**

THE PERSON IN CONTROL OF ANY PRIVATE PROPERTY IS RESPONSIBLE, AT ALL TIMES, FOR MAINTAINING THE PREMISES AND ADJOINING SIDEWALKS FREE OF PUBLIC NUISANCES.

### **§ 84.04 AUTHORITY TO INSPECT.**

(A) TOWN COMPLIANCE AGENTS ARE HEREBY AUTHORIZED TO INSPECT PROPERTY FOR VIOLATIONS OF THIS TITLE IN THE NORMAL COURSE OF JOB DUTIES, IN RESPONSE TO A CITIZEN COMPLAINT THAT ALLEGES A VIOLATION OF THIS TITLE ON THE PROPERTY; OR WHEN THE COMPLIANCE AGENT PROBABLE CAUSE TO BELIEVE THAT A VIOLATION HAS BEEN OR IS BEING COMMITTED.

(B) IN ORDER TO DETERMINE COMPLIANCE WITH THIS TITLE, PRIVATE PROPERTY MAY BE ENTERED WITH THE CONSENT OF THE PERSON IN CONTROL OF THE PROPERTY OR AS AUTHORIZED BY A COURT OF COMPETENT JURISDICTION.

(C) THIS SECTION SHALL NOT BE CONSTRUED TO REQUIRE REGULAR INSPECTIONS OF PREMISES BY THE TOWN, NOR SHALL THE TOWN HAVE AN OBLIGATION TO ABATE ANY PUBLIC NUISANCE, REPORTED OR UNREPORTED WITHIN A SPECIFIC TIME PERIOD. NEITHER THE TOWN NOR ANY OF ITS OFFICERS OR OFFICIALS SHALL BE LIABLE IN ANY MANNER FOR INJURIES

OR DAMAGES WHICH RESULT OR ARE ALLEGED TO HAVE RESULTED FROM ANY DELAY OR FAILURE TO ENFORCE THE PROVISIONS OF THIS TITLE.

**§ 84.05 INSPECTION AND INVESTIGATION: INTERFERENCE, FALSE INFORMATION; FAILURE TO PROVIDE EVIDENCE OF IDENTITY.**

(A) IT IS UNLAWFUL AND A VIOLATION OF THIS CODE FOR ANY PERSON TO:

(1) INTERFERE, PREVENT, OR ATTEMPT TO INTERFERE WITH OR PREVENT, AN INDIVIDUAL EMPLOYED OR CONTRACTED BY THE TOWN FROM INVESTIGATING AN ALLEGED VIOLATION OF THIS TITLE, OR FROM CORRECTING OR ABATING A VIOLATION OF THIS TITLE; OR

(2) KNOWINGLY MAKE A FALSE OR FRAUDULENT STATEMENT, OR KNOWINGLY MISREPRESENT A FACT, OR MISLEAD AN INDIVIDUAL EMPLOYED OR CONTRACTED BY THE TOWN WHEN THAT INDIVIDUAL IS INVESTIGATING, CORRECTING OR ABATING A VIOLATION OF THIS TITLE; OR

(3) FAIL OR REFUSE TO PROVIDE EVIDENCE OF HIS IDENTITY TO AN INDIVIDUAL EMPLOYED OR CONTRACTED FOR BY THE TOWN WHEN THAT INDIVIDUAL IS INVESTIGATING AN ALLEGED VIOLATION OF THIS TITLE AND HAS REASONABLE CAUSE TO BELIEVE THAT THE PERSON COMMITTED A VIOLATION OF THIS TITLE. EVIDENCE OF IDENTITY UNDER THIS SECTION SHALL CONSIST OF A PERSON'S FULL NAME, RESIDENCE ADDRESS AND DATE OF BIRTH.

(B) A PERSON FOUND TO BE IN VIOLATION OF THIS SECTION IS GUILTY OF A CLASS ONE MISDEMEANOR, PUNISHABLE AS SET FORTH IN § 10.99(C).

**§ 84. 06 EMERGENCY ABATEMENT.**

(A) IF A PUBLIC NUISANCE PRESENTS AN IMMINENT HAZARD TO LIFE OR PUBLIC SAFETY, THE TOWN MAY DO ONE OR MORE OF THE FOLLOWING:

(1) ISSUE A NOTICE TO ABATE THE NUISANCE, DIRECTING THE PERSON IN CONTROL TO IMMEDIATELY TAKE SUCH ACTION AS IS APPROPRIATE TO CORRECT OR ABATE THE NUISANCE UPON NOTICE BY THE COMPLIANCE AGENT TO THE PERSON IN CONTROL.

(2) ACT TO CORRECT OR ABATE THE NUISANCE, WHETHER OR NOT THE TOWN IS ABLE TO CONTACT THE PERSON IN CONTROL.

(B) THE PERSON IN CONTROL MAY APPEAL AN ORDER TO ABATE TO THE TOWN COUNCIL. UPON NOTICE AND REQUEST BY THE PERSON IN CONTROL, A HEARING BEFORE THE TOWN COUNCIL SHALL BE SCHEDULED AS SOON AS PRACTICABLE. SUCH APPEAL SHALL IN NO CASE STAY THE ABATEMENT OR CORRECTION OF A NUISANCE DEEMED TO POSE AN IMMINENT HAZARD.

(C) THE TOWN MAY RECOVER ITS COSTS INCURRED IN ABATING A NUISANCE THAT IT DEEMS TO PRESENT AN IMMINENT HAZARD UNDER THIS SECTION IN THE SAME MANNER AS PROVIDED FOR IN THIS CHAPTER TO THE EXTENT PRACTICABLE UNDER THE CIRCUMSTANCE.

**§ 84.07 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 TOWN MAY FILE A NOTICE TO ABATE ANY NUISANCE AS DEFINED IN THIS CODE. SUCH ABATEMENT SHALL PROCEED INDEPENDENTLY OF ANY CIVIL OR CRIMINAL VIOLATION FILED. THE TOWN COMPLIANCE OFFICER, TOWN PROSECUTOR AND TOWN ATTORNEY ARE AUTHORIZED TO FILE CIVIL OR CRIMINAL COMPLAINTS TO ABATE A PUBLIC NUISANCE.

**§ 84.08 ABATEMENT PROCEDURES.**

(A) NOTICE TO ABATE:

(1) IF, AFTER AN INSPECTION, THE TOWN FINDS ONE OR MORE VIOLATIONS OF THIS TITLE, AND THE TOWN ELECTS TO USE THE ABATEMENT PROCESS, THE TOWN SHALL, IN WRITING, NOTIFY THE PERSON IN CONTROL OF THE PROPERTY. IF THE PERSON IN CONTROL IS NOT THE OWNER, NOTICE SHALL BE SENT TO THE OWNER AS SHOWN ON THE MOST RECENT RECORDS OF THE YAVAPAI COUNTY ASSESSOR'S OFFICE. SUCH NOTICE SHALL BE ACTUAL NOTICE, AS EVIDENCED BY A SIGNED CERTIFIED MAIL RETURN RECEIPT OR AFFIDAVIT OF SERVICE.

(2) THE NOTICE TO ABATE SHALL SET FORTH THE FOLLOWING INFORMATION:

- (a) THE PERSON IN CONTROL HAS 30 DAYS FROM THE MAILING OF THE NOTICE TO ABATE OR CORRECT THE VIOLATION.
- (b) LOCATION OF THE PROPERTY IN VIOLATION BY STREET ADDRESS IF KNOWN AND, IF UNKNOWN, BY BOOK, MAP AND PARCEL NUMBER.
- (c) STATEMENT OF THE VIOLATION(S) 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 TOWN PLUS TEN PERCENT (10%) 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 TOWN COMPLIANCE AGENT WHO SENT THE NOTICE TO ABATE.
- (g) A WARNING STATING THAT IF THE VIOLATION IS NOT CORRECTED WITHIN 30 DAYS OF THE DATE OF THE NOTICE, THE TOWN MAY ABATE THE NUISANCE AND ASSESS THE PERSON IN CONTROL THE COST OF SUCH ABATEMENT AND RECORD A LIEN AGAINST THE PROPERTY FOR PAYMENT OF THE ASSESSMENT.

(h) A STATEMENT THAT THE PERSON IN CONTROL MAY APPEAL THE ABATEMENT ORDER IN WRITING TO THE TOWN COUNCIL WITHIN 15 DAYS FROM THE DATE OF THE NOTICE.

(i) THE 15-CALENDAR-DAY NOTICE SET FORTH IN THIS SECTION SHALL NOT APPLY TO EMERGENCY ABATEMENTS.

(3) THE TOWN MANAGER MAY EXTEND THE TIME LIMITS SET FORTH IN SUBSECTION (A)(1) OF THIS SECTION IF THE PERSON IN CONTROL DEMONSTRATES TO THE SATISFACTION OF THE TOWN MANAGER THAT COMPLYING WITH THE NOTICE OF VIOLATION OR NOTICE TO ABATE IS A HARDSHIP AND IF THE PERSON IN CONTROL AGREES IN WRITING TO A SCHEDULE FOR CORRECTING THE VIOLATION BRINGING THE PROPERTY INTO COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE AND COMPLIES WITH THE SCHEDULE.

(4) THE NOTICE REQUIREMENTS SET FORTH IN THIS SUBSECTION DO NOT APPLY IN AN EMERGENCY ABATEMENT SITUATION.

(B) SERVICE OF NOTICES:

(1) ANY NOTICE REQUIRED TO BE GIVEN UNDER THIS SECTION SHALL BE ACCOMPLISHED BY A COMPLIANCE AGENT OF THE TOWN DELIVERING THE NOTICE TO THE PERSON IN CONTROL OF THE PROPERTY, OR BY MAILING THE NOTICE TO THE PERSON IN CONTROL BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. IF THE PROPERTY OWNER IS NOT THE OCCUPANT OR PERSON IN CONTROL, A DUPLICATE NOTICE SHALL BE MAILED TO HIM BY CERTIFIED RETURN RECEIPT REQUESTED MAIL AT HIS LAST KNOWN ADDRESS.

(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 TOWN FROM GIVING ADDITIONAL ORAL OR WRITTEN NOTICE AT ITS DISCRETION. IF THE TOWN ELECTS TO GIVE 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 NOTICE TO ABATE: THE NOTICE TO ABATE SHALL RUN WITH THE LAND. THE TOWN, 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 INTO COMPLIANCE BY THE PERSON IN CONTROL A SATISFACTION OF NOTICE TO ABATE SHALL BE FILED WITH THE COUNTY RECORDER.

(D) APPEALS TO THE COUNCIL:

(1) A NOTICE TO ABATE OR ASSESSMENT MAY BE APPEALED TO THE TOWN COUNCIL.

(2) AN APPEAL MUST BE FILED WITHIN 15 CALENDAR DAYS OF THE SERVICE OF THE NOTICE TO ABATE OR ASSESSMENT AND MUST BE FILED WITH THE TOWN 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 TOWN COUNCIL. ANY PERSON WHO FAILS TO TIMELY FILE AN APPEAL SHALL BE ESTOPPED FROM DENYING THE VALIDITY OF ANY NOTICE OR ASSESSMENT THAT COULD HAVE BEEN TIMELY APPEALED.

(4) THE NOTICE OF APPEAL SHALL SET FORTH, IN WRITING, THE OWNER'S REASON FOR BELIEVING HE IS NOT IN VIOLATION OF THIS TITLE OR THAT THE ASSESSMENT IS EXCESSIVE OF UNJUST.

(5) THE NOTICE OF APPEAL SHALL BE ACCOMPANIED BY AN APPEAL FEE OF TWENTY-FIVE DOLLARS (\$25.00), TO BE DEPOSITED IN THE GENERAL FUND OF THE TOWN.

(6) IN CASE OF FINANCIAL HARDSHIP, AS DETERMINED BY THE TOWN CLERK, THE APPEAL FEE MAY BE SUSPENDED UNTIL THE DECISION ON APPEAL IS RENDERED. THE TOWN COUNCIL MAY EITHER WAIVE THE FEE UPON A FINDING OF FINANCIAL HARDSHIP OR FIND NO FINANCIAL HARDSHIP AND REQUIRE THE FEE TO BE PAID.

(E) GROUND FOR APPEAL: THE FOLLOWING SHALL CONSTITUTE REASONABLE GROUND FOR APPEAL OF A NOTICE TO ABATE OR ASSESSMENT:

(1) A CLAIM THAT THE PROPERTY OR BUILDING SUBJECT TO THE NOTICE IS NOT IN VIOLATION OF THE ORDINANCE.

(2) A CLAIM THAT THE TRUE INTENT OF THE CODE SECTION ALLEGEDLY VIOLATED OR STANDARDS DESCRIBED IN THAT SECTION WERE INCORRECTLY INTERPRETED; OR

(3) A CLAIM THAT THE STATEMENT OF COSTS FOR CORRECTING OR ABATING THE VIOLATION IS EXCESSIVE.

(F) PROCEDURE ON APPEAL:

(1) THE TOWN CLERK SHALL SET A DATE FOR HEARING AN APPEAL WITHIN FORTY CALENDAR (40) DAYS OF RECEIPT BY THE TOWN CLERK OF THE NOTICE OF APPEAL.

(2) THE TOWN COUNCIL SHALL HEAR TESTIMONY FROM ALL PARTIES TO THE APPEAL. THE PARTIES MAY, IF THEY CHOOSE, BE REPRESENTED BY AN ATTORNEY.

(3) THE TOWN 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.

- (a) IN ANY CASE WHERE A PROVISION OF THIS TITLE IS IN CONFLICT WITH A PROVISION OF ANY ZONING, BUILDING, FIRE, SAFETY OR HEALTH ORDINANCE OR CODE OF THE TOWN EXISTING ON THE EFFECTIVE DATE OF THIS TITLE, THE PROVISION WHICH ESTABLISHES THE HIGHER STANDARD FOR PROMOTING AND PROTECTING PUBLIC HEALTH AND SAFETY SHALL PREVAIL.
- (b) THIS TITLE IS NOT INTENDED 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 TITLE, 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 TITLE ARE IN CONFLICT, THE MOST STRINGENT OR RESTRICTIVE SHALL PREVAIL.

(2) SPECIAL ASSESSMENT LIEN.

- (a) IF THE TOWN IS REQUIRED TO CORRECT OR ABATE A VIOLATION PURSUANT TO THIS SECTION, THE TOWN SHALL PREPARE A VERIFIED STATEMENT AND ACCOUNT OF THE ACTUAL COST OF SUCH CORRECTION OR ABATEMENT, INCLUDING AN ADDITIONAL TEN PERCENT (10%) OF THE ACTUAL COSTS FOR INSPECTION AND OTHER INCIDENTAL COSTS INCURRED IN CONNECTION WITH SUCH CORRECTION OR ABATEMENT. THE VERIFIED STATEMENT AND ACCOUNT SHALL BE AN ASSESSMENT UPON THE PROPERTY ON WHICH THE TOWN CORRECTED OR ABATED THE VIOLATIONS AND SHALL BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS OTHER TOWN ASSESSMENTS ARE COLLECTED. SUCH ASSESSMENT SHALL BE RECORDED IN THE OFFICE OF THE YAVAPAI 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 SECTION SHALL BE MADE UPON JUDGMENT OF FORECLOSURE AND ORDER OF SALE. THE TOWN MAY INSTITUTE AN ACTION TO ENFORCE THE LIEN IN THE YAVAPAI COUNTY SUPERIOR COURT AT ANY TIME AFTER THE RECORDING OF THE ASSESSMENT. 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.

- (b) A PRIOR ASSESSMENT PURSUANT TO THIS TITLE SHALL NOT BE A BAR TO A SUBSEQUENT ASSESSMENT, AND ANY NUMBERS OF LIENS ON THE SAME LOT OR TRACT OF LAND MAY BE ENFORCED IN THE SAME ACTION.

**§ 84.09 ASSESSMENTS; HOW PAID; ACCRUAL OF INTEREST.**

(A) ASSESSMENTS THAT ARE IMPOSED PURSUANT TO THIS TITLE SHALL RUN WITH THE LAND UNTIL PAID AND ARE DUE AND PAYABLE AS FOLLOWS:

(1) ASSESSMENTS OF LESS THAN FIVE HUNDRED DOLLARS (\$500.00) SHALL BE PAID WITHIN ONE (1) YEAR AFTER THE ASSESSMENT IS RECORDED.

(2) ASSESSMENTS OF FIVE HUNDRED DOLLARS (\$500.00) OR MORE, BUT LESS THAN ONE THOUSAND DOLLARS (\$1,000.00), SHALL BE PAID WITHIN TWO (2) YEARS AFTER THE ASSESSMENT IS RECORDED.

(3) ASSESSMENTS OF ONE THOUSAND DOLLARS (\$1,000.00) OR MORE, BUT LESS THAN FIVE THOUSAND DOLLARS (\$5,000.00), SHALL BE PAID WITHIN THREE (3) YEARS AFTER THE ASSESSMENT IS RECORDED.

(4) ASSESSMENTS OF FIVE THOUSAND DOLLARS (\$5,000.00) OR MORE, BUT LESS THAN TEN THOUSAND (\$10,000.00), SHALL BE PAID WITHIN SIX (6) YEARS AFTER THE ASSESSMENT IS RECORDED.

(5) ASSESSMENTS OF TEN THOUSAND DOLLARS (\$10,000.00) OR MORE SHALL BE PAID WITHIN TEN (10) YEARS AFTER THE ASSESSMENT IS RECORDED.

(B) EACH ASSESSMENT SHALL CONTAIN A PAYMENT SCHEDULE WHICH REQUIRES PAYMENT OF THE ASSESSMENT OVER THE ABOVE TIME PERIODS IN SUBSTANTIALLY EQUAL YEARLY INSTALLMENTS.

(C) AN ASSESSMENT THAT IS PAST DUE SHALL ACCRUE INTEREST AT THE LEGAL RATE AS PRESCRIBED BY ARIZONA REVISED STATUTES SECTION 44-1201, AS MAY BE AMENDED FROM TIME TO TIME.

The Town Code of Chino Valley, Arizona, Title IX General Regulations is amended by deleting Chapter 91 Health and Sanitation in its entirety and reserving the Chapter for future use.

The Town Code of Chino Valley, Arizona, Title IX General Regulations, Chapter 93 Abandoned Vehicles, is hereby deleted in its entirety.

The Town Code of Chino Valley, Arizona, Title XIII General Offenses, Chapter 130 General Offenses, Section 130.01 Burning and Section 130.02 Water; Flow upon Streets Prohibited is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in strikeout):

**§ 130.01 Burning.**

It is unlawful AND A PUBLIC NUISANCE for any person, firm or corporation to kindle any grass, trash, brush, rubbish or crop fire within the town without first securing a written permit from the Fire Chief, his or her duly authorized assistant or other designated town officer. The permit may contain any conditions necessary for the protection of life and property, unless such fire is contained within a suitable container to prevent the escape of sparks or burning materials.

**§ 130.02 Water, AND EARTHEN MATERIAL Flow upon Streets Prohibited.**

It is unlawful AND A PUBLIC NUISANCE for any person to willfully or negligently permit or cause the escape or flow of water OR EARTHEN MATERIAL ONTO PUBLIC STREETS ~~from any source~~ in such MANNER ~~quantity~~ as to cause flooding, or to ENDANGER OR impede vehicular or pedestrian traffic, ~~to create a hazardous condition to such traffic~~, to create a condition which constitutes a threat to the public health and safety, or to cause damage to the public streets of the town. EARTHEN MATERIAL SHALL INCLUDE, BUT NOT BE LIMITED TO SOIL, SILT, CLAY, SAND, GRAVEL, ROCK, DIRT, MUD, ORGANIC MATERIAL, OR A COMBINATION THEREOF.

~~Penalty, see §130.99.~~