

ORDINANCE NO. 5030

AN ORDINANCE AMENDING TITLE 8, CHAPTER 6 OF THE MESA CITY CODE TO UPDATE THE PUBLIC NUISANCE, PROPERTY MAINTENANCE AND NEIGHBORHOOD PRESERVATION CODE LANGUAGE TO ENHANCE ENFORCEMENT EFFORTS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MESA, ARIZONA, AS FOLLOWS:

SECTION 1: That Title 8, Chapter 6 of the Mesa City Code of Ordinances, Mesa, Arizona, is hereby amended, in part, as follows (only portions that are modified are included here):

Section 8-6-1: Purpose and ~~Scope~~ **APPLICABILITY:**

(A) The purpose of this chapter is to ~~define and prohibit public nuisances, deterioration, and blight, and require maintenance and compatibility of the exterior surfaces such as roofs, foundations, fences, and walls of improved property as visible from the adjacent public right-of-ways. This chapter shall also~~ **PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF MESA, ARIZONA BY:**

- 1. PROTECTING NEIGHBORHOODS AGAINST HAZARDOUS, BLIGHT OR DETERIORATING INFLUENCES. ESTABLISHING MINIMUM STANDARDS FOR THE CONDITION OF THE EXTERIOR OF BUILDINGS AND BY ESTABLISHING REQUIREMENTS FOR THE MAINTENANCE OF ALL RESIDENTIAL AND NONRESIDENTIAL BUILDINGS, STRUCTURES, FENCES OR WALLS AND VACANT OR IMPROVED LAND.**
2. Provide**ING** regulations for the proper location, control and minimum level of maintenance required for the care and keeping of large animals and livestock within the City's corporate limits.
- 3. PROVIDING REGULATIONS FOR CONDUCTING INTERIOR INSPECTIONS OF INDIVIDUAL RESIDENTIAL RENTAL PROPERTIES THAT MEET SPECIFIC CRITERIA AS IDENTIFIED IN ARIZONA REVISED STATUTES.**

Section 8-6-2: Definitions:

ABANDONED OR INOPERABLE VEHICLE: A VEHICLE PHYSICALLY INCAPABLE OF ITS INTENDED OPERATION AS EVIDENCED BY: Any vehicle that is partially or wholly dismantled, discarded, wrecked, on blocks or similar devices, stripped, or scrapped; or a vehicle with a deflated tire or tires or from which a wheel or tire has been removed; or any motor vehicle which is inoperable due to mechanical failure or mechanical disassembly or other reasons which may be evidenced by the absence of an unexpired license plate lawfully affixed or assigned thereto.

BLIGHT: Unsightly conditions including the accumulation of litter or debris; buildings or structures exhibiting holes, breaks, rot, crumbling, cracking, peeling, or rusting, **OR DAMAGE**; landscaping that exhibits uncontrolled growth, lack of maintenance, damage, or is dead or decayed; and any similar conditions of disrepair and deterioration regardless of the condition of other properties in the vicinity or neighborhood.

BUILDING: ANY STRUCTURE USED OR INTENDED FOR SUPPORTING OR SHELTERING ANY USE OR OCCUPANCY.

CIVIL HEARING OFFICER: The Mesa Zoning Administrator within the Development **AND SUSTAINABILITY Services** Department or such other person as designated by the City Manager.

COMMERCIAL VEHICLE: ANY VEHICLE HAVING A GROSS VEHICLE WEIGHT RATING (GVWR) EXCEEDING 13,000 POUNDS AND IS INTENDED TO BE USED PRIMARILY FOR COMMERCIAL PURPOSES IN THE CONDUCT OF A BUSINESS, RATHER THAN FOR PRIVATE FAMILY OR INDIVIDUAL USE.

DETERIORATION OR DISREPAIR: A decline of the general condition or appearance of a building, structure, or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, **DAMAGE**, neglect, or lack of maintenance.

DRIVEWAY, LEGAL: A LEGAL DRIVEWAY SHALL BE THAT AREA THAT ALIGNS WITH THE CITY APPROVED DRIVEWAY CUT IN THE CURB OF THE PUBLIC OR PRIVATE STREET. WHERE A ROLL CURB OR NO CURB EXISTS AND THERE IS NO DRIVEWAY CLEARLY DESIGNATED, THE LEGAL DRIVEWAY IS THE AREA THAT ALIGNS WITH THE OBSERVED DESIGNATED PARKING FOR THE STRUCTURE SUCH AS A CARPORT OR GARAGE. ON PROPERTIES WITH ROLL CURBS OR NO CURB AND WITH NO CLEARLY DESIGNATED PARKING AREA FOR THE STRUCTURE THE LEGAL DRIVEWAY SHALL BE AS OBSERVED AND COMMONLY USED BY THE OWNER OF SUCH PROPERTY AND SHALL AT NO TIME VIOLATE THE PROVISIONS OF THIS CODE.

EUTROPHIC: WATERS RICH IN PHOSPHATES, NITRATES, AND ORGANIC NUTRIENTS THAT PROMOTE A PROLIFERATION OF PLANT LIFE, ESPECIALLY ALGAE.

GARAGE SALE: INCLUDES YARD SALES, CARPORT SALES, ESTATE SALES OR SIMILAR TYPES OF INDOOR OR OUTDOOR ACTIVITIES ON THE SELLER'S OWN PREMISES, INVOLVING THE SALE OF USED OR SECOND HAND TANGIBLE PERSONAL PROPERTY CUSTOMARILY FOUND IN, AND ABOUT, THE RESIDENCE.

GRAFFITI: An inscription or drawing carved or drawn on a stationary structure **OR OBJECT** so as to be discernible from the public right-of-way and which degrades the beauty and appearance of property.

~~IMPROVED DUSTPROOF PARKING SURFACE OR LEGAL DRIVEWAY:~~ Concrete, asphalt, "chip seal," or crushed rock or aggregate that is a minimum of ~~three~~³ inches (3") thick. All crushed rock or aggregate must be contained by a permanent border.

~~INCONGRUOUS MATERIALS, COLORS, AND FINISHES:~~ Exterior surfaces that are not matching, and are inconsistent, incompatible, and discordant with the adjacent exterior surface.s of structures located on the same property

~~LARGE ANIMAL:~~ Terrestrial animals commonly considered too large to be kept indoors within a human household. The term includes domestic and working animals, but does not include small animals such as dogs, cats, rodents or fish kept as pets.

~~MANAGING AGENT:~~ A person, corporation, partnership, or limited liability company that is authorized by the owner to operate and manage the property

~~NONHUMAN PRIMATE:~~ Any mammal of the Order Primate not including man; including all monkeys and apes.

~~NOTICE TO ABATE:~~ A notice issued to a property owner or occupant concerning a violation of Chapter 18 of Title 8 of the Mesa City Code.

~~RESPONSIBLE PARTY:~~ A person **WHO KNOWS OR HAS REASON TO KNOW OF THE EXISTENCE OF ANY VIOLATION OF THIS CHAPTER ON THAT PERSON'S PROPERTY OR PROPERTY WHICH THAT PERSON OCCUPIES OR CONTROLS, IN WHOLE OR IN PART, INCLUDING BUT NOT LIMITED TO AN OWNER, OCCUPANT, LESSOR, LESSEE, MANAGER, MANAGING AGENT, LICENSEE OR ANY PERSON WHO HAS LEGAL CARE OR CONTROL OF THE PROPERTY.** charged with a civil violation of this Chapter.

~~SLUM PROPERTY:~~ Residential rental property that has deteriorated or is in a state of disrepair and that manifests ~~one~~⁽¹⁾ or more of the following conditions that are a danger to the health or safety of the public:

- (A) Structurally unsound exterior surfaces, roof, walls, doors, floors, stairwells, porches, or railings.
- (B) Lack of potable water, adequate sanitation facilities, adequate water, or waste pipe connections.
- (C) Hazardous electrical systems or gas connections.
- (D) Lack of safe, rapid egress.
- (E) Accumulation of human or animal waste, medical or biological waste, **HAZARDOUS**, gaseous or combustible materials, dangerous or corrosive liquids, flammable or explosive materials, or drug paraphernalia.

(F) ANY OTHER CONDITION RECOGNIZED AS A BASIS FOR SLUM PROPERTY DESIGNATION BY THE ARIZONA REVISED STATUTES.

STREET OR HIGHWAY: The entire width between the boundary lines of every way publicly owned or maintained **SPACE** when any part thereof is open to the use of the public for purposes of vehicular traffic.

Section 8-6-3: Public Nuisances Prohibited:

(A) NO RESPONSIBLE PARTY OF ANY PROPERTY SHALL ~~It shall be unlawful for any person to~~ cause or allow any abandoned, inoperable **OR UNREGISTERED** vehicle, **OR PARTS THEREOF**, to be parked or stored **OUTSIDE OR UNDER A CARPORT OR OTHER ROOF AREA NOT ENCLOSED BY WALLS, DOORS OR WINDOWS OF ANY BUILDING ON ANY LOT FOR LONGER THAN 10 DAYS**, except in complete conformance with the **FOLLOWING** terms: ~~of this paragraph. All abandoned, inoperable vehicles or vehicles in residential areas being restored or repaired for longer than ten (10) days shall be stored safely within a lawful, enclosed building or structure or screened by a lawful fence in such a manner as to not be visible from beyond the lot boundaries;~~

- i. **UNREGISTERED VEHICLES UNDER A CARPORT OR OTHER ROOF AREA OF ANY BUILDING, PROVIDED THE VEHICLES ARE OPERABLE;**
- ii. **NOT MORE THAN 3 INOPERABLE OR UNREGISTERED VEHICLES SHALL BE STORED WITHIN THE SIDE OR REAR YARDS UNLESS SCREENED BY A 6' HIGH OPAQUE FENCE IN SUCH A MANNER AS NOT TO BE VISIBLE FROM BEYOND THE LOT BOUNDARIES, IN THE R1-6 (RS-6) AND R1-7 (RS-7) ZONING DISTRICTS;**
- iii. **NOT MORE THAN 5 INOPERABLE OR UNREGISTERED VEHICLES SHALL BE STORED WITHIN THE SIDE OR REAR YARDS UNLESS SCREENED BY A 6' HIGH OPAQUE FENCE IN SUCH A MANNER AS NOT TO BE VISIBLE FROM BEYOND THE LOT BOUNDARIES, IN THE R1-9 (RS-9), R1-15 (RS-15) AND R1-35 (RS-35) ZONING DISTRICTS;**
- iv. **NOT MORE THAN 7 INOPERABLE OR UNREGISTERED VEHICLES SHALL BE STORED WITHIN THE SIDE OR REAR YARDS UNLESS SCREENED BY A 6' HIGH OPAQUE FENCE IN SUCH A MANNER AS NOT TO BE VISIBLE FROM BEYOND THE LOT BOUNDARIES, IN THE R1-43 (RS-43) AND R1-90 (RS-90) ZONING DISTRICTS;**
- v. **VEHICLES** ~~or shall be~~ stored on the premises of a business enterprise operated in a lawful place and manner in accordance with the provisions of the Mesa City Code where the storage of the vehicle is necessary to the operation of the business enterprise.

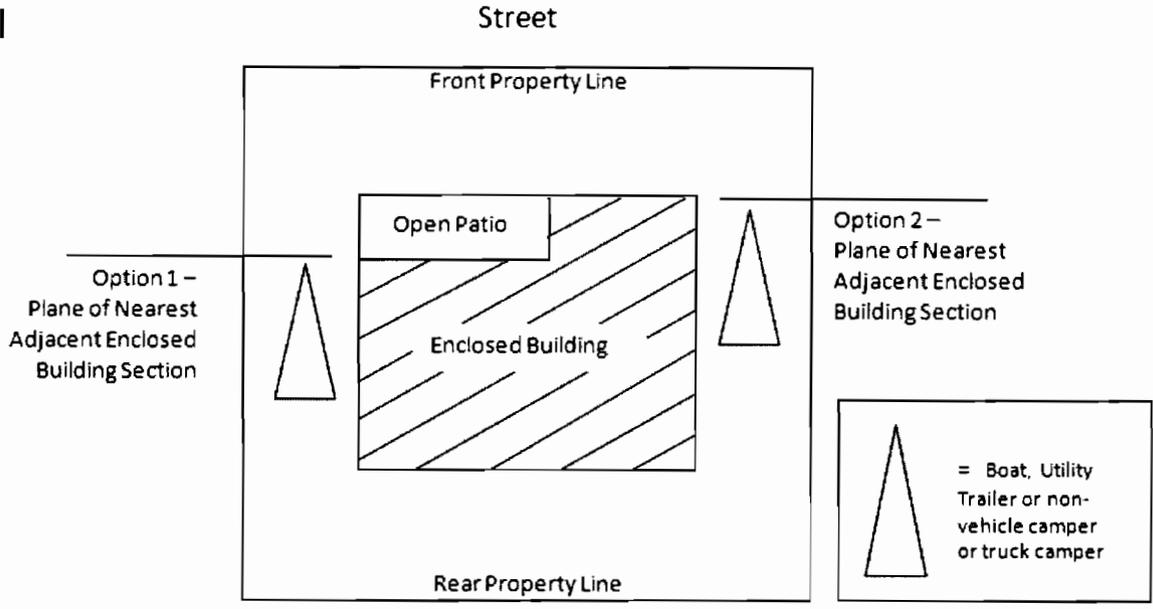
- (B) No ~~RESPONSIBLE PARTY OF ANY PROPERTY~~ ~~person~~ shall CAUSE OR ALLOW THE deposit, ~~store~~ STORAGE, OR ~~maintain~~ MAINTENANCE OF any garbage or junk, or an accumulation of materials such as: vehicle parts, appliances, indoor furniture, boxes, crates, packing cases, mattresses, bedding, lumber, scrap iron, tin, and other metals, unless stored safely within a lawful, enclosed building or structure, or screened by a lawful fence or within a trash receptacle in such a manner as to not be visible from beyond the lot boundaries, except as authorized for collection under Title 8, Chapter 3 of this Code.
- (C) ~~All persons owning or occupying land~~ THE RESPONSIBLE PARTY OF ANY PROPERTY or places of business within the City shall keep the sidewalk or public places fronting or bordering ~~their property~~ SUCH PROPERTY OR PLACE OF BUSINESS free of garbage, junk, obstructions, and weeds or grass in excess of ~~nine inches (9")~~; provided, however, this Section shall not prohibit the temporary storage of such matters in authorized receptacles for collection consistent with Chapter 3 of Title 8 of this Code.
- (D) No ~~owner or occupant of land~~ RESPONSIBLE PARTY OF ANY PROPERTY shall allow or permit trees, shrubs, or plants ~~growth~~ on ~~that land~~ SIDEWALKS OR PUBLIC PLACES FRONTING OR BORDERING THEIR PROPERTY IN A MANNER THAT ~~to impede~~, ~~obstruct~~, or ~~interfere~~ with the passage ~~of~~ ON any street, sidewalk, ~~or alley~~ OR OTHER PASSAGEWAY within the City or the visibility of any traffic control device or signal. (2568)
- (E) No ~~owner or occupant of land~~ RESPONSIBLE PARTY OF ANY PROPERTY within the City shall allow plant growth which is 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.
- (F) No person shall deposit ~~in~~, sweep ~~upon~~, or permit ~~to~~ THE drain AGE into ~~any public right-of-way or public place of the City~~ OF any garbage, junk, LIQUID, obstruction, ~~or similar matter~~ or OTHER ~~any hazardous~~ material, which is offensive to sight or smell or impedes passage or is detrimental to public health, INTO ANY PUBLIC RIGHT OF WAY OR PUBLIC PLACE IN THE CITY.
- (G) ~~It shall be unlawful to allow~~ NO RESPONSIBLE PARTY OF ANY PROPERTY SHALL PERMIT any swimming pool or ~~similar~~ OTHER body of water ON THE PROPERTY to stagnate and ~~thereby~~ THEREFORE become eutrophic, polluted, or offensive to the senses and unsafe ~~for its intended use~~, OR PERMIT ANYWHERE ON THE PROPERTY THE ACCUMULATION OF STAGNANT WATER WHEN SUCH WATER CAUSES A HAZARDOUS OR UNHEALTHY CONDITION, BECOMES A BREEDING AREA FOR INSECTS, OR WHICH CAUSES SOIL EROSION OR DAMAGE TO FOUNDATION WALLS.
- (H) No ~~owner or occupant of a~~ RESPONSIBLE PARTY OF ANY PROPERTY, building or structure within the City shall permit OR FAIL TO ERADICATE graffiti on the building ~~or~~, structure, TRAILER, DUMPSTER OR ANY OTHER OBJECT LOCATED ON THE PROPERTY. ~~or fail to eradicate graffiti from the building or structure within fifteen (15) days of a notice to abate under this chapter~~

- (I) **NO RESPONSIBLE PARTY OF ANY PROPERTY SHALL** ~~It shall be unlawful to~~ erect or maintain, **OR ALLOW ANYONE TO ERECT OR MAINTAIN**, any electric fence or ~~to attach~~ **OR ALLOW TO ATTACH** to any fence any glass, nails, metal objects, or other materials in such a manner that is likely to injure any person who comes in contact with such object. **NO OWNER, OCCUPANT OR RESPONSIBLE PARTY OF ANY PROPERTY SHALL** ~~, or to erect or maintain,~~ **OR ALLOW ANYONE TO ERECT OR MAINTAIN**, any barbed wire or razor wire except that no more than ~~three~~ **(3)** strands of barbed wire or ~~one~~ **(1)** coil of razor wire not less than ~~six~~ **6** feet and ~~two~~ **2** inches ~~(6'2")~~ above the ground **IS** permitted at the top of an otherwise lawful fence enclosing a municipal, institutional, ~~or commercial~~ **OR INDUSTRIAL BUILDING, STRUCTURE OR PROPERTY use. THIS SUBSECTION DOES NOT PROHIBIT THE USE OF** barbed wire fencing ~~is not prohibited on~~ **PROPERTY premises** larger than ~~one~~ **(1)** acre **PRIMARILY** used for livestock purposes. Barbed wire or razor wire, **WHERE ALLOWED**, shall not extend beyond the **PROPERTY OR AREA premises** permitted to be enclosed.
- (J) It shall be unlawful for any person to display any vehicle or boat for sale, rent, or lease on vacant or undeveloped ~~and un surfaced~~ property **WITHOUT AN IMPROVED DUST-PROOFED PARKING SURFACE**, and no ~~owner or occupant~~ **RESPONSIBLE PARTY of FOR** vacant, undeveloped, or ~~un surfaced~~ property **WITHOUT AN APPROVED DUST-PROOF SURFACE**, shall allow or permit such displays.
- (K) ~~It shall be unlawful for an owner or occupant to fail to properly~~ **THE RESPONSIBLE PARTY OF ANY PROPERTY SHALL** maintain, repair, ~~or replace~~ **OR COMPLETE IMPROVEMENTS TO** the exposed exterior surfaces of **aLL** buildingS or structureS including **BUT NOT LIMITED TO** exterior windows, doors, canopies, metal awnings, roofs, exhaust ducts, chimneys, painted surfaces, window screening, fences, screen walls, retaining walls, foundations, cooling devices, outdoor stairs, porches, and railings as visible from ~~the adjacent~~ **ANY** rights-of-way **SO THAT SUCH EXTERIOR SURFACES DO NOT EXHIBIT DETERIORATION, DAMAGE, DISREPAIR, OR BLIGHT. THE RESPONSIBLE PARTY SHALL NOT ALLOW THE MAINTENANCE, REPAIR, REPLACEMENT, COMPLETION OR USE OF** ~~using~~ materials, colors, or finishes that are incongruous with the predominant materials, colors, or finishes of **SUCH** the exposed exterior surface ~~when~~ **UNLESS** such incongruous materials, colors, or finishes **ARE LESS** ~~constitute more than twenty~~ **(20)**-contiguous square feet, or ~~more~~ **LESS** than ~~10~~ **ten** percent **(10%)** of the area of any exposed individual plane surface unbroken by corners or angles. **THIS SECTION IS NOT INTENDED TO REGULATE SIGNS AS DEFINED BY SECTION 11-9-5, ART, MURALS, ARCHITECTURAL STYLES OR COLOR PATTERNS AND SCHEMES AS PERMITTED OR AUTHORIZED IN OTHER TITLES OF THIS CODE.**
- (L) It shall be unlawful for any person to park and for an ~~owner or occupant~~ **ANY RESPONSIBLE PARTY** of land to allow or permit any person to park on the ~~owner's or occupant's~~ **RESPONSIBLE PARTY'S** land any commercial vehicle ~~having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000.00) pounds or having dual rear wheels exceeding seventeen inches (17") in diameter~~ on any undeveloped and ~~un surfaced~~ private property **OR PROPERTY WITHOUT AN IMPROVED DUST-PROOFED SURFACE** in the City except when such parking is necessarily required while actually carrying out a lawful commercial purpose. ~~In an action involving a violation of this~~

~~paragraph, a notice or citation need not be personally served upon the owner or operator of the vehicle but may be served by attaching a copy to the vehicle. The vehicle owner, the vehicle operator, the owner of the land, and the occupant of~~ **AND ANY RESPONSIBLE PARTY FOR** the land shall be jointly and severally liable for violation of this paragraph.

- (M) No person shall attach **OR CAUSE TO BE ATTACHED** any sign to any public utility structure, traffic control device, streetlight standard, or similar structure in the public right-of-way **OR ERECT ANY PORTABLE/TEMPORARY SIGN IN THE PUBLIC RIGHT-OF-WAY** excepting those signs erected by a public utility, ~~or~~ government agency **OR PERMITTED BY THE CITY CODE.**
- (N) **THE RESPONSIBLE PARTY OF** All vacant, ~~or~~ abandoned, **PARTIALLY DESTROYED OR PARTIALLY CONSTRUCTED** buildings shall be secured **SUCH BUILDINGS** against unauthorized entry at all times.
- (O) No ~~owner or occupant~~ **RESPONSIBLE PARTY** of a parcel of land within the City shall allow thereon weeds or grass which occupy more than **10 PERCENT OR fifty (50)** contiguous square feet **IN TOTAL AREA OF** ~~on~~ a developed parcel to attain a predominant height in excess of ~~nine (9")~~ **nine (9")**, or more than ~~ten (10%)~~ **ten percent (10%)** of the area of an undeveloped parcel to attain a predominant height in excess of ~~twelve (12")~~ **twelve (12")**. This provision shall not apply to single residence rear yards not visible from the adjacent right-of-way or to crops supporting bona fide livestock grazing where lawful.
- (Q) **IT SHALL BE UNLAWFUL FOR ANY PERSON TO PLACE ANY RUBBISH, TRASH, FILTH OR DEBRIS UPON ANY PRIVATE OR PUBLIC PROPERTY NOT OWNED OR UNDER THEIR CONTROL.**
- (S) ~~It shall be unlawful for any person to~~ **NO RESPONSIBLE PARTY SHALL** maintain or display any sign regulated under ~~Section 19, Title 11 of this~~ **THE MESA CITY Code, TITLE 11**, that is damaged or deteriorated to a condition constituting a visual blight. Visual blight shall include conditions detectable from beyond the lot boundaries such as chipping, peeling, fading, or rusting surfaces; the presence of cracks, holes, buckles, warps, or splinters in any sign component; and defective bulbs, fluorescent tubes, or neon or other inert gas light segments.
- (T) It shall be unlawful to park any motor vehicle within the front or side yard of a single-residence use unless such parking is on an improved, dustproof parking surface. Parking within the front yard of a single-residence use shall be on or contiguous to a legal driveway ~~provided~~ **AND** such parking does not exceed a maximum of ~~50~~ **fifty percent (50%)** of the front yard area. All motor vehicles parked in a front yard must have current license plates displayed.
- (U) It shall be unlawful to store any watercraft, utility trailer, or any non-vehicle mounted camper shell or truck camper **IN FRONT OF THE PLANE OF THE NEAREST ADJACENT ENCLOSED BUILDING SECTION TO THE WATERCRAFT, UTILITY TRAILER OR NONVEHICLE-MOUNTED CAMPER.** ~~within the front yard of a residential use. On residential lots containing less than five (5) dwelling units, all watercraft, utility trailers, or any nonvehicle-mounted camper shells or truck campers stored in the side yard that exceed six feet (6') in height as measured from grade and are~~

~~visible from a public street shall be screened from such street by a six foot (6') high opaque fence. No watercraft, utility trailer, or any nonvehicle-mounted camper shell or truck camper exceeding thirty feet (30') in length exclusive of tongue shall be stored in the side yard~~ **ALL WATERCRAFT, UTILITY TRAILERS OR NONVEHICLE-MOUNTED CAMPERS OR TRUCK CAMPER VISIBLE TO THE PUBLIC RIGHTS-OF-WAYS MUST BE OPERABLE, HAVE INFLATED TIRES AND BE KEPT FREE OF WEEDS AND DEBRIS.**



(V) ~~All persons owning or occupying~~ **THE RESPONSIBLE PARTY OF** improved property within the City shall maintain ~~the yards~~ **ALL BUILDINGS, ADDITIONS, APPENDAGES, ACCESSORY STRUCTURES OR OTHER STRUCTURES** and exposed exterior surfaces such as **BUT NOT LIMITED TO**, exterior windows, doors, canopies, metal awnings, roofs, exhaust ducts, chimneys, painted surfaces, window screening, fences, screen walls, retaining walls, foundations, cooling devices, outdoor stairs, porches and railings, ~~as visible from the adjacent rights-of-way,~~ in a structurally sound condition that does not constitute a hazard and is impervious to moisture and weather elements. ~~Yards and exposed exterior surfaces as visible from the adjacent rights-of-way shall also be maintained so as to not exhibit deterioration, disrepair, or blight constituting more than twenty (20) contiguous square feet, or more than ten percent (10%) of the area of any exposed individual plane surface unbroken by corners of angles.~~

(W) **THE RESPONSIBLE PARTY OF ANY PROPERTY SHALL MAINTAIN LANDSCAPED YARDS AS VISIBLE FROM THE ADJACENT RIGHT OF WAYS SO AS NOT TO EXHIBIT DETERIORATION, DISREPAIR, OR BLIGHT CONSTITUTING MORE THAN 20 CONTIGUOUS SQUARE FEET, OR MORE THAN 10 PERCENT OF THE AREA OF ANY EXPOSED INDIVIDUAL PLANE SURFACE UNBROKEN BY CORNERS OR ANGLES. THE RESPONSIBLE PARTY OF ANY PROPERTY SHALL MAINTAIN ALL IMPROVED GROUND SURFACES, SUCH AS BUT NOT LIMITED TO, PRIVATE STREETS, DRIVES, PAVING, CONCRETE AND ASPHALT SO AS NOT TO EXHIBIT**

DETERIORATION, DISREPAIR, OR BLIGHT CONSTITUTING AN ACCUMULATION OF POT HOLES OR LARGE SURFACE CRACKS.

- (X) **NO RESPONSIBLE PARTY SHALL PERMIT THE CONDUCTING OF GARAGE SALES FROM ANY PROPERTY IN EXCESS OF 4 EVENTS PER CALENDAR YEAR WITH NO MORE THAN 3 CONSECUTIVE DAYS FOR ANY GIVEN EVENT.**

Section 8-6-4: Authority to Inspect:

- (A) The Mesa ~~Building Safety Division~~**DEVELOPMENT AND SUSTAINABILITY DEPARTMENT** or such other City division or department as the City Manager may designate is hereby authorized to make inspections for violations of this Chapter in the normal course of job duties or in response to a citizen complaint that an alleged violation of the provisions of this Chapter may exist or when there is a reason to believe that a violation of this Chapter has been or is being committed.

Section 8-6-5: Commencement of an Action:

- (A) The **CITY MANAGER OR DESIGNEE IS** ~~Building Safety Director and the inspectors within the Mesa Building Safety Division or such other persons as the City Manager may designate are~~ authorized to commence an enforcement action under this Chapter by issuing a notice of abatement under this Article or a citation for civil sanctions under this Article, or both. They may also seek the issuance of a complaint by the Mesa City Prosecutor for criminal prosecution of habitual offenders as defined in this Article.

Section 8-6-7: Defendants and Responsible Parties:

Any ~~person~~**RESPONSIBLE PARTY** who causes, permits, facilitates, aids, or abets any violation of this Chapter or who fails to perform any act or duty required pursuant to this Chapter, is subject to the enforcement provisions of this Chapter. ~~The owner and occupant of property in violation of the Chapter~~**RESPONSIBLE PARTIES** may be individually and jointly responsible for the violation**S**, the prescribed civil or criminal sanctions, **FOR ABATEMENT OF** ~~and for abating~~ the violation **AND FOR ANY ASSOCIATED COSTS AND FEES.**

Section 8-6-8: Civil Violations and Citation:

- (B) The citation will be substantially in the form established by the **CITY MANAGER OR DESIGNEE** ~~Building Safety Director~~. The citation shall advise the responsible party of the violation(s) committed, either by written description of the violations or by designation of the City Code section that was violated. ~~The Civil Hearing Office may permit amendments to the citation if substantial rights of the responsible party are not thereby prejudiced.~~ The citation shall direct the responsible party to pay the civil sanction and all applicable fees in accordance with Section 8-6-9 of this Chapter within the time period specified on the citation or to appear before the Civil Hearing Officer within the time period specified on the citation and admit or deny the allegations contained in the citation. **THE CIVIL HEARING OFFICER MAY PERMIT AMENDMENTS TO THE CITATION IF SUBSTANTIAL RIGHTS OF THE RESPONSIBLE PARTY ARE NOT THEREBY**

PREJUDICED. The citation shall be served by personal service or **THE NOTICE MAY BE SERVED IN THE SAME MANNER PRESCRIBED FOR ALTERNATIVE METHODS OF SERVICE BY THE ARIZONA RULES OF CIVIL PROCEDURE OR BY CERTIFIED OR REGISTERED MAIL, RETURN RECEIPT REQUESTED,** pursuant to A.R.S. §9-500.21. However, in a violation involving Section 8-6-3(L) of the Mesa City Code, a citation may be served upon the owner or owners of the vehicle, the registered owner or owners of the vehicle, or the operator or person who parked or placed the vehicle where the violation occurred by attaching a copy of the citation to the vehicle.

- (C) The responsible party shall, within **THE TIME PERIOD SPECIFIED ON THE CITATION OR WITHIN ~~ten~~(10) CALENDAR** days of the issuance of the citation, **WHICHEVER IS GREATER**, either pay the civil sanction and the fees, or appear in person, ~~or~~ through an attorney **OR BY EMAIL ~~before~~ WITH THE CLERK OF** the Civil Hearing Officer and admit or deny the allegations contained in the citation.
1. If the responsible party **TIMELY** pays the civil sanction and the fees, either in person or by mailing payment to the City, the allegations in the citation shall be deemed admitted and such person shall be deemed responsible for having committed the offense(s) described in the citation. If the responsible party **APPEARS IN PERSON, THROUGH AN ATTORNEY OR BY EMAIL AND** admits the allegations, the Civil Hearing Officer shall enter judgment against the responsible party in the amount of the civil sanction, plus any applicable fees designated in **SECTION 8-6-9 OR**
 2. If the responsible party **APPEARS IN PERSON, THROUGH AN ATTORNEY OR BY EMAIL AND** denies the allegations contained in the citation, the **CLERK OF THE** Civil Hearing Office shall set the matter for hearing.
- (D) If a person served with a citation fails to pay the civil sanction and the fees or to ~~appear~~**FILE** on or before the time directed to ~~appear~~**ON THE CITATION** or at the time set for hearing by the Civil Hearing Officer, the allegations in the complaint shall be deemed admitted, and the Civil Hearing Officer shall enter a finding of responsible and a judgment for the City and impose a ~~civil~~**THE APPROPRIATE** sanctionS plus ~~the applicable~~**AND** fees and charges in accordance with ~~Section 8-6-9 of this Chapter.~~
- (F) ~~An appeal from final judgments of the Civil Hearing Officer may be taken pursuant to the ARIZONA Rules of Procedure for Special Actions of the Arizona Supreme Court, Volume 17B of the Arizona Revised Statutes. (2568)~~ **ANY PERSON AGGRIEVED BY A DECISION OF THE CIVIL HEARING OFFICER, AT ANY TIME WITHIN 30 CALENDAR DAYS AFTER A FINAL JUDGMENT HAS BEEN RENDERED, MAY FILE A COMPLAINT OF SPECIAL ACTION IN SUPERIOR COURT TO REVIEW THE CIVIL HEARING OFFICER'S DECISION. FILING THE COMPLAINT DOES NOT STAY PROCEEDINGS ON THE DECISION SOUGHT TO BE REVIEWED, BUT THE COURT MAY, ON APPLICATION, GRANT A STAY AND ON FINAL HEARING, AFFIRM OR REVERSE, IN WHOLE OR IN PART, OR MODIFY THE DECISION REVIEWED.**

Section 8-6-9: Civil Penalties:

(A) Any ~~owner, occupant or~~ responsible party who is found responsible for a civil violation of this Chapter, whether by admission, default, or after a hearing, shall pay a civil sanction of not less than ~~one hundred fifty dollars (\$150.00)~~ or more than ~~one thousand five hundred dollars (\$1,500.00)~~. A second finding of responsibility within ~~thirty-six (36)~~ months of the commission of a prior violation of this Chapter shall result in an **ENHANCED** civil sanction of not less than ~~two hundred and fifty dollars (\$250.00)~~ or more than ~~two thousand five hundred dollars (\$2,500.00)~~. A third finding of responsibility within ~~thirty-six (36)~~ months of the commission of a prior violation of this Chapter shall result in an enhanced civil sanction of not less than ~~five hundred dollars (\$500.00)~~ or more than ~~two thousand five hundred dollars (\$2,500.00)~~. In addition to the civil sanction, the responsible party shall pay the applicable fees and charges set forth in the **CITY'S DEVELOPMENT AND SUSTAINABILITY DEPARTMENT (CODE COMPLIANCE) SCHEDULE Neighborhood Services (Code Compliance) Schedule of Fees and Charges**, and may be ordered to pay any other applicable fees and charges.

(B) AFTER ENTERING A JUDGMENT OF RESPONSIBLE AND SETTING A CIVIL SANCTION AND FEES AS SPECIFIED IN SECTION 8-6-9 (A), THE CIVIL HEARING OFFICER MAY ORDER A COMPLIANCE HEARING AND SET A DATE FOR SUCH HEARING. UPON PRESENTATION OF EVIDENCE AND/OR TESTIMONY BY THE CODE COMPLIANCE OFFICER AT THE COMPLIANCE HEARING THAT THE VIOLATION(S) SPECIFIED IN THE COMPLAINT HAS BEEN ABATED, THE CIVIL HEARING OFFICER MAY REDUCE ALL OR A PORTION OF THE CIVIL SANCTION COMMENSURATE WITH THE COST BORNE BY THE DEFENDANT TO ACHIEVE COMPLIANCE, OR THE CIVIL HEARING OFFICER MAY VACATE THE PREVIOUS JUDGMENT AND DISMISS THE CITATION(S). IF, A MINIMUM OF 7 CALENDAR DAYS BEFORE A SCHEDULED COMPLIANCE HEARING, THE CIVIL HEARING OFFICER RECEIVES BOTH OF THE FOLLOWING ITEMS, THEN THE CIVIL HEARING OFFICER MAY ISSUE WRITTEN ORDERS COMMENSURATE WITH THE AUTHORITY GIVEN IN THIS SECTION, TO REDUCE CIVIL SANCTIONS AND/OR VACATE THE RELATED JUDGMENT WITHOUT HOLDING THE SCHEDULED COMPLIANCE HEARING:

A. WRITTEN AND NOTARIZED CONFIRMATION FROM THE CODE COMPLIANCE OFFICER THAT THE VIOLATION HAS BEEN SUCCESSFULLY ABATED, AND

B. A WRITTEN AND NOTARIZED STATEMENT FROM THE DEFENDANT DESCRIBING THE ACTIONS TAKEN AND THE ITEMIZED COSTS BORNE TO ABATE THE VIOLATION.

IF EITHER ITEM HAS NOT BEEN RECEIVED BY THE CIVIL HEARING OFFICER 7 CALENDAR DAYS BEFORE, THEN THE COMPLIANCE HEARING SHALL TAKE PLACE AS PREVIOUSLY SCHEDULED.

(C) The ~~thirty-six 36~~ month provision of paragraph (A) of this Section shall be calculated by the dates the violations were committed. The ~~owner, occupant or~~ responsible party shall

receive the enhanced sanction upon a finding of responsibility for any violation of this Chapter that was committed within ~~thirty-six (36)~~ months of the commission of another violation for which the owner or responsible party was convicted or was otherwise found responsible, irrespective of the order in which the violations occurred or whether the prior violation was civil or criminal.

- (D) EACH DAY IN WHICH A VIOLATION OF THIS CHAPTER CONTINUES OR THE FAILURE TO PERFORM ANY ACT OR DUTY REQUIRED BY THIS CHAPTER OR BY THE CIVIL HEARING OFFICER CONTINUES SHALL CONSTITUTE A SEPARATE CIVIL OFFENSE.**

Section 8-6-10: ~~(RESERVED) EACH DAY SEPARATE VIOLATION:~~

~~Each day in which a violation of this chapter continues or the failure to perform any act or duty required by this chapter or by the civil hearing officer continues shall constitute a separate civil offense.~~

Section 8-6-11: Habitual Offender:

- (A) A person who commits a violation of this Chapter after previously having been found responsible for committing ~~three (3) or more~~ civil violations of this Chapter, **ON 3 SEPARATE DATES AND** within a ~~twenty-four (24)~~ **36** month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, shall be guilty of a **CLASS 1** criminal misdemeanor. The Mesa City Prosecutor is authorized to file a **CLASS 1** criminal misdemeanor complaint in the Mesa City Court against habitual offenders ~~who violate this section~~. For purposes of calculating the ~~twenty-four (24)~~ **36** month period under this paragraph, the dates of the commission of the offenses are the determining factor.
- (B) Upon conviction of a violation of this Section, the Court may impose a sentence **AUTHORIZED BY THE LAWS OF THE STATE OF ARIZONA FOR A CLASS 1 MISDEMEANOR, INCLUDING** ~~of~~ incarceration not to exceed ~~six (6)~~ months in jail or a fine not to exceed ~~two thousand five hundred dollars (\$2,500.00)~~, exclusive of penalty assessments prescribed by law, or both. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than ~~five hundred dollars (\$500.00)~~ for each count upon which a conviction has been obtained **AND BE PLACED ON PROBATION FOR UP TO 36 MONTHS. THE COURT MAY REDUCE SUCH FINES TO \$250 FOR EACH COUNT UPON WHICH A CONVICTION HAS BEEN OBTAINED PROVIDED ALL VIOLATIONS HAVE BEEN ABATED AND THE SITE IS IN COMPLIANCE WITH ALL SECTIONS OF THIS CHAPTER WITHIN 90 DAYS.** ~~A judge shall not grant probation to or any part or all of or execution of any sentence required~~ **SENTENCING** ~~equiured by this subsection except on the condition that the person pay the mandatory minimum fines as provided in this paragraph.~~

Section 8-6-13: Abatement:

- (A) In addition to or in lieu of filing a civil citation or criminal complaint, the City may ~~file~~ **SERVE** a notice to abate any violation of this Chapter.
- (B) The notice to abate shall set forth the following information:

1. The ~~owner~~ **RESPONSIBLE PARTY** has ~~thirty~~ **(30) CALENDAR** days from the ~~mailing~~ **SERVICE** of the notice to abate or correct the violation.
 2. Identification of the property in violation by street address, if known, and if unknown, then by **LEGAL DESCRIPTION OF THE PROPERTY OR BY MARICOPA COUNTY** book, map, and parcel number.
 3. Statement of the violation in sufficient detail to allow a reasonable person to identify and correct the violation(s).
 4. Reinspection date and time.
 5. Name, business address, and business phone number of the City inspector who ~~sent~~ **ISSUED** the notice to abate.
 6. A warning stating that if the violations are not corrected within the ~~thirty~~ **(30) CALENDAR** day period, the City may abate the problem itself or by private contractor, assess the owner for the cost of such abatement, and record a lien on the property for the assessment.
 7. Hearing procedures.
 8. The ~~thirty~~ **(30) CALENDAR** day notice set forth in this Section shall not apply to emergency abatements pursuant to this Chapter.
- (C) If the ~~property owner~~ **RESPONSIBLE PARTY** or other person served a notice to abate by the City pursuant to this Chapter fails to comply with such notice; the City may correct or abate the conditions subject to the notice if those conditions constitute a hazard. If the City corrects or abates those conditions, the City Manager or designee may prepare a verified statement as to the actual cost of correcting or abating the violation, including costs of inspection and other City-incurred costs associated with abating the violation. The statement shall be delivered or mailed, certified mail, return receipt requested, to the ~~owner(s) or other person(s)~~ **RESPONSIBLE PARTY** upon which the notice to abate or order was served. That statement shall further set forth the following:
1. That the statement of costs is an assessment upon the lots and tracts of land from which the City corrected or abated the violation.
 2. That the party has ~~fifteen~~ **(15) CALENDAR** days from the date of delivery or mailing of the statement to pay.
 3. In the event payment is not received in ~~fifteen~~ **(15) CALENDAR** days, the City will place a lien on the property in the amount of the assessment.
 4. Appeal procedures.
- (D) The notice to abate and the statement of abatement costs shall be served by either delivering them to the ~~property owner or owner's agent~~ **RESPONSIBLE PARTY** or by mailing them to the ~~owner or owner's agent~~ **RESPONSIBLE PARTY** by certified mail,

return receipt requested. Service is deemed effective and complete on the date it is received by the ~~property owner or owner's agent~~ **RESPONSIBLE PARTY**.

Section 8-6-14: Request for Abatement Hearing:

The ~~owner or occupant~~ **RESPONSIBLE PARTY** receiving a notice to abate under this Chapter or a statement of costs incurred by the City in abating a nuisance may appeal by requesting in writing a hearing and by serving such a request ~~on the Building Safety Director~~ **TO THE DEVELOPMENT AND SUSTAINABILITY DEPARTMENT** within ~~fifteen~~ (15) calendar days of service of the notice to abate or the statement of costs. The hearing shall be held before the ~~Building Safety Director or his designee~~ **CIVIL HEARING OFFICER** as soon as practicable after the filing of the request. ~~The decision of the Building Safety Director is final and binding~~ **AN APPEAL FROM FINAL JUDGMENTS OF THE CIVIL HEARING OFFICER MAY BE TAKEN PURSUANT TO THE ARIZONA RULES OF PROCEDURE FOR SPECIAL ACTIONS.** If no written and timely request for hearing is made under this Section to the ~~Building Safety Director~~ **DEVELOPMENT AND SUSTAINABILITY DEPARTMENT**, then the notice of abatement or statement of costs is final and binding.

Section 8-6-18: Slum Property:

(A) Slum property designation:

1. The City Manager, or designee, is authorized to designate residential rental property as a slum property consistent with and pursuant to the provisions of Title 33, Chapter 17, Article 1, Arizona Revised Statutes.
2. Notice of slum property designation shall be provided to all owners and lien holders of the affected property. Such notice shall inform of the designation, the reason or reasons for the designation, and the procedure to appeal the designation. The effective date and manner of service shall be as described in Section 8-6-13 (D) of the Mesa City Code.
3. The City may record **THE** notice of slum property designation with the County Recorder. A recorded notice shall run with the land. Failure to record a notice shall not affect the validity of the notice as to persons who receive the notice.

(B) Assessment and liens:

1. The City Manager, or designee, is authorized to impose **CIVIL PENALTIES**, assessments and liens pursuant to the provisions of Title 33, Chapter 17, Article 1, Arizona Revised Statutes.
2. Notice of ~~an~~ **CIVIL PENALTY**, assessment or lien shall be provided to all owners and lien holders of the affected property. Such notice shall inform of the amount of the assessment or lien, the reason for the assessment or lien, and the procedure to appeal the assessment or lien. The effective date and manner of service shall be as described in Section 8-6-13 (D) of the Mesa City Code.

SECTION 2. That the Mesa City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. That the terms and provisions of this ordinance are severable and if any provision of this Ordinance is held to be unenforceable or unconstitutional by a court of competent jurisdiction, the remaining provisions shall remain in effect.

SECTION 4. That this ordinance will take effect thirty (30) calendar days after its adoption and it is accordingly so ordained.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 28th day of February, 2011.

APPROVED:



Mayor

ATTEST:



City Clerk



Exhibit A

CHAPTER 6

PUBLIC NUISANCES, PROPERTY MAINTENANCE, NEIGHBORHOOD PRESERVATION AND ANIMAL REGULATIONS (3478,4764,4765,4845)

ARTICLE I

PURPOSE, SCOPE APPLICABILITY, DEFINITIONS, AND PROHIBITIONS

SECTION:

8-6-1: PURPOSE AND SCOPE APPLICABILITY

8-6-2: DEFINITIONS

8-6-3: PUBLIC NUISANCES PROHIBITED

8-6-1: PURPOSE AND SCOPE APPLICABILITY:

(A) The purpose of this chapter is to define and prohibit public nuisances, deterioration, and blight, and require maintenance and compatibility of the exterior surfaces such as roofs, foundations, fences, and walls of improved property as visible from the adjacent public right of ways. This chapter shall also PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF MESA, ARIZONA BY:

1. PROTECTING NEIGHBORHOODS AGAINST HAZARDOUS, BLIGHT OR DETERIORATING INFLUENCES. ESTABLISHING MINIMUM STANDARDS FOR THE CONDITION OF THE EXTERIOR OF BUILDINGS AND BY ESTABLISHING REQUIREMENTS FOR THE MAINTENANCE OF ALL RESIDENTIAL AND NONRESIDENTIAL BUILDINGS, STRUCTURES, FENCES OR WALLS AND VACANT OR IMPROVED LAND.
2. ProvideING regulations for the proper location, control and minimum level of maintenance required for the care and keeping of large animals and livestock within the City's corporate limits. (2568,3478,4845)
3. PROVIDING REGULATIONS FOR CONDUCTING INTERIOR INSPECTIONS OF INDIVIDUAL RESIDENTIAL RENTAL PROPERTIES THAT MEET SPECIFIC CRITERIA AS INDENTIFIED IN ARIZONA REVISED STATUTES.

(B) This Chapter shall apply to all land within the City of Mesa without regard to the use or occupancy or the date of acquisition, alteration, or improvement of such land. (2568)

8-6-2: DEFINITIONS:

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning: (2568)

ABANDONED OR INOPERABLE VEHICLE: A VEHICLE PHYSICALLY INCAPABLE OF ITS INTENDED OPERATION AS EVIDENCED BY: Any vehicle that is partially or wholly dismantled, discarded, wrecked, on blocks or similar devices, stripped, or scrapped; or a vehicle with a deflated tire or tires or from which a wheel or tire has been removed; or any motor vehicle which is inoperable due to mechanical failure or mechanical disassembly or other reasons which may be evidenced by the absence of an unexpired license plate lawfully affixed or assigned thereto. (2568,2824,3388)

AUTHORIZED PRIVATE RECEPTACLE: A litter storage and collection receptacle as required and authorized in this Code. (2568)

BLIGHT: Unightly conditions including the accumulation of litter or debris; buildings or structures exhibiting holes, breaks, rot, crumbling, cracking, peeling, or rusting, **OR DAMAGE**; landscaping that exhibits uncontrolled growth, lack of maintenance, damage, or is dead or decayed; and any similar conditions of disrepair and deterioration regardless of the condition of other properties in the vicinity or neighborhood. (3478)

BUILDING: ANY STRUCTURE USED OR INTENDED FOR SUPPORTING OR SHELTERING ANY USE OR OCCUPANCY.

BUILDING, ENCLOSED: A building with a perimeter composed of rigid walls and a roof. (3388)

CIVIL HEARING OFFICER: The Mesa Zoning Administrator within the Development **AND SUSTAINABILITY Services** Department or such other person as designated by the City Manager. (2568,3766)

COMMERCIAL VEHICLE: ANY VEHICLE HAVING A GROSS VEHICLE WEIGHT RATING (GVWR) EXCEEDING 13,000 POUNDS AND IS INTENDED TO BE USED PRIMARILY FOR COMMERCIAL PURPOSES IN THE CONDUCT OF A BUSINESS, RATHER THAN FOR PRIVATE FAMILY OR INDIVIDUAL USE.

DETERIORATION OR DISREPAIR: A decline of the general condition or appearance of a building, structure, or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, **DAMAGE**, neglect, or lack of maintenance. (3478)

DRIVEWAY, LEGAL: A LEGAL DRIVEWAY SHALL BE THAT AREA THAT ALIGNS WITH THE CITY APPROVED DRIVEWAY CUT IN THE CURB OF THE PUBLIC OR PRIVATE STREET. WHERE A ROLL CURB OR NO CURB EXISTS AND THERE IS NO DRIVEWAY CLEARLY DESIGNATED, THE LEGAL DRIVEWAY IS THE AREA THAT ALIGNS WITH THE OBSERVED DESIGNATED PARKING FOR THE STRUCTURE SUCH AS A CARPORT OR GARAGE. ON PROPERTIES WITH ROLL CURBS OR NO CURB AND WITH NO CLEARLY DESIGNATED PARKING AREA FOR THE STRUCTURE THE LEGAL DRIVEWAY SHALL BE AS OBSERVED AND COMMONLY USED BY THE OWNER OF SUCH PROPERTY AND SHALL AT NO TIME VIOLATE THE PROVISIONS OF THIS CODE.

EUTROPHIC: WATERS RICH IN PHOSPHATES, NITRATES, AND ORGANIC NUTRIENTS THAT PROMOTE A PROLIFERATION OF PLANT LIFE, ESPECIALLY ALGAE.

FENCE, SCREEN WALL, AND/OR RETAINING WALL: Freestanding, self-supporting structures constructed of durable wood, chain link, metal, masonry, or other standard fencing materials. Designed to provide privacy, security, screening, or bank retention between grade separations. (3388)

GARAGE SALE: INCLUDES YARD SALES, CARPORT SALES, ESTATE SALES OR SIMILAR TYPES OF INDOOR OR OUTDOOR ACTIVITIES ON THE SELLER'S OWN PREMISES, INVOLVING THE SALE OF USED OR SECOND HAND TANGIBLE PERSONAL PROPERTY CUSTOMARILY FOUND IN, AND ABOUT, THE RESIDENCE,

GARBAGE: An accumulation of spoiled or discarded animal or vegetable material resulting from the handling, preparation, cooking, or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition. (2568)

GRAFFITI: An inscription or drawing carved or drawn on a stationary structure **OR OBJECT** so as to be discernible from the public right-of-way and which degrades the beauty and appearance of property. (2568)

GRASS: Barnyard grass, bermuda grass, bluegrass, bromegrasses, crab grass, foxtail, johnson grass, ragweed, rye grass, wild oats, or hybrids thereof. (2824)

HAZARD: A condition that may cause personal physical harm. (2568)

IMMINENT HAZARD: A condition that presents an immediate likelihood for causing personal physical harm. (2568)

IMPROVED DUSTPROOF PARKING SURFACE OR LEGAL DRIVEWAY: Concrete, asphalt, "chip seal," or crushed rock or aggregate that is a minimum of three inches (3") thick. All crushed rock or aggregate must be contained by a permanent border. (3388)

IMPROVED PROPERTY: Land on which buildings or other structures are located. (2568)

INCONGRUOUS MATERIALS, COLORS, AND FINISHES: Exterior surfaces that are not matching, and are inconsistent, incompatible, and discordant with the adjacent exterior surfaces of structures located on the same property. (3478)

INFESTATION: The apparent presence of insects, rodents, or other pests. (2568)

JUNK: Items that in their present state are of little or no apparent economic value that are not confined within an industrial area in compliance with the Mesa Zoning Ordinance, such as an accumulation of the following materials: discarded or scrapped furniture; glass, metal, paper, or machinery parts; inoperative machinery or appliances; building material wastes; litter; or discarded or empty containers. Junk shall also include all types of solid waste described in Chapter 3 of Title 8 of the Mesa City Code. (2568)

LAND: All land in the City of Mesa, whether improved or unimproved. (2568)

~~*LARGE ANIMAL:* Terrestrial animals commonly considered too large to be kept indoors within a human household. The term includes domestic and working animals, but does not include small animals such as dogs, cats, rodents or fish kept as pets. (4845)~~

LIVESTOCK: Domestic animals, such as cattle or horses, raised for home use or for profit. (4845)

~~*MANAGING AGENT:* A person, corporation, partnership, or limited liability company that is authorized by the owner to operate and manage the property. (3888)~~

~~*NONHUMAN PRIMATE:* Any mammal of the Order Primate not including man; including all monkeys and apes. (4845)~~

~~*NOTICE TO ABATE:* A notice issued to a property owner or occupant concerning a violation of Chapter 18 of Title 8 of the Mesa City Code. (2568)~~

OCCUPANT: The person occupying or having custody of a structure or premises as a lessee or otherwise. (2568)

OWNER: The person indicated on the records of the Maricopa County Assessor or other official body as the owner of record of the property in question. (2568)

PERSON: A human being, enterprise, corporation, association, partnership, firm, or society. (2568)

PLANT GROWTH: Vegetation, whether living or dead, such as grass, weeds, vines, bushes, cactus, or trees. (2568)

POLLUTED: A condition that exists in water and is characterized by bacterial growth, algae, insect infestation, the remains of litter, debris, garbage, or any other foreign matter which, because of its nature or location, constitutes an unhealthy, unsafe, or unsightly condition. (2568)

PUBLIC PLACE: Any street, sidewalk, boulevard, alley, right-of-way, or other public way and any public park, square, space, ground, or building. (2568)

RESIDENTIAL RENTAL PROPERTY: Property that is used solely as leased or rented property for residential purposes. If the property is a space rental mobile home park or a recreational vehicle park, "residential rental property" includes the rental space that is leased or rented by the owner of that rental space but does not include the mobile home or recreational vehicle that serves as the actual dwelling if the dwelling is owned and occupied by the tenant of the rental space and not by the owner of the rental space. (3888)

RESPONSIBLE PARTY: A person **WHO KNOWS OR HAS REASON TO KNOW OF THE EXISTENCE OF ANY VIOLATION OF THIS CHAPTER ON THAT PERSON'S PROPERTY OR PROPERTY WHICH THAT PERSON OCCUPIES OR CONTROLS, IN WHOLE OR IN PART, INCLUDING BUT NOT LIMITED TO AN OWNER, OCCUPANT, LESSOR, LESSEE, MANAGER, MANAGING AGENT, LICENSEE OR ANY PERSON WHO HAS LEGAL CARE OR CONTROL OF THE PROPERTY.** ~~charged with a civil violation of this Chapter.~~ (2568)

SLUM PROPERTY: Residential rental property that has deteriorated or is in a state of disrepair and that manifests ~~one~~(1) or more of the following conditions that are a danger to the health or safety of the public: (3888)

- (A) Structurally unsound exterior surfaces, roof, walls, doors, floors, stairwells, porches, or railings. (3888)
- (B) Lack of potable water, adequate sanitation facilities, adequate water, or waste pipe connections. (3888)
- (C) Hazardous electrical systems or gas connections. (3888)
- (D) Lack of safe, rapid egress. (3888)
- (E) Accumulation of human or animal waste, medical or biological waste, **HAZARDOUS**, gaseous or combustible materials, dangerous or corrosive liquids, flammable or explosive materials, or drug paraphernalia. (3888)
- (F) ANY OTHER CONDITION RECOGNIZED AS A BASIS FOR SLUM PROPERTY DESIGNATION BY THE ARIZONA REVISED STATUTES.**

STORED: Parking, leaving, locating, keeping, maintaining, depositing, remaining, or being physically present on private property. (2568)

STREET OR HIGHWAY: The entire width between the boundary lines of every way publicly owned or maintained **SPACE** when any part thereof is open to the use of the public for purposes of vehicular traffic. (2568)

UTILITY TRAILER: A vehicle without motive power designed for carrying property and for being drawn by a motor vehicle. (3388)

VEHICLE: Every device by which any person or property is or may be transported or drawn upon a street or highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks. (2568)

WATERCRAFT: Any craft or vehicle specifically designed for use on water, such as a boat, canoe, jet ski, pontoon, or similar-type vehicle. (3388)

WEEDS: Bull thistle, cocklebur, foxtail, horseweed, lambsquarters, london rocket, mallow, milkweed, pigweed, mustards, prickly lettuce, ragweed, russian thistle, shepardspurse, sowthistle, white horsenettle, willow weed, and those types of plant growth defined as noxious weeds in A.R.S. §3-201 regardless of whether a particular property owner or occupant who is the subject of enforcement action under this Code regards the growth as desirable. (2568,2824)

8-6-3: *PUBLIC NUISANCES PROHIBITED:*

The following acts, omissions, conditions, and things in or upon any land or structure in the City constitute public nuisances, the existence of which are hereby prohibited and declared to be unlawful: (2568)

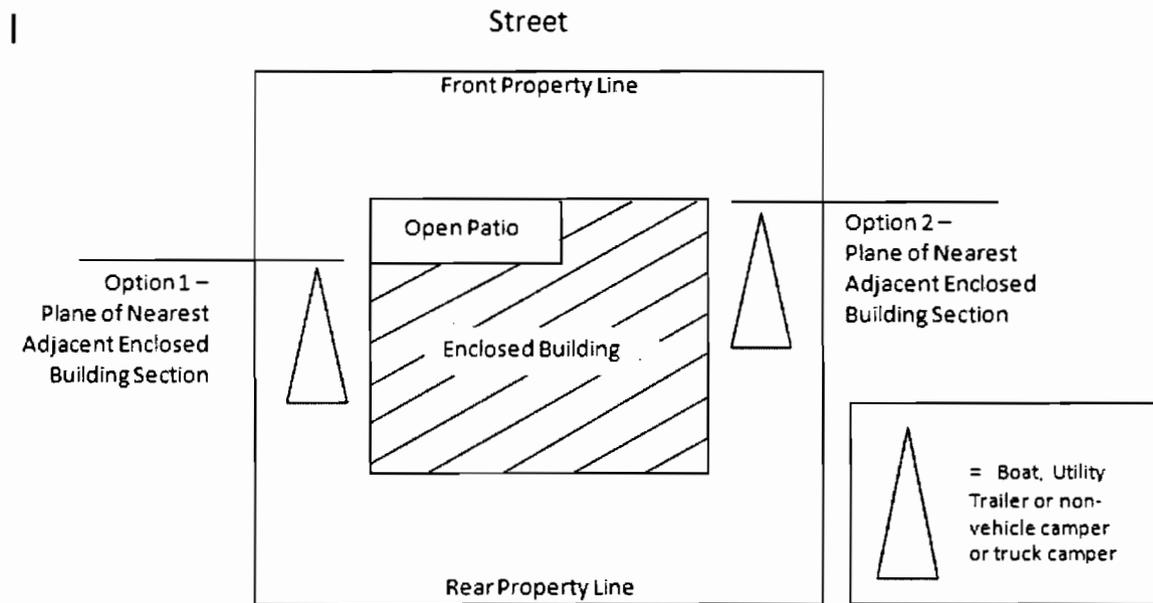
- (A) **NO RESPONSIBLE PARTY OF ANY PROPERTY SHALL** ~~It shall be unlawful for any person to cause or allow any abandoned, inoperable OR UNREGISTERED vehicle, OR PARTS THEREOF, to be parked or stored~~ **OUTSIDE OR UNDER A CARPORT OR OTHER ROOF AREA NOT ENCLOSED BY WALLS, DOORS OR WINDOWS OF ANY BUILDING ON ANY LOT FOR LONGER THAN 10 DAYS**, except in complete conformance with the **FOLLOWING** terms: ~~of this paragraph. All abandoned, inoperable vehicles or vehicles in residential areas being restored or repaired for longer than ten (10) days shall be stored safely within a lawful, enclosed building or structure or screened by a lawful fence in such a manner as to not be visible from beyond the lot boundaries;~~
- i. **UNREGISTERED VEHICLES UNDER A CARPORT OR OTHER ROOF AREA OF ANY BUILDING, PROVIDED THE VEHICLES ARE OPERABLE;**
 - ii. **NOT MORE THAN 3 INOPERABLE OR UNREGISTERED VEHICLES SHALL BE STORED WITHIN THE SIDE OR REAR YARDS UNLESS SCREENED BY A 6' HIGH OPAQUE FENCE IN SUCH A MANNER AS NOT TO BE VISIBLE FROM BEYOND THE LOT BOUNDARIES, IN THE R1-6 (RS-6) AND R1-7 (RS-7) ZONING DISTRICTS;**
 - iii. **NOT MORE THAN 5 INOPERABLE OR UNREGISTERED VEHICLES SHALL BE STORED WITHIN THE SIDE OR REAR YARDS UNLESS SCREENED BY A 6' HIGH OPAQUE FENCE IN SUCH A MANNER AS TO NOT BE VISIBLE FROM BEYOND THE LOT BOUNDARIES, IN THE R1-9 (RS-9), R1-15 (RS-15) AND R1-35 (RS-35) ZONING DISTRICTS;**
 - iv. **NOT MORE THAN 7 INOPERABLE OR UNREGISTERED VEHICLES SHALL BE STORED WITHIN THE SIDE OR REAR YARDS UNLESS SCREENED BY A 6' HIGH OPAQUE FENCE IN SUCH A MANNER AS TO NOT BE VISIBLE FROM BEYOND THE LOT BOUNDARIES, IN THE R1-43 (RS-43) AND R1-90 (RS-90) ZONING DISTRICTS;**
 - v. **VEHICLES** ~~or shall be stored on the premises of a business enterprise operated in a lawful place and manner in accordance with the provisions of the Mesa City Code where the storage of the vehicle is necessary to the operation of the business enterprise. (2568,2824,3388)~~
- (B) No **RESPONSIBLE PARTY OF ANY PROPERTY** ~~person shall~~ **CAUSE OR ALLOW THE** ~~deposit, store~~**STORAGE, OR maintain**~~MAINTENANCE OF~~ any garbage or junk, or an accumulation of materials such as: vehicle parts, appliances, indoor furniture, boxes, crates, packing cases, mattresses, bedding, lumber, scrap iron, tin, and other metals, unless stored safely within a lawful, enclosed building or structure, or screened by a lawful fence or within a trash receptacle in such a manner as to not be visible from beyond the lot boundaries, except as authorized for collection under Title 8, Chapter 3 of this Code. (2568,3388)
- (C) ~~All persons owning or occupying land~~**THE RESPONSIBLE PARTY OF ANY PROPERTY** or places of business within the City shall keep the sidewalk or public places fronting or bordering ~~their property~~**SUCH PROPERTY OR PLACE OF BUSINESS** free of garbage, junk, obstructions, and weeds or grass in excess of ~~nine inches (9")~~; provided, however, this Section shall not prohibit the temporary storage of such matters in authorized receptacles for collection consistent with Chapter 3 of Title 8 of this Code. (2568,2824,3388)
- (D) No ~~owner or occupant of land~~**RESPONSIBLE PARTY OF ANY PROPERTY** shall allow or permit trees, shrubs, or plants ~~growth on that land~~**SIDEWALKS OR PUBLIC PLACES FRONTING OR BORDERING THEIR PROPERTY IN A MANNER THAT** ~~to impede, obstruct, or interfere~~ with the passage ~~of~~**ON** any street, sidewalk, ~~or alley~~ **OR OTHER PASSAGEWAY** within the City or the visibility of any traffic control device or signal. (2568)

- (E) No ~~owner or occupant of land~~ **RESPONSIBLE PARTY OF ANY PROPERTY** within the City shall allow plant growth which is 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.
- (F) No person shall deposit in, sweep upon, or permit to ~~THE drainage into any public right-of-way or public place of the City~~ **OF any garbage, junk, LIQUID, obstruction, or similar matter or OTHER any hazardous material,** which is offensive to sight or smell or impedes passage or is detrimental to public health, **INTO ANY PUBLIC RIGHT OF WAY OR PUBLIC PLACE IN THE CITY.** (2568)
- (G) ~~It shall be unlawful to allow~~ **NO RESPONSIBLE PARTY OF ANY PROPERTY SHALL PERMIT** any swimming pool or ~~similar~~ **OTHER** body of water **ON THE PROPERTY** to stagnate and ~~thereby~~ **THEREFORE** become eutrophic, polluted, or offensive to the senses and unsafe ~~for its intended use,~~ **OR PERMIT ANYWHERE ON THE PROPERTY THE ACCUMULATION OF STAGNANT WATER WHEN SUCH WATER CAUSES A HAZARDOUS OR UNHEALTHY CONDITION, BECOMES A BREEDING AREA FOR INSECTS, OR WHICH CAUSES SOIL EROSION OR DAMAGE TO FOUNDATION WALLS.** (2568)
- (H) No ~~owner or occupant of a~~ **RESPONSIBLE PARTY OF ANY PROPERTY,** building or structure within the City shall permit **OR FAIL TO ERADICATE** graffiti on the building ~~or,~~ structure, **TRAILER, DUMPSTER OR ANY OTHER OBJECT LOCATED ON THE PROPERTY** ~~or fail to eradicate graffiti from the building or structure within fifteen (15) days of a notice to abate under this chapter.~~ (2568)
- (I) **NO RESPONSIBLE PARTY OF ANY PROPERTY SHALL** ~~It shall be unlawful to~~ erect or maintain, **OR ALLOW ANYONE TO ERECT OR MAINTAIN,** any electric fence or to attach **OR ALLOW TO ATTACH** to any fence any glass, nails, metal objects, or other materials in such a manner that is likely to injure any person who comes in contact with such object. **NO OWNER, OCCUPANT OR RESPONSIBLE PARTY OF ANY PROPERTY SHALL** ~~or to~~ erect or maintain, **OR ALLOW ANYONE TO ERECT OR MAINTAIN,** any barbed wire or razor wire except that no more than ~~three (3)~~ **three (3)** strands of barbed wire or ~~one (1)~~ **one (1)** coil of razor wire not less than ~~six~~ **six** feet and ~~two~~ **two** inches (~~6 1/2"~~ **6 1/2"**) above the ground **IS** permitted at the top of an otherwise lawful fence enclosing a municipal, institutional, ~~or~~ **commercial OR INDUSTRIAL BUILDING, STRUCTURE OR PROPERTY** use. **THIS SUBSECTION DOES NOT PROHIBIT THE USE OF** barbed wire fencing ~~is not prohibited on~~ **PROPERTY** premises larger than ~~one (1)~~ **one (1)** acre **PRIMARILY** used for livestock purposes. Barbed wire or razor wire, **WHERE ALLOWED,** shall not extend beyond the **PROPERTY OR AREA** premises permitted to be enclosed. (2568,3388)
- (J) It shall be unlawful for any person to display any vehicle or boat for sale, rent, or lease on vacant or undeveloped ~~and un surfaced~~ **property WITHOUT AN APPROVED DUST-PROOFED PARKING SURFACE,** and no ~~owner or occupant~~ **RESPONSIBLE PARTY FOR** ~~of vacant, undeveloped, or un surfaced~~ **property WITHOUT AN APPROVED DUST-PROOF SURFACE,** shall allow or permit such displays. (2568,3388)
- (K) ~~It shall be unlawful for an owner or occupant to fail to properly~~ **THE RESPONSIBLE PARTY OF ANY PROPERTY SHALL** maintain, repair, ~~or~~ **replace OR COMPLETE IMPROVEMENTS TO** the exposed exterior surfaces of ~~aLL~~ **buildingS or structureS** including **BUT NOT LIMITED TO** exterior windows, doors, canopies, metal awnings, roofs, exhaust ducts, chimneys, painted surfaces, window screening, fences, screen walls, retaining walls, foundations, cooling devices, outdoor stairs, porches, and railings as visible from the ~~adjacent~~ **ANY RIGHT OF WAYS** ~~rights-of-way~~ **SO THAT SUCH EXTERIOR SURFACES DO NOT EXHIBIT DETERIORATION, DAMAGE, DISREPAIR, OR BLIGHT. THE RESPONSIBLE PARTY SHALL NOT ALLOW THE MAINTENCANCE, REPAIR, REPLACEMENT, COMPLETION OR USE OF** ~~using~~ **materials, colors, or finishes that are incongruous with the predominant materials, colors, or finishes of SUCH the exposed exterior surface when **UNLESS** such incongruous materials, colors, or finishes **ARE LESS** ~~constitute more than twenty (20)~~ **constitute more than twenty (20)** contiguous square feet, or ~~more~~ **LESS** than ~~ten~~ **ten** percent (~~10%~~ **10%**) of the area of any exposed individual plane surface unbroken by corners or angles. **THIS SECTION IS NOT INTENDED TO REGULATE SIGNS AS DEFINED BY SECTION 11-9-5, ART, MURALS, ARCHITECTURAL STYLES OR COLOR****

PATTERNS AND SCHEMES AS PERMITTED OR AUTHORIZED IN OTHER TITLES OF THIS CODE.(2568,3388,3478)

- (L) It shall be unlawful for any person to park and for ~~an owner or occupant~~**ANY RESPONSIBLE PARTY** of land to allow or permit any person to park on the owner's or occupant's land any commercial vehicle ~~having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000.00) pounds or having dual rear wheels exceeding seventeen inches (17") in diameter~~ on any undeveloped and ~~unsurfaced~~ private property **OR PROPERTY WITHOUT AN APPROVED DUST-PROOFED SURFACE** in the City except when such parking is necessarily required while actually carrying out a lawful commercial purpose. ~~In an action involving a violation of this paragraph, a notice or citation need not be personally served upon the owner or operator of the vehicle but may be served by attaching a copy to the vehicle.~~The vehicle owner, the vehicle operator, ~~the owner of the land, and the occupant of~~ **AND ANY RESPONSIBLE PARTY FOR** the land shall be jointly and severally liable for violation of this paragraph. (2568,2901)
- (M) No person shall attach **OR CAUSE TO BE ATTACHED** any sign to any public utility structure, traffic control device, streetlight standard, or similar structure in the public right-of-way **OR ERECT ANY PORTABLE/TEMPORARY SIGN IN THE PUBLIC RIGHT-OF-WAY** excepting those signs erected by a public utility, ~~or~~ government agency **OR PERMITTED BY THE CITY CODE.** (2568)
- (N) **THE RESPONSIBLE PARTY OF** All vacant, ~~or~~ abandoned, **PARTIALLY DESTROYED OR PARTIALLY CONSTRUCTED** buildings shall be secured **SUCH BUILDINGS** against unauthorized entry at all times.(2729)
- (O) No ~~owner or occupant~~**RESPONSIBLE PARTY** of a parcel of land within the City shall allow thereon weeds or grass which occupy more than **10 PERCENT OR fifty (50) contiguous** square feet **IN TOTAL AREA OF** ~~on~~ a developed parcel to attain a predominant height in excess of ~~nine (9")~~ inches-(9"), or more than ~~ten (10%)~~ percent (10%) of the area of an undeveloped parcel to attain a predominant height in excess of ~~twelve (12")~~ inches-(12"). This provision shall not apply to single residence rear yards not visible from the adjacent right-of-way or to crops supporting bona fide livestock grazing where lawful. (2824,3388)
- (P) It shall be unlawful for any person to permit or cause the escape or flow of water into or upon a public street or alley from any source in such quantity as to cause flooding, to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic, to cause damage to the public streets or alleys, or to cause a condition which constitutes a public nuisance or a threat to the public health and safety. (3689, 4145)
- (Q) **IT SHALL BE UNLAWFUL FOR ANY PERSON TO PLACE ANY RUBBISH, TRASH, FILTH OR DEBRIS UPON ANY PRIVATE OR PUBLIC PROPERTY NOT OWNED OR UNDER THEIR CONTROL.**
- (R) No person shall offer to sell, sell, or plant any male mulberry tree (morus alba) or olive tree (olea europea) in the City unless it is one of the nonpollinating varieties of such trees. The City shall maintain a current list of nonpollinating varieties, which shall be available for public review and shall be based on industry standard for nonpollinating varieties, applicable horticultural and scientific research and data, review and evaluation by qualified experts, and other appropriate information. (2945,3465,3689)
- (S) ~~It shall be unlawful for any person to~~**NO RESPONSIBLE PARTY SHALL** maintain or display any sign regulated under ~~Section 19, Title 11 of this~~**THE MESA CITY Code, TITLE 11,** that is damaged or deteriorated to a condition constituting a visual blight. Visual blight shall include conditions detectable from beyond the lot boundaries such as chipping, peeling, fading, or rusting surfaces; the presence of cracks, holes, buckles, warps, or splinters in any sign component; and defective bulbs, fluorescent tubes, or neon or other inert gas light segments. (3307,3465,3689,4074)
- (T) It shall be unlawful to park any motor vehicle within the front or side yard of a single-residence use unless such parking is on an improved, dustproof parking surface. Parking within the front yard of a single-residence use shall be on or contiguous to a legal driveway ~~provided~~**AND** such parking does not exceed a maximum of ~~50~~**50** percent (50%) of the front yard area. All motor vehicles parked in a front yard must have current license plates displayed. (3388,3465,3689)

- (U) It shall be unlawful to store any watercraft, utility trailer, or any non-vehicle mounted camper shell or truck camper **IN FRONT OF THE PLANE OF THE NEAREST ADJACENT ENCLOSED BUILDING SECTION TO THE WATERCRAFT, UTILITY TRAILER OR NON-VEHICLE MOUNTED CAMPER.** ~~within the front yard of a residential use. On residential lots containing less than five (5) dwelling units, all watercraft, utility trailers, or any nonvehicle-mounted camper shells or truck campers stored in the side yard that exceed six feet (6') in height as measured from grade and are visible from a public street shall be screened from such street by a six foot (6') high opaque fence. No watercraft, utility trailer, or any nonvehicle-mounted camper shell or truck camper exceeding thirty feet (30') in length exclusive of tongue shall be stored in the side yard.~~ **ALL WATERCRAFT, UTILITY TRAILERS OR NONVEHICLE-MOUNTED CAMPERS VISIBLE TO THE PUBLIC RIGHTS-OF-WAYS MUST BE OPERABLE, HAVE INFLATED TIRES AND BE KEPT FREE OF WEEDS AND DEBRIS.**



- (V) ~~All persons owning or occupying~~ **THE RESPONSIBLE PARTY OF** improved property within the City shall maintain the ~~yards~~ **ALL BUILDINGS, ADDITIONS, APPENDAGES, ACCESSORY STRUCTURES OR OTHER STRUCTURES** and exposed exterior surfaces such as **BUT NOT LIMITED TO**, exterior windows, doors, canopies, metal awnings, roofs, exhaust ducts, chimneys, painted surfaces, window screening, fences, screen walls, retaining walls, foundations, cooling devices, outdoor stairs, porches and railings, ~~as visible from the adjacent rights-of-way,~~ in a structurally sound condition that does not constitute a hazard and is impervious to moisture and weather elements. ~~Yards and exposed exterior surfaces as visible from the adjacent rights-of-way shall also be maintained so as to not exhibit deterioration, disrepair, or blight constituting more than twenty (20) contiguous square feet, or more than ten percent (10%) of the area of any exposed individual plane surface unbroken by corners or angles. (3478)~~
- (W) **THE RESPONSIBLE PARTY OF ANY PROPERTY SHALL MAINTAIN LANDSCAPED YARDS AS VISIBLE FROM THE ADJACENT RIGHTS OF WAY SO AS NOT TO EXHIBIT DETERIORATION, DISREPAIR, OR BLIGHT CONSTITUTING MORE THAN 20 CONTIGUOUS SQUARE FEET, OR MORE THAN 10 PERCENT OF THE AREA OF ANY EXPOSED INDIVIDUAL PLANE SURFACE UNBROKEN BY CORNERS OR ANGLES. THE RESPONSIBLE PARTY OF ANY PROPERTY SHALL MAINTAIN ALL IMPROVED GROUND SURFACES, SUCH AS BUT NOT LIMITED TO, PRIVATE STREETS, DRIVES, PAVING, CONCRETE AND ASPHALT SO AS NOT TO EXHIBIT DETERIORATION, DISREPAIR, OR BLIGHT CONSTITUTING AN ACCUMULATION OF POT HOLES OR LARGE SURFACE CRACKS.**

- (X) NO RESPONSIBLE PARTY SHALL PERMIT THE CONDUCTING OF GARAGE SALES FROM ANY PROPERTY IN EXCESS OF 4 EVENTS PER CALENDAR YEAR WITH NO MORE THAN 3 CONSECUTIVE DAYS FOR ANY GIVEN EVENT.**

The provisions of this Section may be applied cumulatively or separately for purposes of enforcement. (2824)

ARTICLE II

INSPECTIONS

SECTION:

~~8-6-4: AUTHORITY TO INSPECT~~

8-6-4: *AUTHORITY TO INSPECT:*

- (A) The Mesa ~~Building Safety Division~~ **DEVELOPMENT AND SUSTAINABILITY DEPARTMENT** or such other City division or department as the City Manager may designate is hereby authorized to make inspections for violations of this Chapter in the normal course of job duties or in response to a citizen complaint that an alleged violation of the provisions of this Chapter may exist or when there is a reason to believe that a violation of this Chapter has been or is being committed. (2568,4255)
- (B) In order to determine compliance with this Chapter, private property may be entered with the consent of the owner or occupant or as authorized by a court of competent jurisdiction. (2568)

ARTICLE III

ENFORCEMENT

SECTION:

- 8-6-5: *COMMENCEMENT OF AN ACTION*
- 8-6-6: *REMEDIES NOT EXCLUSIVE*
- 8-6-7: *DEFENDANTS AND RESPONSIBLE PARTIES*
- 8-6-8: *CIVIL VIOLATIONS AND CITATION*
- 8-6-9: *CIVIL PENALTIES*
- 8-6-10: ~~*EACH DAY SEPARATE VIOLATION*~~ **(RESERVED)**
- 8-6-11: *HABITUAL OFFENDER*
- 8-6-12: *FAILURE TO PROVIDE EVIDENCE OF IDENTITY*
- 8-6-13: *ABATEMENT*
- 8-6-14: *REQUEST FOR ABATEMENT HEARING*
- 8-6-15: *RECORDING AN ABATEMENT VIOLATION*
- 8-6-16: *EMERGENCY ABATEMENT*
- 8-6-17: *SUSPENSION OF CONSTRUCTION PERMIT OR LICENSE*
- 8-6-18: *SLUM PROPERTY*
- 8-6-19: *(RESERVED)*
- 8-6-20: *(RESERVED)*

8-6-5: *COMMENCEMENT OF AN ACTION:*

- (A) The **CITY MANAGER OR DESIGNEE IS** ~~Building Safety Director and the inspectors within the Mesa Building Safety Division or such other persons as the City Manager may designate~~ are authorized to commence an enforcement action under this Chapter by issuing a notice of abatement under this Article or a citation for civil sanctions under this Article, or both. They may also seek the issuance of a complaint by the Mesa City Prosecutor for criminal prosecution of habitual offenders as defined in this Article. (2568,4256)
- (B) Nothing in this Section shall preclude City employees from seeking voluntary compliance with the provisions of this Chapter or from enforcing this Chapter through notices of violation, warnings, or other informal devices designed to achieve compliance in the most efficient and effective manner under the circumstances. (2568)

8-6-6: *REMEDIES NOT EXCLUSIVE:*

Violations of this Chapter are in addition to any other violation established by law, and this Chapter shall not be interpreted as limiting the penalties, actions, or abatement procedures which may be taken by the City or other persons under other laws, ordinances, or rules. (2568)

8-6-7: *DEFENDANTS AND RESPONSIBLE PARTIES:*

Any ~~person~~**RESPONSIBLE PARTY** who causes, permits, facilitates, aids, or abets any violation of this Chapter or who fails to perform any act or duty required pursuant to this Chapter, is subject to the enforcement provisions of this Chapter. ~~The owner and occupant of property in violation of the Chapter~~**RESPONSIBLE PARTIES** may be individually and jointly responsible for the violationS, the prescribed civil or criminal sanctions, **FOR ABATEMENT OF** ~~and for abating~~ the violation **AND FOR ANY ASSOCIATED COSTS AND FEES.** (2568,4074)

8-6-8: *CIVIL VIOLATIONS AND CITATION:*

- (A) A civil action for violations of this Chapter may be commenced by issuance of a citation. (2568)
- (B) The citation will be substantially in the form established by the **CITY MANAGER OR DESIGNEE Building Safety Director**. The citation shall advise the responsible party of the violation(s) committed, either by written description of the violations or by designation of the City Code section that was violated. ~~The Civil Hearing Officer may permit amendments to the citation if substantial rights of the responsible party are not thereby prejudiced.~~ The citation shall direct the responsible party to pay the civil sanction and all applicable fees in accordance with Section 8-6-9 of this Chapter within the time period specified on the citation or to appear before the Civil Hearing Officer within the time period specified on the citation and admit or deny the allegations contained in the citation. **THE CIVIL HEARING OFFICER MAY PERMIT AMENDMENTS TO THE CITATION IF SUBSTANTIAL RIGHTS OF THE RESPONSIBLE PARTY ARE NOT THEREBY PREJUDICED.** The citation shall be served by personal service or **THE NOTICE MAY BE SERVED IN THE SAME MANNER PRESCRIBED FOR ALTERNATIVE METHODS OF SERVICE BY THE ARIZONA RULES OF CIVIL PROCEDURE OR BY CERTIFIED OR REGISTERED MAIL, RETURN RECEIPT REQUESTED,** pursuant to A.R.S. §9-500.21. However, in a violation involving Section 8-6-3(L) of the Mesa City Code, a citation may be served upon the owner or owners of the vehicle, the registered owner or owners of the vehicle, or the operator or person who parked or placed the vehicle where the violation occurred by attaching a copy of the citation to the vehicle. (2568,2901,4074,4257,4764)
- (C) The responsible party shall, within **THE TIME PERIOD SPECIFIED ON THE CITATION OR WITHIN ten (10) CALENDAR** days of the issuance of the citation, **WHICHEVER IS GREATER**, either pay the civil sanction and the fees, or appear in person, ~~or through an attorney~~ **OR BY EMAIL** ~~before TO~~ **THE CLERK OF** the Civil Hearing Officer and admit or deny the allegations contained in the citation.
1. If the responsible party **TIMELY** pays the civil sanction and the fees, either in person or by mailing payment to the City, the allegations in the citation shall be deemed admitted and such person shall be deemed responsible for having committed the offense(s) described in the citation. If the responsible party **APPEARS IN PERSON, THROUGH AN ATTORNEY OR BY EMAIL AND** admits the allegations, the Civil Hearing Officer shall enter judgment against the responsible party in the amount of the civil sanction, plus any applicable fees designated in **SECTION 8-6-9 OR**
 2. If the responsible party **APPEARS IN PERSON, THROUGH AN ATTORNEY OR BY EMAIL AND** denies the allegations contained in the citation, the **CLERK OF THE** Civil Hearing Office shall set the matter for hearing. (2568,4764)
- (D) If a person served with a citation fails to pay the civil sanction and the fees or to ~~appear~~**FILE** on or before the time directed ~~to appear~~**ON THE CITATION** or at the time set for hearing by the Civil Hearing Officer, the allegations in the complaint shall be deemed admitted, and the Civil Hearing Officer shall enter a finding of responsible and a judgment for the City and impose ~~a civil~~**THE APPROPRIATE** sanctionS ~~plus the applicable AND fees and charges in accordance with Section 8-6-9 of this Chapter.~~ (2568,4764)

- (E) All proceedings before the Civil Hearing Officer shall be informal and without a jury, except that testimony shall be given under oath or affirmation. The technical rules of evidence do not apply, except for statutory provisions relating to privileged communications. If the allegations in the citation are denied, the City is required to prove violations of this Chapter by a preponderance of the evidence. No prehearing discovery shall be permitted, except under extraordinary circumstances as determined by the Civil Hearing Officer. The Civil Hearing Officer is authorized to make such orders as may be necessary or appropriate to fairly and efficiently determine the truth and decide the case at hand.
- (F) ~~An appeal from final judgments of the Civil Hearing Officer may be taken pursuant to the ARIZONA Rules of Procedure for Special Actions of the Arizona Supreme Court, Volume 17B of the Arizona Revised Statutes. (2568)~~ **ANY PERSON AGGRIEVED BY A DECISION OF THE CIVIL HEARING OFFICER, AT ANY TIME WITHIN 30 CALENDAR DAYS AFTER A FINAL JUDGMENT HAS BEEN RENDERED, MAY FILE A COMPLAINT OF SPECIAL ACTION IN SUPERIOR COURT TO REVIEW THE CIVIL HEARING OFFICER'S DECISION. FILING THE COMPLAINT DOES NOT STAY PROCEEDINGS ON THE DECISION SOUGHT TO BE REVIEWED, BUT THE COURT MAY, ON APPLICATION, GRANT A STAY AND ON FINAL HEARING, AFFIRM OR REVERSE, IN WHOLE OR IN PART, OR MODIFY THE DECISION REVIEWED.**
- (G) Any civil judgment issued pursuant to this Article shall constitute a lien against the real property of the responsible party that may be perfected by recording a copy of the judgment with the Maricopa County Recorder. Any judgment issued pursuant to this Article may be collected as any other civil judgment. (2568,4764)

8-6-9: *CIVIL PENALTIES:*

- (A) Any ~~owner, occupant or~~ responsible party who is found responsible for a civil violation of this Chapter, whether by admission, default, or after a hearing, shall pay a civil sanction of not less than ~~one hundred fifty dollars (\$150.00)~~ or more than ~~one thousand five hundred dollars (\$1,500.00)~~. A second finding of responsibility within ~~thirty-six (36)~~ months of the commission of a prior violation of this chapter shall result in an **ENHANCED** civil sanction of not less than ~~two hundred and fifty dollars (\$250.00)~~ or more than ~~two thousand five hundred dollars (\$2,500.00)~~. A third finding of responsibility within ~~thirty-six (36)~~ months of the commission of a prior violation of this Chapter shall result in an enhanced civil sanction of not less than ~~five hundred dollars (\$500.00)~~ or more than ~~two thousand five hundred dollars (\$2,500.00)~~. In addition to the civil sanction, the responsible party shall pay the applicable fees and charges set forth in the **CITY'S DEVELOPMENT AND SUSTAINABILITY DEPARTMENT (CODE COMPLIANCE) SCHEDULE Neighborhood Services (Code Compliance) Schedule** of Fees and Charges, and may be ordered to pay any other applicable fees and charges. (2568,4074,4765)
- (B) **AFTER ENTERING A JUDGMENT OF RESPONSIBLE AND SETTING A CIVIL SANCTION AND FEES AS SPECIFIED IN SECTION 8-6-9 (A), THE CIVIL HEARING OFFICER MAY ORDER A COMPLIANCE HEARING AND SET A DATE FOR SUCH HEARING. UPON PRESENTATION OF EVIDENCE AND/OR TESTIMONY BY THE CODE COMPLIANCE OFFICER AT THE COMPLIANCE HEARING THAT THE VIOLATION(S) SPECIFIED IN THE COMPLAINT HAS BEEN ABATED, THE CIVIL HEARING OFFICER MAY REDUCE ALL OR A PORTION OF THE CIVIL SANCTION COMMENSURATE WITH THE COST BORNE BY THE DEFENDANT TO ACHIEVE COMPLIANCE, OR THE CIVIL HEARING OFFICER MAY VACATE THE PREVIOUS JUDGMENT AND DISMISS THE CITATION(S). IF, A MINIMUM OF 7 CALENDAR DAYS BEFORE A SCHEDULED COMPLIANCE HEARING, THE CIVIL HEARING OFFICER RECEIVES BOTH OF THE FOLLOWING ITEMS, THEN THE CIVIL HEARING OFFICER MAY ISSUE WRITTEN ORDERS COMMENSURATE WITH THE AUTHORITY GIVEN IN THIS SECTION, TO REDUCE CIVIL SANCTIONS AND/OR VACATE THE RELATED JUDGMENT WITHOUT HOLDING THE SCHEDULED COMPLIANCE HEARING:**
- A. **WRITTEN AND NOTARIZED CONFIRMATION FROM THE CODE COMPLIANCE OFFICER THAT THE VIOLATION HAS BEEN SUCCESSFULLY ABATED, AND**
 - B. **A WRITTEN AND NOTARIZED STATEMENT FROM THE DEFENDANT**

DESCRIBING THE ACTIONS TAKEN AND THE ITEMIZED COSTS BORNE TO ABATE THE VIOLATION.

IF EITHER ITEM HAS NOT BEEN RECEIVED BY THE CIVIL HEARING OFFICER 7 CALENDAR DAYS BEFORE, THEN THE COMPLIANCE HEARING SHALL TAKE PLACE AS PREVIOUSLY SCHEDULED.

- (C) The ~~thirty-six~~ 36 month provision of paragraph (A) of this Section shall be calculated by the dates the violations were committed. The ~~owner, occupant or~~ responsible party shall receive the enhanced sanction upon a finding of responsibility for any violation of this Chapter that was committed within ~~thirty-six (36)~~ months of the commission of another violation for which the owner or responsible party was convicted or was otherwise found responsible, irrespective of the order in which the violations occurred or whether the prior violation was civil or criminal. (4765)
- (D) **EACH DAY IN WHICH A VIOLATION OF THIS CHAPTER CONTINUES OR THE FAILURE TO PERFORM ANY ACT OR DUTY REQUIRED BY THIS CHAPTER OR BY THE CIVIL HEARING OFFICER CONTINUES SHALL CONSTITUTE A SEPARATE CIVIL OFFENSE. (2568)**

8-6-10: **(RESERVED) ~~EACH DAY SEPARATE VIOLATION:~~**
~~Each day in which a violation of this chapter continues or the failure to perform any act or duty required by this chapter or by the civil hearing officer continues shall constitute a separate civil offense. (2568)~~

8-6-11: **HABITUAL OFFENDER:**

- (A) A person who commits a violation of this Chapter after previously having been found responsible for committing ~~three (3) or more~~ civil violations of this Chapter, **ON 3 SEPARATE DATES AND** within a ~~twenty-four (24)~~ 36 month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, shall be guilty of a **CLASS 1** criminal misdemeanor. The Mesa City Prosecutor is authorized to file a **CLASS 1** criminal misdemeanor complaint in the Mesa City Court against habitual offenders ~~who violate this section~~. For purposes of calculating the ~~twenty-four (24)~~ 36 month period under this paragraph, the dates of the commission of the offenses are the determining factor. (2568)
- (B) Upon conviction of a violation of this Section, the Court may impose a sentence **AUTHORIZED BY THE LAWS OF THE STATE OF ARIZONA FOR A CLASS 1 MISDEMEANOR, INCLUDING** of incarceration not to exceed ~~six (6)~~ months in jail or a fine not to exceed ~~two thousand five hundred dollars (\$2,500.00)~~, exclusive of penalty assessments prescribed by law, or both. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than ~~five hundred dollars (\$500.00)~~ for each count upon which a conviction has been obtained **AND BE PLACED ON PROBATION FOR UP TO 36 MONTHS. THE COURT MAY REDUCE SUCH FINES TO \$250 FOR EACH COUNT UPON WHICH A CONVICTION HAS BEEN OBTAINED PROVIDED ALL VIOLATIONS HAVE BEEN ABATED AND THE SITE IS IN COMPLIANCE WITH ALL SECTIONS OF THIS CHAPTER WITHIN 90 CALENDAR DAYS** ~~a judge shall not grant probabtion to or any part or all of or execution of any sentenc~~ **ING.** ~~required by this subsection except on the condition that the person pay the mandatory minimum fines as provided in this paragraph.~~ (2568)
- (C) Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure. (2568)

8-6-12: **FAILURE TO PROVIDE EVIDENCE OF IDENTITY:**
A person who fails or refuses to provide evidence of his identity to a duly authorized agent of the city upon request, when such agent has reasonable cause to believe the person has committed a violation of this chapter, is guilty of a misdemeanor. Evidence of identity under this section shall consist of a person's full name, residence address, and date of birth. (2568)

8-6-13: *ABATEMENT:*

- (A) In addition to or in lieu of filing a civil citation or criminal complaint, the City may ~~file~~**SERVE** a notice to abate any violation of this Chapter. (2568)
- (B) The notice to abate shall set forth the following information: (2568)
1. The ~~owner~~ **RESPONSIBLE PARTY** has ~~thirty~~(30) **CALENDAR** days from ~~the mailing~~**SERVICE** of the notice to abate or correct the violation. (2568)
 2. Identification of the property in violation by street address, if known, and if unknown, then by **LEGAL DESCRIPTION OF THE PROPERTY OR BY MARICOPA COUNTY** book, map, and parcel number. (2568)
 3. Statement of the violation in sufficient detail to allow a reasonable person to identify and correct the violation(s). (2568)
 4. Reinspection date and time. (2568)
 5. Name, business address, and business phone number of the City inspector who ~~sent~~**ISSUED** the notice to abate. (2568)
 6. A warning stating that if the violations are not corrected within the ~~thirty~~(30-) **CALENDAR** day period, the City may abate the problem itself or by private contractor, assess the owner for the cost of such abatement, and record a lien on the property for the assessment. (2568)
 7. Hearing procedures. (2568)
 8. The ~~thirty~~(30-) **CALENDAR** day notice set forth in this Section shall not apply to emergency abatements pursuant to this Chapter. (2568)
- (C) If the property owner or other person served a notice to abate by the City pursuant to this Chapter fails to comply with such notice, the City may correct or abate the conditions subject to the notice if those conditions constitute a hazard. If the City corrects or abates those conditions, the City Manager or designee may prepare a verified statement as to the actual cost of correcting or abating the violation, including costs of inspection and other City-incurred costs associated with abating the violation. The statement shall be delivered or mailed, certified mail, return receipt requested, to the ~~owner(s) or other person(s)~~**RESPONSIBLE PARTY** upon which the notice to abate or order was served. That statement shall further set forth the following: (2568)
1. That the statement of costs is an assessment upon the lots and tracts of land from which the City corrected or abated the violation. (2568)
 2. That the party has ~~fifteen~~(15) **CALENDAR** days from the date of delivery or mailing of the statement to pay. (2568)
 3. In the event payment is not received in ~~fifteen~~(15) **CALENDAR** days, the City will place a lien on the property in the amount of the assessment. (2568)
 4. Appeal procedures. (2568)
- (D) The notice to abate and the statement of abatement costs shall be served by either delivering them to the ~~property owner or owner's agent~~**RESPONSIBLE PARTY** or by mailing them to the ~~owner or owner's agent~~**RESPONSIBLE PARTY** by certified mail, return receipt requested. Service is deemed effective and complete on the date it is received by the ~~property owner or owner's agent~~**RESPONSIBLE PARTY**. (2568)

8-6-14: REQUEST FOR ABATEMENT HEARING:

The ~~owner or occupant~~ **RESPONSIBLE PARTY** receiving a notice to abate under this Chapter or a statement of costs incurred by the City in abating a nuisance may appeal by requesting in writing a hearing and by serving such a request ~~on the Building Safety Director~~ **TO THE DEVELOPMENT AND SUSTAINABILITY DEPARTMENT** within ~~fifteen~~ (15) calendar days of service of the notice to abate or the statement of costs. The hearing shall be held before the ~~Building Safety Director or his designee~~ **CIVIL HEARING OFFICER** as soon as practicable after the filing of the request. ~~The decision of the Building Safety Director is final and binding~~ **AN APPEAL FROM FINAL JUDGMENTS OF THE CIVIL HEARING OFFICER MAY BE TAKEN PURSUANT TO THE ARIZONA RULES OF PROCEDURE FOR SPECIAL ACTIONS.** If no written and timely request for hearing is made under this Section to the ~~Building Safety Director~~ **DEVELOPMENT SERVICES AND SUSTAINABILITY DEPARTMENT**, then the notice of abatement or statement of costs is final and binding. (2568,4258)

8-6-15: RECORDING AN ABATEMENT VIOLATION:

The notice to abate and statement of costs shall run with the land. The City, at its sole option, may record a notice to abate or statement of costs with the Maricopa County Recorder and thereby cause compliance by an entity thereafter acquiring such property. When the property is brought into compliance, a satisfaction of notice to abate shall be filed with the Maricopa County Recorder. (2568)

8-6-16: EMERGENCY ABATEMENT:

- (A) If a situation presents an imminent hazard to life or public safety, the City may issue a notice to abate directing the owner, occupant, operator, or agent to immediately take such action as is appropriate to correct or abate the emergency described in the notice. In addition, the City may act immediately to correct or abate the emergency itself or may commence an action in Superior Court to enjoin the owner or occupant to abate the imminent hazard. In the event the City is unable to contact the owner, occupant, agent, or responsible party despite reasonable efforts to do so, it in no way affects the City's right under this Section to correct or abate the emergency itself. (2568)
- (B) The City may recover its costs incurred in abating an imminent hazard under this Section in the same manner as provided for in Section 8-6-13 (D). The property owner may appeal the City's emergency abatement action under this Section or the City's statement of costs for an emergency abatement in the same manner as provided for in Section 8-6-13. (2568)

8-6-17: SUSPENSION OF CONSTRUCTION PERMIT OR LICENSE:

Any construction permit or license issued by the City which authorizes work resulting in an alleged violation of Article I of this Chapter may be suspended pending abatement of said violation or final resolution of a civil hearing of the matter. (2891)

8-6-18: SLUM PROPERTY:

- (A) Slum property designation: (3888)
 1. The City Manager, or designee, is authorized to designate residential rental property as a slum property consistent with and pursuant to the provisions of Title 33, Chapter 17, Article 1, Arizona Revised Statutes. (3888)
 2. Notice of slum property designation shall be provided to all owners and lien holders of the affected property. Such notice shall inform of the designation, the reason or reasons for the designation, and the procedure to appeal the designation. The effective date and manner of service shall be as described in Section 8-6-13 (D) of the Mesa City Code. (3888)
 3. The City may record **THE** notice of slum property designation with the County Recorder. A recorded notice shall run with the land. Failure to record a notice shall not affect the validity of the notice as to persons who receive the notice. (3888)

(B) Assessment and liens: (3888)

1. The City Manager, or designee, is authorized to impose **CIVIL PENALTIES**, assessments and liens pursuant to the provisions of Title 33, Chapter 17, Article 1, Arizona Revised Statutes. (3888)
2. Notice of an **CIVIL PENALTY**, assessment or lien shall be provided to all owners and lien holders of the affected property. Such notice shall inform of the amount of the assessment or lien, the reason for the assessment or lien, and the procedure to appeal the assessment or lien. The effective date and manner of service shall be as described in Section 8-6-13 (D) of the Mesa City Code. (3888)
3. The City may record an assessment or lien with the County Recorder or the Department of Transportation. A recorded assessment shall run with the land. Failure to record an assessment or lien shall not affect the validity of the assessment or lien as to persons who have notice thereof. The City shall release the assessment or lien upon receipt of payment. (3888)
4. In the event that it is necessary to enforce an assessment or lien by sale, the sale shall be made from a judgment of foreclosure and order of sale. The City shall have the right to enforce an assessment or lien in the Superior Court, at any time after recording, but failure to enforce an assessment or lien shall not affect its validity. The recorded assessment or lien shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording. Prior assessments or liens for the purposes provided for in this ordinance shall not be a bar to subsequent assessments or liens, and any number of liens or assessments on the same property may be enforced in the same action. (3888)

(C) Appeals: (3888)

1. Appeals from designations as a slum property or assessments by the City Manager or designee as set forth in 8-6-18(A) and (B) shall be submitted to the office of the Zoning Administrator in the manner set forth in Section 11-18-4 of the Mesa City Code. Said appeals shall be in writing and shall contain: (3888)
 - (a) A heading in the words: "Before the Zoning Administrator..." (3888)
 - (b) A caption reading: "Appeal of..." giving the names of all appellants participating in the appeal. (3888)
 - (c) A brief statement setting forth the legal interest of each of the appellants in the building or land involved in the notice and order. (3888)
 - (d) A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant. (3888)
 - (e) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside. (3888)
 - (f) The signatures of all parties named as appellants and their official mailing addresses. (3888)
 - (g) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal. (3888)
2. All applications shall be accompanied by a fee in accordance with the schedule in Section 11-18-6 (Interpretations) of the Mesa City Code. (3888)
3. The appeal shall be filed within ~~thirty~~ (30) **CALENDAR** days from the date of the service of such order or action of the designation of a slum. (3888)
4. Appeals to decisions of the Zoning Administrator may be filed with the Board of Adjustments in accordance with Section 11-18-5 of the Mesa City Code. (3888)

8-6-19: *(RESERVED)*

8-6-20: *(RESERVED)*

Exhibit B

Summary of Significant Code Changes:

- 8-6-1 Changes to purpose statement to include a focus on protecting neighbors, establishing minimum maintenance standards and providing regulations for conducting interior inspections
- 8-6-2 Changes to Definitions:
 - Blight – added “Damaged”
 - Graffiti – added the word “Object” in order to enforce tagging on any object located on the property
 - Responsible party – expanded to include more than owner / tenant

Code Section Changes:

- 8-6-3 (A) Added the term “unregistered vehicle” to this section and a limitation on the number of inoperable or unregistered vehicles on residential property, visible beyond the lot boundaries, based on zoning districts.
- 8-6-3 (G) Added language to strength enforcement against stagnate bodies of water
- 8-6-3 (H) Expanding graffiti removal to all objects on the property
- 8-6-3 (K) Property maintenance - Adding “Damaged” to property maintenance sections to deal with burned buildings, changed language to require maintenance visible from any ROW and not just adjacent ROW and added statement to clarify the intent of this section of code
- 8-6-3 (M) Changing language to hold the business owner displayed on a bandit sign responsible
- 8-6-3 (N) Added requirement for securing partially destroyed or constructed buildings
- 8-6-3 (U) Changing language for storage of boats or utility trailers to remove the requirement that they must be stored behind a 6’ high wall if the vehicle exceeds 6’ in height and added section to clearly define permitted storage locations on lots to be behind the nearest front plane of the home.
- 8-6-3 (W) Adding language to regulate the maintenance of private streets and drives
- 8-6-3 (X) Add regulations on the number of permitted garage sales per year on a residential lot.

Changes to Enforcement sections:

- 8-6-8 (F) Add a 30 day time limit to appeal the Civil Hearing Officers judgement
- 8-6-9 (B) Modify Civil Hearing Officers authority to add flexibility in assessing fines
- 8-6-11 (A) Change the Habitual Offender requirements of 24 months to 36 months
- 8-6-11 (B) Modifying the City Courts authority to reduce fines if deemed appropriate