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ORDINANCE NO. 3879

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE CHANDLER CITY CODE BY REPEALING CHAPTER 30, NEIGHBORHOOD STANDARDS AND MAINTENANCE NUISANCE ABATEMENT AND CODE ENFORCEMENT, AND BY ADOPTING A NEW CHAPTER 30, NEIGHBORHOOD PRESERVATION.

BE IT ORDAINED by the City Council of the City of Chandler, Arizona, that Chapter 30 of the Chandler City Code is hereby repealed and a new Chapter 30 is hereby adopted, to read as follows:

Chapter 30 – Neighborhood Preservation

30-1. GENERAL PROVISIONS

30-1.1.Purpose and Scope.

A. The purpose of this Chapter is to promote the health, safety and welfare of the citizens of Chandler, Arizona, and to protect neighborhoods against hazardous, blighting and deteriorating influences or conditions that contribute to the downgrading of neighborhood property values by establishing minimum standards for the condition of the exterior of residential buildings and by establishing requirements for maintenance of all residential and nonresidential buildings, structures of whatever kind, and vacant and improved land.

B. This Chapter shall apply to all buildings, structures and lands within the City of Chandler without regard to the use, the date of construction, improvement or alterations.

C. This Chapter shall be fairly, sensibly, and reasonably applied to promote the maintenance of all existing buildings and land in the City of Chandler. The intent is to insure that individuals and families do not suffer undue hardship.

D. This Chapter shall not require changes in existing buildings and utilities when alterations were installed and have been maintained in accordance with the City of Chandler Building Codes in effect at the time of construction or alteration of the subject building or utilities.

E. Inspections of residential rental properties shall be conducted in accordance with state law.

30-1.2. Variances.

The Board of Appeals established pursuant to section 29-1.2 of the Chandler City Code may grant variances to section 30-3 when exact compliance would result in an unusual or unreasonable hardship.

30-2. DEFINITIONS

Where terms are not defined in this chapter, they shall have the meanings ascribed to them in other chapters of this Code, including but not limited to the uniform codes adopted elsewhere in this City Code including but not limited to: building, electrical, fire, housing, mechanical, plumbing, swimming pools and zoning codes and the code for the abatement of dangerous buildings. Words not defined shall be given their normal, ordinary meaning.

Accessory use areas. Those areas and buildings around a dwelling, which provide space for amenities and facilities, including but not limited to pay phones, picnic areas, recreation areas, laundry rooms, recreation rooms and refuse collection facilities.

Accumulation of Inoperable Vehicles. Two or more inoperable vehicles upon a residential lot, or upon a commercial or industrial lot where the primary business does not involve the service of vehicles or the storage of inoperable vehicles.

Agent. A person residing or located within Maricopa County authorized by the owner of a rental-housing unit to make or order repairs or service to the unit and authorized to receive notices on behalf of the owner.

Blight or Blighted. Unsightly conditions including accumulation of debris; fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged; any other similar conditions of disrepair and deterioration; and 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; regardless of the condition of other properties in the neighborhood.

Debris. Substance of little or no apparent economic value, which may be present in accumulations in excess of six inches in height and ten inches in diameter, including but not limited to deteriorated lumber, old newspapers, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, car parts, abandoned, broken or neglected equipment, or the scattered remains of items.

Deteriorated or deterioration. A lowering in quality of the condition or appearance of a building, structure or premises, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, damage or lack of maintenance.

Driveway. A private way that provides access from a street to a building such as a house or garage.

Dumping ground. Any area that is used for the storing, leaving, or abandoning of refuse, garbage, waste, earth, rock or debris, including construction, agricultural, landscape, residential, commercial and industrial solid waste.

Fences, screen walls and/or retaining wall. Self-standing structures designed to provide semi-privacy, security or bank retention between grade separations.

Garage sale. Includes yard sales, carport sales or similar types of sales on the seller's own premises, involving the sale of used or second hand tangible personal property customarily found

in and about the residence, and not including property acquired for resale and not for personal use.

Garbage. Swill, offal, and any accumulation of spoiled, partially or fully decomposed, rotting or discarded animal, vegetable or other matter that attends the preparation, handling, consumption, storage or decay of plant and animal matter including meats, fish, fowl, buds, fruits, vegetable or dairy products and their waste wrappers or containers.

Graffiti. Initials, slogans, designs or drawings, written, spray-painted, etched or sketched on a sidewalk, wall, building, fence, sign, or any other structure or surface without consent of the owner and visible from a public right of way.

Health Hazard. The presence of any item(s) or condition(s) that adversely impact or jeopardize the well being or health of an individual. Such items or conditions include, but are not limited to, evidence of occupancy without adequate water and sanitation facilities, or may be inclusive of human or animal waste, medical or biological waste, sharps, gaseous or combustible materials, radioactive waste, dangerous or corrosive chemicals or liquids, flammable or explosive materials, friable asbestos, offal and decay matter.

Imminent Hazard. A Condition of real property that places a person's life, health, or property in high risk of peril when such condition is immediate, impending, on the point of happening and menacing.

Impervious. Incapable of being penetrated or affected by water or moisture.

Incipient Hazard. Condition of real property that can become an imminent or health hazard if further deterioration occurs that can cause unreasonable risk of death or severe personal injury.

Infestation. The presence or apparent presence of insects, rodents, vermin or noxious pest of a kind or in a quantity that endangers health within or around a dwelling or may cause structural damage to the dwelling.

Inoperable vehicle. A vehicle physically incapable of its intended operation or a vehicle that exhibits one or more of the following conditions: wrecked, partially or fully dismantled, abandoned, stripped, substantially damaged, inoperative, scrapped, having the status of a hulk or shell, discarded, or unable to be safely operated; including but not limited to vehicles on blocks or similar devices, with a deflated tire or tires, or from which the engine, wheels or tires have been removed. A vehicle for which required license plates and/or tags have been expired or out of date for more than three (3) months in addition to the collection of dust and/or cobwebs is an indication that a vehicle is inoperable.

Litter. Decaying or non-decaying solid and semi-solid wastes, including but not limited to both combustible and non-combustible wastes, such as paper, trash, cardboard, waste material, cans, yard clippings, wood, glass, bedding, debris; scrap paving material, discarded appliances, discarded furniture, dry vegetation, weeds, dead trees and branches, vegetation and trees which may harbor insect or rodent infestations or may become a fire hazard, piles of earth mixed with any of the above or any foreign objects, including inoperable vehicles.

Occupant. A person, persons or legal entity that, through rights of ownership or tenancy, has possession or the use and enjoyment of the subject real property.

Off-road vehicle. A recreational vehicle designed for off-road use and not required to be licensed, including without limitation all-terrain vehicles, motocross cycles, sand rails and dune buggies.

Ongoing restoration project. A project involving a single vehicle or machinery that is kept in a clean and neat condition during the term of active repair and rebuilding.

Owner. A person, persons or legal entity listed as the current titleholder of real property, as recorded in the official records of the Maricopa County Recorder's Office.

Owner's Agent. A statutory agent designated pursuant to ARS § 33-1902.

Responsible Person. An owner, tenant, renter, lessor, lessee, manager, agent, lienholder or any fiduciary or person with power of attorney or other person who is occupying or having charge, possession or control of the premises or has authority and ability to act on behalf of, or in the interest of, the owner. When property is held in common by more than one (1) owner, each owner is a Responsible Person, even when a homeowner's association has been formed to manage and maintain such commonly owned property. Such a homeowner's association shall also be a responsible person. When any subdivision or planned area development (PAD) has been approved by City Council and provisions have been made for the creation of an architectural review committee, homeowner's association or similar committee, which has been created, or will be created, for the purpose of controlling or regulating matters of common concern or maintenance, the developer of said subdivision or PAD shall submit to the City Clerk, the names, addresses and telephone numbers of the officers of said committee or association at the time the organization is granted autonomy. Until such information is supplied to the City Clerk, the developer shall remain a Responsible Person for purposes of maintaining all common property in accordance with this section. Once granted autonomy, the chairperson, secretary or principal officer of any committee or association, as described above, shall notify the City Clerk of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. Until the City Clerk receives notice of any new officers, the officers on record shall remain responsible persons as provided herein.

Rubble. Broken solid surface fragments usually resulting from the decay or deterioration of a building; miscellaneous mass of broken or apparently worthless materials.

Screened Area, Exterior. An area separated by a permanent non-flexible device to completely conceal one element of a property from other elements or from adjacent or contiguous property. Examples include but are not limited to fencing six feet in height that is made from solid wood, brick or chain link with opaque slats.

Weeds. Any vegetation which attains such large or uncontrolled growth as to become, when dry a fire hazard or menace to adjacent property and any vegetation, in excess of six (6) inches, growing in an uncontrolled manner, which will, if not cut or destroyed, become a fire hazard or menace to adjacent property.

30-3. GENERAL REQUIREMENTS

30-3.1.Building and Structure; Exteriors.

A. Exterior Surfaces. All exposed exterior surfaces, windows and doors shall be maintained so as to be free of deterioration that is a threat to health and safety, impervious to moisture and weather elements, and shall not otherwise present a deteriorated or blighted appearance. Windows, doors, locks on doors, and hinges must be present and installed properly. These items must be free from deterioration or blighting conditions. Examples of such deterioration and blight may include the following:

1. improperly anchored canopies, metal awnings, stairways, exhaust ducts, and overhead extensions;

2. exterior windows and doors that are not fitted securely in their frames and are not substantially weather tight or that have inoperable locks;

3. paint that is deteriorated, indicated by peeling, flaking, cracking, blistering or mildew, resulting in exposed, bare unprotected surfaces;

4. window screening not maintained in good condition;

5. boarded window or door openings on an occupied structure;

6. boarded window or door openings on an unoccupied structure for three hundred sixty-six (366) days in any two-year period.

B. Fences, screen walls, and retaining walls. All fences, screen walls, and retaining walls on the premises shall be safe, structurally sound and maintained so that they do not constitute a hazard, blight or condition of disrepair. Examples of hazards, blight or conditions of disrepair are inclusive of, but not limited to leaning fences, fences that are missing slats or blocks, graffiti, peeling paint, deterioration of paint or materials, rotting or damaged.

C. Exterior insect, rodent and animal control. All premises shall be kept free from insect and rodent infestation and other noxious pests. This provision shall not require action to disturb the natural or cultivated activity of bees, rabbits, or other insects and animals where such activity is not a danger or nuisance to any resident or residents of the area, and where other applicable legal requirements are met.

D. Drainage. All premises shall be maintained so as to prevent the accumulation of water when such water causes a hazardous or unhealthy condition, becomes a breeding area for insects, causes soil erosion, or which causes damage to neighboring property.

E. Coolers and their apparatus. Coolers and their mounting apparatus shall be maintained in a condition free from excessive accumulation of scale, rust, corrosion or mineral deposits. Cooler stands or mounts shall be structurally sound. Unused, deteriorating and unattached evaporative coolers are to be removed from the structure.

F. Exterior; weather tight, watertight and vermin proof. Every foundation, roof and exterior wall shall be reasonably weather tight, watertight and vermin proof and shall be kept in sound condition.

G. Exterior; deteriorated. All exposed exterior surfaces shall be maintained so as to be impervious to moisture and weather elements and every housing unit shall be free of broken, rotted, split or buckled exterior wall coverings or roof coverings. All exposed exterior surfaces shall not otherwise present a deteriorated appearance and will meet the specific requirements that follow:

1. All exterior wood surfaces shall be protected from the elements and from deterioration by paint or other protective treatment; except such wood surfaces composed of wood that is naturally resistant to decay;

2. All exterior painted surfaces shall be painted with paint that is lead free and shall be free of loose, cracked, scaling, chipping or peeling paint in such amounts as to present a deteriorated appearance;

3. Roof coverings shall be watertight and weather tight and shall be free of broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated appearance.

H. Landscaping standards generally.

1. Landscape materials: All landscape materials, including but not limited to grasses, groundcovers, trees, shrubs, ornamental plants, architectural pools, ponds, basins and fountains and all retention basins shall be maintained in substantial conformance to the conditions and requirements in existence at the time of their approval/acceptance by City inspectors.

2. Airborne Pollens: It is unlawful to 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 non-pollinating varieties of such trees. The City shall maintain a current list of non-pollinating varieties that 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.

I. Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background and shall not be obstructed by trees, shrubs or anything that would tend to hide or obscure the numbers.

30-3.2.Exterior Premises and Vacant Land.

A. General.

1. 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, 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 or safety hazard.

2. It is unlawful for any business, corporation, firm or person to fail to provide approved litter or trash receptacles for the containment of litter and trash generated within or upon their premises or to allow litter or trash from approved receptacles to become windblown and be disbursed about the area.

3. It is unlawful for any property owner, agent, or contractor in charge of any construction or demolition site to cause, maintain or permit the accumulation of any litter or debris on the site before, during, or after completion of the project except in a designated contained area, or to allow any such litter or debris to become windblown and carried or deposited upon any alley, street, public place or adjacent private property.

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 curb line, or if there is no curb line the edge of pavement, and the abutting property line including sidewalks.

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, ponds and spas shall be properly maintained so as not to create a safety hazard or harbor insect infestation, or create a visibly deteriorated or blighted appearance. Water shall not be allowed to stagnate, or to become stale or foul through lack of circulation. Fencing or other barriers required for swimming pool and spa enclosures shall be maintained in good condition.

All pools shall also be free from visible deterioration or blighted appearance. Architectural pools that contain fish must be maintained to provide for the health of the fish. Dead fish must be removed immediately.

D. Weeds, Bushes, Trees and Other Vegetation.

1. 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, or dry vegetation 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.

2. The responsible person shall remove, restore or repair any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated appearance; including but not limited to uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than six (6) inches; or any dead trees, bushes, shrubs or portions thereof, stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

3. The responsible person must trim all overhanging vegetation to provide a thirteen-foot six-inch minimum height clearance in all streets and alleys, a seven-foot minimum height clearance on all sidewalks, and shall not allow vegetation to protrude more than one (1) foot six (6) inches into the alleyway.

4. The responsible person shall remove any material growing along a public or private right-of-way, access drive, fire lane or utility easement, which by reason of its size, manner of growth or location, constitutes an obstruction, impairs visibility or otherwise endangers any person, improvement or structure.

5. When vegetation extends into a street or alleyway in such a manner that it interferes with the free and safe use of the street or alleyway, the City may immediately trim and cut such vegetation as necessary to remove such interference without notice to the property owner and without following the abatement procedures set forth in this Code.

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.

F. Excavations. Excavations and other like or similar conditions must be filled with clean fill. Excavations shall be maintained in a secure manner so as to prevent a hazard to public health and safety. Any mound made of dirt or debris over five (5) feet in height must be secured in a manner as to prevent a hazard to public health and safety. An excavation or mound is considered secure when:

1. It is protected by a permanent and complete five-foot minimum height enclosure that surrounds the excavation, mound or property.

2. A well, pit, abandoned swimming pool, or similar excavation is completely and permanently covered, fenced securely or protected in an equivalent manner.

G. Vacant lots and parcels.

1. The owners and responsible parties of vacant parcels five thousand (5,000) square feet or larger which have been disturbed by motor vehicles shall either:

a. Erect signs, fencing, shrubs, trees or other barriers to prevent motor vehicle trespass or parking; or

b. Apply surface gravel or chemical/organic stabilizers to all disturbed surface areas.

2. The owners and responsible parties of vacant lots or parcels where more than one-half (½) acre of the surface has been disturbed shall either:

a. Establish ground cover;

b. Apply a dust suppressant;

c. Restore to a natural state; or

d. Apply gravel to the disturbed area.

3. The owners and responsible parties of properties on which weed abatement disturbs more than one-half (1/2) acre of vacant land shall:

a. Apply a dust suppressant immediately prior to or during such weed abatement;

b. Take reasonable precautions to prevent or eliminate cut plant material from being tracked out onto paved surfaces or onto access points adjoining paved surfaces; and

c. Apply a dust suppressant, gravel, use compaction or take other dust control measures immediately following weed abatement.

4. Paragraphs 2 and 3 do not apply to vacant lots located on an industrial facility or construction or earth-moving activity on-sites that have an approved permit issued by the City or by Maricopa County.

5. Property which is part of a subdivision or planned area development (PAD) shall be maintained in conformance with the exhibits, conditions and stipulations approved and imposed by the City Council at the time the approval for rezoning or developments was granted.

30-4. GRAFFITI PREVENTION, PROHIBITION AND REMOVAL

A. Purpose and intent. It is the purpose and intent of this section to provide a procedure for the prevention, and removal of graffiti from walls, structures or surfaces on public and private property in order to reduce blight and deterioration within the City and to protect the public health and safety.

The Chandler City Council finds and determines that graffiti is obnoxious, contributes to neighborhood deterioration, provides a communication system for gangs and other vandals, damages property, and constitutes a public nuisance, and must be abated immediately to avoid the detrimental impact of such graffiti on the City and its residents, to disrupt the communication system for gangs and other vandals, and prevent the further spread of graffiti.

B. Graffiti prohibited. All sidewalks, walls, buildings, fences, signs, and other structures or surfaces shall be kept free from graffiti, posters, handbills or circulars when the graffiti posters, handbills or circulars are visible from the street or other public or private property.

1. Notice of violation. If it is determined by the City that graffiti exists on property in violation of this Ordinance, the City shall, in writing, notify the owner of the property or responsible party through the issuance of a Notice of Violation providing a maximum of ten days to abate the graffiti, which notice may be served by certified mail, personal service, or by posting the subject property and publishing the notice in the official City newspaper.

2. Notice of Violation - contents. The Notice of Violation shall identify the property in violation, shall generally describe the location of the graffiti, and direct that the graffiti shall be abated within ten days of receipt of the notice. The notice shall state that in the event the owner or responsible party fails to abate the graffiti within the time period specified in the Notice of Violation, the City shall abate the graffiti and bill the owner or responsible party for the costs thereof. The notice shall state that the owner or responsible party may appeal the notice as provided for in subsection 29-1.2.F of this Code.

In the event that the owner or responsible party fails to abate the graffiti as required by the Notice of Violation, the City may proceed to abate the graffiti, and bill the owner or responsible party for the costs thereof. In the event that the bill is not paid, a statement of the account shall be certified to the City Management Services Director who shall collect the same due, together with interest at the rate established by law. The City or its authorized private contractor is expressly authorized to enter private property and abate graffiti thereon in accordance with this section. The City Police Department shall assist in the enforcement of this Section.

30-5. CREATING, CAUSING OR MAINTAINING A PUBLIC NUISANCE.

It is unlawful to maintain or commit a public nuisance or to fail or refuse to perform any legal duty, which results in a public nuisance or relating to the removal of a public nuisance.

30-5.1 Public nuisance designated.

Anything which is injurious to health, safety or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by a considerable number of persons, or which unlawfully obstructs the free passage or use, in the customary manner, of any stream, public park, square, street or highway, is a public nuisance, and is no less a nuisance because the extent of the annoyance or damage inflicted is unequal.

In addition, any violation of this City Code that is continuous with respect to time is a public nuisance.

A. Public nuisance includes, but are not limited to, any one or more of the following conditions:

1. Exterior areas used or maintained as junkyards or dumping grounds, except:

a. Any automobile wrecking yard or other junkyard where the same are permitted by the City zoning regulations; or

b. The disassembling, repair, rebuilding, storage or keeping of vehicles, machinery or any of the parts thereof on any farm or ranch where such disassembling, repair, rebuilding, storage or keeping are customary and incidental to such farming or ranching activities.

2. Any inoperable vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of:

a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building as long as the vehicle is kept covered.

b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period.

c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the City Code.

d. Lawful commercial activities involving vehicles as allowed by the zoning ordinance.

e. Operable off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the City Code

3. A single inoperable vehicle in combination with any of the conditions described in Section 30.3.2 (A) shall be deemed a violation of this subsection. It is an affirmative defense to a violation of this subsection 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 fourteen (14) 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.

4. Animal waste that is not securely protected from insects and the elements, or that is kept or handled in violation of this code or any other ordinance of the City or the county; provided, that nothing in this subsection shall be deemed to prohibit the use of such animal waste on any farm or ranch in such a manner and for such purposes as are compatible with customary methods of good husbandry or cultivation. Nothing in this subsection shall be construed to prohibit or restrict the conduct of agricultural or dairy operations legally in existence on September 24, 1987 or which is subsequently granted legal nonconforming status under the provisions of the zoning code.

5. Any putrid, unsound or unwholesome bones, meat, hides, skins or the whole or any part of any dead animal, butcher's trimmings and offal, or any waste vegetable or animal matter in any quantity, garbage, human excreta, sewage or other offensive substances; provided, that nothing contained in this subsection shall prevent the temporary retention of waste in receptacles in the manner approved by the health officer of the county or this code or any other ordinance of the City. Nothing in this subsection shall be construed to prohibit or restrict the conduct of agricultural or dairy operations legally in existence on September 24, 1987 or which is subsequently granted legal nonconforming status under the provisions of the zoning code.

6. The erection, continuance or use of any building, room or other place in the City that, by noxious exhalations, including but not limited to smoke, soot, dust, fumes or other gases, offensive odors or other annoyances, is discomforting or offensive or detrimental to the health of individuals or of the public.

7. Allowing fumes and residue from spraying applications to enter the property of another without permission.

8. Burning or disposal of refuse, sawdust or other material in such a manner as to cause or permit ashes, sawdust, soot or cinders to be cast upon the sidewalk, streets, alleys or highways of the City, or to cause or permit the smoke, ashes, soot or gasses arising from such burning which is discomforting or offensive to a reasonable person of normal sensitivity, or to constitute a potential hazard to public health, safety and welfare; provided, that this subsection shall not apply where the person responsible for the action

has properly obtained a fire permit from the City fire department or the county health officer.

9. To leave or permit to remain in an unsecured location outside on any property, or within any unoccupied or abandoned building, dwelling or other structure or in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container that has an airtight door or lid, snap lock or other locking device that may not be released from the inside, without first removing such door or lid, snap lock or other locking device from such ice box, refrigerator or container.

10. Any swimming pool areas that are not enclosed as required by Sections 29-6 and 35-2205 of the Chandler City Code; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.

11. Making, causing or permitting to be made any vibration or artificial illumination of such intensity as to interfere substantially and unnecessarily with the use and enjoyment of public or private property by the public, or as to constitute a hazard or threat to the public health, safety or welfare of the people of the City. Nothing herein shall be construed so as to prohibit or cause removal of any lighting system that has been approved and installed in accordance with the City Code and Engineering Standards of the City of Chandler or the Arizona Department of Transportation, or which has been approved and installed in accordance with the sign, subdivision or zoning codes of the City of Chandler.

12. Willfully or negligently permitting or causing the escape or flow of water into the public right-of-way in such quantity as to cause flooding, to impede vehicular or pedestrian traffic, to create a hazardous condition for such traffic, or to cause damage to the public streets or alleys of the City through the failure or neglect to operate or maintain properly any water facility or device, including, but not limited to, swimming pools, architectural pools, spas, sprinklers, hoses, pipes, ditches, standpipes, berms, valves and gates.

13. Maintaining any privy, vault, cesspool, septic system, sump, pit or like place or thing which is not securely protected from insects or rodents or which is foul or malodorous or detrimental to the health of the public.

14. The use, on public or private property, of any form of motor vehicle, motorcycle, mini bike, dune buggy, motor scooter or other recreational vehicle or conveyance which produces offensive noise or airborne dust sufficient to cause discomfort or annoyance to a reasonable person of normal sensitivity.

15. Maintenance of premises, including buildings, so out of harmony or conformity with the maintenance standards of adjacent properties as to cause complaints and substantial diminution of the enjoyment, use or property values of such adjacent properties.

16. Any sign, cornice, parapet wall, mechanical screen or fence which has become deteriorated or so unstable that it constitutes a hazard to passers-by.

17. Any material, structure, fabrication or vehicle placed on, in or near any public or private right-of-way, sidewalk, access drive, fire lane or easement which prevents the free and unimpeded use thereof shall be considered a public nuisance.

18. Having, keeping or maintaining any hive or swarm of bees within the City except as allowed in Chapter 35 of the Chandler City Code.

19. Any material growing along a public or private right-of-way, access drive, fire lane or utility easement, which by reason of its size, manner of growth or location, constitutes an obstruction, impairs visibility or otherwise endangers any person, improvement or structure.

20. Abandoned, boarded-up or partially destroyed buildings and buildings left unreasonably in a state of partial construction without active construction occurring.

21. Buildings or structures exhibiting decay, dry rot, termite, rodent or vermin infestation.

22. Unsecured buildings or structures creating hazardous conditions.

30-6. ADMINISTRATION AND ENFORCEMENT

30-6.1. Authority to Enforce.

A. The City Manager/designee is hereby authorized and directed to enforce the provisions of this chapter by any of the methods provided in this City Code or in law. In addition, the City Manager/designee is authorized to make safe any structure, in whole or part, which in the opinion of the City Manager or designee, is an imminent threat to the health or safety of any person or persons due to the conditions of such structure. Such work shall be limited to the minimum work necessary to remove the hazard, or secure the hazard through boarding or fencing.

B. No person shall, by threat or use of violence or physical force, or by threatening to do or doing any other act that can be reasonably anticipated to cause physical harm to any person including the perpetrator, intentionally obstruct, impede, or interfere with any officer, employee, contractor or authorized representative of the City who is lawfully and constitutionally engaged in the enforcement or execution of the provisions of this chapter. Any person who violates this provision shall be guilty of a misdemeanor and shall be subject to the penalties provided in Chapter 1 of this Code.

30-6.2. Voluntary Compliance.

Nothing in this chapter shall preclude the City Manager/designee from seeking voluntary compliance with the provisions of the City Code or from enforcing this chapter, proactively or reactively, through warnings, notices to comply, or other such devices designed to achieve compliance in the most efficient and effective manner under the circumstances.

30-6.3 Notice to Comply.

A. Notification. If the City finds a violation of this chapter, in the first instance, in any given twelve (12) month period, the City shall notify the responsible person through the issuance of a notice to comply. This does not apply to violations of sections 30.6.1 B or 30-11.

B. Contents of notification. A notice to comply issued pursuant to this code shall include:

1. Identification of the property in violation;

2. Statement of violation in sufficient detail to allow the owner, occupant, rental agent, property manager or responsible person to identify and correct the problem;

3. Compliance date, which shall be a reasonable time period as determined by the enforcement officer;

4. Name and phone number of the enforcement officer;

5. Criminal or civil penalties for failing to correct the violation; and

6. City authority to abate the violation should the owner neglect, fail or refuse to correct the violation within thirty (30) days and to assess a lien against the property for the cost of abatement.

C. Service of notice. The notice to comply shall be served by any of the following methods:

1. Delivery in person to the owner, occupant, manager or agent of the premises where the violation has occurred, or to the person responsible for the violation;

2. Posting on or about the entrance of the premises where the violation occurred;

3. By first class mail, postage prepaid, addressed to the owner, occupant, agent, manager or responsible person at the last known address. Service by mail is deemed complete upon deposit in the U.S. mail.

4. Certified mail

5. Publishing

6. Serving the owner, occupant, agent, manager or responsible person in the same manner as provided by the Arizona Rules of Civil Procedure.

D. Additional notice; notice not required. Nothing herein shall preclude the City from giving additional verbal or written notice at its discretion but it is not obligated to notify the same person as to a second (or additional) violation which has been the subject of a notice to

comply within the previous twelve (12) month period. If the City does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situations. Nothing in this section shall require the issuance of a second notice to comply within twelve (12) months prior to commencement of civil or criminal violation proceedings.

30-6.3. Authority and Inspections.

A. Right of entry. The City Manager/designee may enter in and upon any premises within the City at all reasonable times to inspect the same or to perform any duty imposed upon the City Manager/designee regarding the enforcement of this City Code, provided that if such premises be occupied or enclosed in such a manner that there is an expectation of privacy within such enclosure, the City Manager/designee shall first present proper credentials and request entry. If entry is denied or cannot be obtained, the City Manager/designee shall not enter in or upon such premises without proper execution of an inspection warrant issued by a court of competent jurisdiction pursuant to A.R.S. § 13-3912. For residential rental property the City Manager/designee must comply with state law to enter and inspect such property.

B. If upon inspection, it is determined that violations of the City Code or state law exist, the owner or responsible party will be required to correct all violations within a reasonable amount of time. In the event that the building, dwelling, or dwelling unit is unoccupied or becomes unoccupied, future occupancy will be prohibited until a compliance letter is issued by the City.

30-6.4. Violations and Penalties.

A. Cumulative remedies. The remedies herein are cumulative when there are separate violations and the City may proceed under one or more of such remedies when there is more than one violation. Any Responsible Person who violates any provision of this Chapter except for violations of section 30-11 and 30-6.1 B or who knowingly maintains or commits a public nuisance or who knowingly fails or refuses to perform any legal duty relating to the removal of a public nuisance is guilty of a civil infraction punishable as set forth in Section 1-8.7A of this Code unless such violation causes such person to meet the definition of a "habitual Offender" set forth in Section 1-8.7B of this Code, in which case they shall be guilty of a criminal misdemeanor punishable as set forth in Section 1-8.3 of this Code. Any continuing violation of this chapter constitutes a public nuisance that may be abated by the City as set forth in Chapter 26 of this Code. Imposition of a fine or penalty assessment shall not relieve the owner of the responsibility for abatement of the violation(s) or excuse him/her from liability for any and all costs incurred by the City for abatement.

B. Each day any violation of any provision of this Chapter or a failure to perform any act or duty required by this Chapter exists shall constitute a separate violation or offense.

C. The owner of record, as recorded in the Maricopa County Recorder's Office records of the property upon which a violation of this Chapter exists may be presumed to be a person having lawful control over any building, structure or parcel of land. If more than one person shall be recorded as the owner of the property, said persons may be jointly and severally

presumed to be persons having lawful control over the building, structure or parcel of land. This presumption shall not prevent enforcement of the provisions of this Chapter against any responsible person or other person having control over a building, structure or parcel of land.

D. In addition to any other sanction or penalty, the court may issue an abatement order in accordance with the provisions of Chapter 26 of this Code.

30-6.5. Recording a Violation.

The City may record a notice of violation with the office of the county recorder. A recorded notice of violation shall run with the land and shall constitute notice, for all purposes of this ordinance, to all persons or entities thereafter acquiring an interest in the property. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, a satisfaction of notice of violation shall be recorded.

30-6.6. Transfer of Property After Notice.

Responsibility upon transfer of property: The transfer of any and all property interests in any manner including but not limited to the sale, trade, lease, gift or assignment of any real property against which a notice of violation has been issued shall not relieve the party(s) served unless the legal entity assuming an ownership interest in such property, in writing, assumes responsibility for compliance with the notice of violation and a copy of such writing is presented to the City.

30-6.7. Conflict of Ordinances.

A. In any case where a provision of this Chapter is found to be in conflict with a provision of any other ordinance or code of the City, the provision that establishes the highest standard for the promotion and protection of the health and safety of the public shall prevail.

B. In cases where two or more provisions of this Chapter conflict, the most stringent or restrictive shall prevail.

30-6.8. Re-inspection fee.

Any Responsible Party who neglects, fails or refuses to correct the violations and/or abate the conditions listed in the notice of violation and abatement order issued pursuant to this City Code may be assessed a re-inspection fee for inspections that occur after the compliance date. The fee for these re-inspections shall be set by resolution of the City Council. Re-inspection fees may be collected as a lien against the real property when the violation is abated by the City pursuant to this chapter.

30-7. WARRANTS

30-7.1. Defined..

An "inspection warrant" is an order, in writing, signed by a judge of a court of competent jurisdiction, directed to a state, county or local official, authorizing entry into private property to

inspect for violations of this City Code or other relevant laws and regulations.

An "abatement warrant" is an order, in writing, signed by a judge of a court of competent jurisdiction, authorizing any employee, authorized agent, representative or contractor of the City to enter onto any affected property to abate specified conditions.

30-7.2. Issuance—Supporting affidavit.

An inspection warrant for residential rental property may only be issued in accordance with state law. An inspection warrant for all other property may be issued upon a showing that the proposed inspection is reasonable and necessary.

An abatement warrant may be issued to allow entry upon private property to abate specific conditions in accordance with an abatement order issued by the court.

30-7.3. Refusal to permit inspection or abatement prohibited; penalty.

Any person who willfully refuses to permit an inspection or abatement lawfully authorized by warrant issued pursuant to this article is guilty of a misdemeanor punishable as set forth in § 1-7 of this Code.

30-7.4. Return.

An inspection or abatement warrant must be returned to the judge by whom it was issued within 10 working days from its date of execution.

30-7.5. Execution of inspection or abatement warrants.

A. Occupied Property. In executing an inspection or abatement warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request. A copy of the warrant shall be left with the occupant or the person in possession.

B. Unoccupied Property. In executing an inspection warrant or abatement warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case, a copy of the inspection or abatement warrant shall be conspicuously posted on the property.

30-8. ADMINISTRATIVE ENFORCEMENT

This administrative nuisance abatement process is intended to enable the City to respond effectively to public nuisances and other violations of this Chapter in order to maintain and protect the public peace, safety, welfare and order and to provide security and protection to the community from harm and wrongdoings. This process makes available an alternative remedy to civil infraction, criminal prosecution or instituting a civil suit to enjoin public nuisances by

authorizing the administrative body to impose orders and conditions to abate and halt public nuisances and other violations of this Chapter.

A. This section provides for administrative abatement of public nuisances and other violations of this Chapter, which is in addition to all other legal remedies, criminal or civil, which the City may pursue to address any public nuisance or code violation.

B. The use of this section shall be at the sole discretion of the City.

C. The City may proceed to abate a public nuisance or a violation of this Chapter under this section against any or all persons responsible for creating or fostering the creation of the public nuisance or violation, without regard to whether or not the person owns the property upon which the public nuisance or violation is occurring.

30-8.1. Notice of Violation and Abatement Order.

When the City Manager/designee has determined that property in the City is being used or maintained in a manner that creates or fosters the creation of a public nuisance or that violates this Chapter, and has determined that administrative enforcement is the appropriate method to correct the violation, the City Manager/designee shall cause the responsible persons to be notified of the existence of such conditions and shall direct that such responsible persons abate and correct said conditions within a reasonable time but not less than thirty (30) days from the date of the notice or appear before the City Manager/designee at a stated time and place and show cause why such condition should not be abated by the City at such person's expense.

30-8.2.Manner of Giving Notice.

A. A copy of the notice provided for in subsection 30-8.1 shall be sent to the owner and to the occupant or lessee of the property and may be sent to any other persons sought to be charged with the responsibility of abatement. The notice may be personally delivered or sent by certified mail, postage prepaid and addressed as follows:

1. To the owner, as such person's name and address appear on the records of the Maricopa County Assessor's office as the address where the last tax bill was mailed or as otherwise known to the City by virtue of more recent and reliable information;

2. To any occupant or lessee at the address of the subject property; and

3. To any other such responsible person, as such person's name and address are known to the City.

B. The person giving such notice shall record the notice in the Maricopa County Recorder's office and shall file a copy thereof in the office of the City Manager together with an affidavit or certificate stating the time and manner in which such notice was given. The failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken hereunder.

C. The owner of real property as shown on the records of the Maricopa County Assessor's office shall be conclusively deemed to be the proper person and address for mailing of notice of any hearing or order pursuant to this chapter and the failure of any addressee to receive notice shall not invalidate any notice or order so issued. Any duly issued notice or order shall be conclusively deemed to be adequate notice to any and all occupants, users, or possessors of the property or its contents, and the failure of any such person to see, read, understand or otherwise receive the notice shall not invalidate any of the proceedings.

30-8.3. Hearing.

At the time fixed in the notice, the City Manager/designee shall hear testimony offered on behalf of the person or persons sought to be charged which tends to show why the noticed condition should not be abated and the expense thereof charged to such person as a civil debt and/or made a lien upon the property. Such person shall have the burden of producing evidence at the hearing. The City Manager/designee may hear rebuttal testimony on behalf of the City. Within ten days of the conclusion of the hearing, if the City Manager/designee is satisfied that the condition exists and concludes that it should be abated at the expense of such person or persons, s/he shall so advise such persons, in writing in the same manner as provided for notice in subsection 30-8.2.

In the event any person given notice of hearing as shown by the evidence of mailing fails to appear at the hearing, then as to that person such evidence of mailing shall, without the taking of further testimony, be sufficient evidence of the existence of facts in support of the conclusion that an unlawful public nuisance or violation of this Chapter exists on said property. Written notice of determination shall be given in accordance with subsection 30-8.2.

Such written determination shall explain appeal procedures and specify the date on which the City will proceed with abatement if no appeal if timely filed.

30-8.4. Appeal Before Board of Appeals.

Within ten (10) working days from date of the hearing determination, the owner, occupant or lessee may file with the City Clerk an appeal in writing to the Board of Appeals established pursuant to subsection 29-1.2 of the Chandler City Code from the determination of the City Manager/ designee. The appeal shall clearly show the legal description of the property, the date of the determination was issued and the reason for the appeal.

The Board shall, at a regularly scheduled meeting after receiving the appeal, hear and determine the same and the decision of the Board shall be final. The Board may either affirm or reverse the decision of the City Manager/designee or modify the scope of the work as outlined in the notice. The decision of the Board shall be served on the appellant in the manner set forth in subsection 30-8.2 and shall specify a date by which the date on which the City will proceed with abatement if the abatement is not accomplished in accordance with the decision of the Board by the owner, occupant or lessee on or before such date.

For hearings on appeals filed pursuant to this chapter, the City Manager/designee shall act as secretary to the Board.

30-8.5. Abatement.

If no appeal to the Board is taken by the person upon whom the notice of intent to compel abatement was served, or if the Board affirms the findings of the City Manager/designee, and the abatement is not accomplished by the owner by the date specified, the City Manager/designee shall cause the conditions to be abated as soon thereafter as is practical. The City Manager/designee may use City employees or may contract for the required services, or use any other methods to secure compliance in an expeditious and timely manner.

30-8.6. Record of Expenses.

The City Manager/designee shall keep an itemized account of the expenses involved in abating the public nuisance, conditions and violation(s). A statement showing the expense of the abatement, including the cost of additional inspections and administrative costs, together with an explanation of appeal rights shall be served on the owner in the same manner as provided in subsection 30-8.2. This statement shall also specify the date by which the owner must pay the amount in full to City and explain that a lien will be placed on the property if the amount is not paid in full by the date specified.

30-8.7. Appeal Before Board of Appeals.

Within ten (10) working days from the date of the statement of expenses, the owner may appeal and protest, in writing, the amount of the costs to the Board of Appeals. The appeal shall be filed with the City Clerk and shall clearly show the legal description of the property, the date the statement of expenses was issued and the reason for the appeal.

30-8.8. Hearing on Statement of Expenses.

At the time fixed for the hearing on the statement of expense, the Board shall consider the statement and appeal or protests and objections raised by the owner. The Board may revise, correct or modify the statement as it considers just and thereafter shall confirm the statement by motion or resolution. The decision of the Board on all appeals, protests and objections that may be made shall be final and binding on all parties.

30-8.9. Assessment Against the Property.

Upon completion of the abatement by the City and service of the statement of expenses on the owner or if an appeal to the statement of expenses was filed, upon confirmation of the statement of expenses by the Board, the City shall take action to collect the amount owing to the City. If the property owner does not pay the expense of abating the violation(s) within thirty (30) days after receipt of the statement of expenses, the amount shall be recorded as an assessment lien against the property in accordance with A.R.S. Section 9-499. Such assessment lien shall be payable and bear interest as set forth in A.R.S. Section 9-499.

30-8.10. Other Collection Methods.

At the discretion of the City Manager/designee, the City may take any and all other legal actions to collect such amounts.

30-8-11. Satisfaction of Assessment Lien.

If abatement is performed by the property owner or other interested person, prior to abatement by the City but after City has recorded the notice of violation and abatement order or when City receives full payment from the property owner of the amount of the assessment lien together with interest as provided by law, City shall record a release of the notice or lien release as is appropriate.

30-9. SLUM PROPERTY

30-9.1. Slum Property Designation.

A. When the City Manager/Designee has reason to believe a property is a slum property as defined in A.R.S. Section 33-1901, notice shall be given to the owner in the manner provided in A.R.S Section 9-499(A)(1) that such property has been designated a slum property and the reasons for such designation. The notice shall explain the appeal procedures and specify the date by which any appeal may be filed.

B. Within ten (10) working days from the date of the notice of slum designation, the property owner of property designated to be slum property may file with the City Clerk an appeal in writing to the Board of Appeals from such designation. The appeal shall clearly show the legal description of the property, the date the notice of slum property designation was issued and the reason for the appeal.

C. The Board shall, at its next regularly scheduled meeting after receiving the appeal, but no later than sixty (60) days, hear and determine the same and the decision of the Board shall be final.

D. If no appeal is taken or if the Board affirms the designation of the property as slum property, the City may proceed with all inspections and enforcement, charges and other remedies provided by law for slum properties.

E. The designation of slum property and the remedies provided herein may be taken in addition to or in conjunction with any and all other enforcement remedies provided by law

F. The City may record a notice of slum property designation with the Maricopa 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.

30-9.2. Assessments.

The City Manager/designee is authorized to impose assessments pursuant to the provisions of A.R.S. Section 33-1902.

30-10. NEIGHBORHOOD ADVISORY COMMITTEE

30-10.1. Established..

There is hereby established a Neighborhood Advisory Committee, consisting of seven (7) members appointed by the Mayor, subject to the approval of the City Council. These members shall be selected in such a manner that they provide for a broad based geographic representation from all areas of Chandler. These members shall be qualified electors of the City and a resident of the City for at least one (1) year immediately preceding the date of the member's appointment. In addition, the Neighborhood Advisory Committee may at its own discretion add ad hoc or ex officio members to represent the local school districts.

30-10.2. Terms of Office.

The terms of office for members of the Neighborhood Advisory Committee shall be for three (3) years. All such terms shall expire on the first day of May of the year in which such term is due to expire. A vacancy in office during the term shall be filled in the same manner as the original appointment, and the newly appointed member shall serve out the remaining term of the member whose vacancy is being filled.

30-10.3. Officers and Bylaws.

The Neighborhood Advisory Committee shall elect its own officers at the first meeting following the first day of May of each year. The City Manager/designee shall act as secretary of the Committee but shall not be allowed to vote. No officer elected by the Committee shall serve in the same capacity for more than two (2) consecutive one-year terms. The committee may adopt bylaws which may, among other things, set forth the time and place of meetings and such operating procedures as may be recommended by the City Manager. All bylaws and any amendments thereto shall be subject to City Council review and approval.

30-10.4. Powers and Duties Generally.

The Neighborhood Advisory Committee is an advisory committee to the Mayor and Council. The powers and duties of the Neighborhood Advisory Committee shall be:

A. To recommend the establishment of additional neighborhood focus programs for assisting neighborhoods to organize; to help develop steps by which neighborhoods can help themselves; and to make recommendations on maintaining and enhancing neighborhood programs;

B. To review and recommend revisions to the City Code in order to insure the City Codes are up to date, applicable to conditions in Chandler, clearly understandable, and enforceable; continually monitor accomplishments and performance standards;

C. To recommend programs which will educate Chandler residents as to the importance and benefits of neighborhood stability;

D. To evaluate and assist in developing incentives for building collaborative public--private

partnerships to improve and maintain neighborhoods;

E. To develop recommendations for programs to enhance participation in neighborhood activities

F. To hold public meetings on specific programs and projects as may be necessary; and

G. Such other powers and/or duties as may from time to time be recommended by the City Manager, with the approval of the City Council.

30-11. DISTURBING THE PEACE PROHIBITED

No person shall disturb the peace, quiet and comfort of any neighborhood by creating therein any disturbing or unreasonably loud noise.

30-11.1. Disturbing noises designated..

A. It is the intent of this chapter to prohibit all noises that are disturbing or unreasonably loud. The types of noises set out in subsection B. shall not be deemed or construed as in any way exclusive, but merely illustrative.

B. The following types of noises are declared to be disturbing to the peace, quiet and comfort of the neighborhood in which they are heard, and persons creating such noises are in violation of section 30-11:

1. Operating any vehicle at such a speed on a curve or turn, or accelerating or decelerating such vehicle in such a manner as to create loud and unnecessary noise through the squealing of tires upon the pavement, or to cause damage to the roadway.

2. The sounding of any horn, signal or noise device on any automobile, motorcycle, bus, truck or other vehicle, in any other manner or for any other purpose than allowed by the Arizona Vehicle Code or other laws of the State;

3. The noise from an exhaust system of any vehicle that is not equipped or constructed so as to prevent any disturbing or unreasonably loud noise;

4. The revving of the engine of any motor vehicle while such vehicle is not in motion, except when done in the course of repairing, adjusting or testing it during reasonable hours;

5. Keeping, harboring or having custody within the City any dog which barks, howls or makes noises by day or night which disturbs the peace and quiet of any person or family in the neighborhood.

6. For any person who sells food and drink, at or adjacent to any conveyance, to ring bells, play chimes or an amplified musical system or to make other noise in any residential area of the City for advertising purposes between the hours of 8:00 p.m. and

9:00 a.m. and between the hours of 1:00 p.m. and 3:00 p.m., and no such noise shall be made when the vehicle is parked.

a. For the purposes of this section, an "amplified musical system" is defined as mechanical or electrical musical instrument, or music producing device, equipped with an electrical amplifier or loudspeaker.

b. No bells, chimes, or amplified musical system, as defined herein shall make noise or music which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing or working in the area.

7. Disturbing or unreasonably loud shouting or crying of peddlers, hawkers, vendors or newspaper carriers;

8. The playing or operating of any radio, phonograph, orchestra or other musical device or instrument in a manner that is disturbing or unreasonably loud to a reasonable person outside the facility or unit from which the noise emanates; and

9. Disturbing or unreasonably loud shouting, screaming, wailing or other vocalization that is disturbing or unreasonably loud to a reasonable person outside the facility or unit from which the noise emanates.

C. Nothing herein shall be construed so as to prohibit noises produced by emergency vehicles, operations or procedures of any kind or at any time, or to prohibit noise produced in the normal conduct of business or commerce, including construction, provided that such noise production occurs within the normal and customary hours for the conduct of such business or commerce and the operation is being legally conducted within the scope of all ordinances, laws and statutes of the City of Chandler, Maricopa County and the State of Arizona.

30-11.2. Disruptive parties.

A. *Prohibition of parties that disturb the peace.* No person shall knowingly congregate because of, or participate in, any party or gathering of two (2) or more people from which noise emanates of sufficient volume or of such nature to reasonably disturb the peace, quiet, or repose of other persons.

B. *Authority to disperse noisy party.* A Police Officer may order all persons present other than the owners or tenants of the building or place to immediately disperse. It shall be unlawful for any person to refuse to leave after being ordered to do so by a Police Officer.

C. *Owner or other tenant responsibility in abatement of disturbance.* It shall be unlawful for any owner or tenant of the building or place who has knowledge of the disturbance to fail or refuse to immediately abate said disturbance.

30-11.3 Penalties for Disturbing the Peace.

Any person who shall violate the provision of section 30-11 including the subsections thereof, shall be guilty of a misdemeanor and shall be subject to the penalties provided in Chapter 1 of this Code.

30-12. EFFECT OF REPEAL OF PRIOR ORDINANCE.

The repeal of Chapter 30, Neighborhood Standards and Maintenance Nuisance Abatement and Code Enforcement by Ordinance No. 3879 shall not affect any punishment, penalty or civil infraction incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under said Chapter 30.

INTRODUCED AND TENTATIVELY approved by City Council of the City of Chandler, Arizona, this ___ day of _____, 2007.

ATTEST:

_____ _____
CITY CLERK MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2007.

ATTEST:

_____ _____
CITY CLERK MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3879 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on ____ day of _____, 2007 and that a quorum was present thereat.

_____
CITY CLERK

APPROVED AS TO FORM:

MDH
_____
CITY ATTORNEY