

CHAPTER 31, ARTICLE I

Sec. 31-10. Removal of debris, rubbish, weeds, overgrown or dead vegetation, and other unhealthy or unsafe conditions on streets, alleys and sidewalks; notice to abate; penalties.

(a) The owner, lessee or other person in control of any land abutting a sidewalk, alley, or street shall maintain such sidewalk, alley, or street on which such land abuts in a clean condition in such a manner as to be free from:

- (1) Litter, garbage, debris, rubble;
- (2) Insect and rodent infestation;
- (3) Overgrown vegetation, dead trees, brush, and weeds; and
- (4) Other conditions that present a health, fire or safety hazard.

(b) Areas required to be maintained pursuant to this section are as follows:

(1) Any portion of a street, which has been opened for public use, between the curblineline and the abutting property line including sidewalks; provided that the owner, lessee, or other person in control of any land utilized for single-family or multifamily dwelling(s) shall only be required to maintain areas not within major streets as shown on the minimum right-of-way standards map and which are within twenty-five feet of the abutting property line.

(2) One-half of the width of abutting alleys from the property line to the centerline of the alley.

(3) Any portion of a street abutting the boundaries of a parcel of land, which street has not been opened for public use, shall be maintained by those persons who dedicated the street or their successors in interest, including lessees and other persons in control of the land abutting the street; provided, that if the abutting land on either side of such street is owned by different persons and each person has an obligation to maintain the street hereunder, then the owner, lessee or other person in control of the land shall only be required to maintain one-half of the width of the street abutting their land.

(c) In the event that any person does not comply with the terms of this section, a notice in writing ordering compliance within thirty days of its receipt shall be served by certified mail or in person by an authorized representative of the Neighborhood Maintenance and Zoning Enforcement Division of the Neighborhood Services Department.

(d) Any person who fails to comply with the provisions of this section is subject to the following sanction and penalty. These remedies are cumulative and the City may proceed under either or both of them:

(1) If the owner, lessee, or other person in control of the abutting land, after receiving written notice ordering compliance, fails to comply within the prescribed time, such person is subject to a civil sanction of not less than fifty dollars nor more than two thousand five hundred dollars.

(2) If the owner, lessee, or other person in control of the abutting land, after receiving written notice ordering compliance, fails to comply within the prescribed time, such person is guilty of a Class 1 misdemeanor. No criminal complaint shall be filed prior to the passage of ninety days from the issuance of the notice ordering compliance.

- (3) The owner of record of the land, as reflected in the Maricopa County Recorder's office, upon which a violation of this ordinance exists shall be presumed to be a person having lawful control over such parcel of land. If more than one person shall be reflected as the owner of the land, said persons shall be jointly and severally presumed to be persons having lawful control over such parcel of land. This presumption shall not prevent enforcement of the provisions of this ordinance against any person specified in subsection (C) of this section.
- (4) Jurisdiction of all proceedings to enforce the provisions of this ordinance shall be in the Municipal Court of the City of Phoenix. Civil actions to enforce this ordinance may be adjudicated by a judge or a court hearing officer.

CHAPTER 39, ARTICLE

Sec. 39-7. Exterior premises and vacant land.

A. *General:* All land including exterior premises and vacant land, whether improved or unimproved, shall be maintained free from any accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, waste material, or blight, which includes, but is not limited to, graffiti on walls, fences, mail boxes, etc., bottles, papers, glass, cans, organic or inorganic material, the exterior visible use or display of tarps, plastic sheeting, or other similar materials as flexible or inflexible screening, fencing or wall covering upon a residential lot, an accumulation of inoperable vehicles, discarded, broken, or inoperable appliances, discarded or broken furniture, broken glass, discarded, broken or inoperable equipment, discarded or broken bicycles, an accumulation of vehicle, bicycle or appliance parts, piles of mixed materials, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing straw, packing hay or other packing material, lumber not neatly piled, lumber stored in front yards, scrap iron, tin and other metal not neatly piled or anything whatsoever in which insects, rodents, snakes or other harmful pests may live, breed or multiply or which may otherwise create a fire hazard. A single inoperable vehicle in combination with any of the above described conditions shall be deemed a violation of this subsection. It is an affirmative defense to a violation of this subsection based on the presence of an inoperable vehicle that the vehicle was registered to a resident of the property, that the vehicle was undergoing repair, and that the total period during which the vehicle was inoperable did not exceed fifteen days. This affirmative defense may not be raised more than three times in any combination of civil or criminal proceedings in any one calendar year.

B. *Streets, alleys and sidewalks.* The owner and any responsible party in control of any land abutting a sidewalk, alley or street shall maintain the sidewalk, alley or street in the same manner as provided in subsections A and D of this section. The areas required to be maintained pursuant to this subsection are as follows:

1. Any portion of a street, which has been opened for public use, between the curblines and the abutting property line including sidewalks; provided that the owner, lessee, or other person in control of any land utilized for single-family or multifamily dwelling(s) shall only be required to maintain areas not within major streets as shown on the minimum right-of-way standards map and which are within twenty-five feet of the abutting property line.
2. One-half of the width of abutting alleys from the property line to the centerline of the alley.
3. Any portion of a street abutting the boundaries of a parcel of land, which street has not been opened for public use, shall be maintained by those persons who dedicated the

street or their successors in interest, including lessees and other persons in control of the land abutting the street; provided, that if the abutting land on either side of such street is owned by different persons and each person has an obligation to maintain the street hereunder, then the owner, lessee or other person in control of the land shall only be required to maintain one-half of the width of the street abutting their land.

C. *Maintenance of swimming and architectural pools.* All swimming and architectural pools and spas shall be properly maintained so as not to create a safety hazard or harbor insect infestation, or create a visible deteriorated or blighted appearance. Water shall not be allowed to stagnate, or to become stale or foul through lack of circulation. The bottom and sides of the pool or spa shall be maintained reasonably free of sediment, dirt, slime and algae. The water shall be sufficiently clear so that the main drain outlet is clearly visible to an adult standing on the pool deck or that a 200 mm in diameter secchi disk placed at the bottom of the deepest point of the pool is clearly visible to an adult standing on the pool deck. Fencing or other barriers required for swimming pool and spa enclosures shall be maintained as outlined in the Phoenix Construction Code. The premises shall be free from safety hazards inclusive of, but not limited to, lack of security, water stagnation, or abandoned pools, regardless of whether or not there is water in the pools. All pools will also be free from visible deterioration or blighted appearance.

D. *Weeds, bushes, trees and other vegetation.* All exterior property areas shall be kept free from dry vegetation, tumbleweeds, weeds, bushes and tall grass and trees which present a visual blight upon the area, which may harbor insect or rodent infestations and dry vegetation, or which may likely become a fire hazard or result in a condition which may threaten the health and safety or the economic welfare of adjacent property owners or occupants.

The premises shall be free from visual blight; potential fire hazards; dead trees and branches; dead palm fronds within ten feet of the ground, a structure, a fence or wall, or of any combustible other than the tree from which the fronds have grown; lawn grass higher than six inches; tumbleweeds; or weeds higher than six inches tall.

E. *Dumping.* Vacant lots or lands which have been subject to dumping on more than one occasion shall be secured to prevent future occurrences of dumping. Methods of securing vacant lots or lands may include the following: permanent fencing; ditch and berm; placing four-foot-high posts at four-foot intervals; and other equally effective methods. Signs stating "no dumping" shall be erected in accordance with applicable laws on vacant lots or lands which have been subject to dumping on more than one occasion.