

ORDINANCE NO. 4951

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DECLARING THAT DOCUMENT ENTITLED “2020 CODE AMENDMENTS – PROPERTY MAINTENANCE ORDINANCE” TO BE A PUBLIC RECORD; TO REPEAL CHAPTER 30 – NEIGHBORHOOD PRESERVATION; REPLACING WITH CHAPTER 30 – PROPERTY MAINTENANCE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, A.R.S. § 9-499 authorizes a legislative body to regulate rubbish, weeds, trash, dilapidated buildings, and other materials for the purpose of protecting the public’s health and safety; and

WHEREAS, the City Council desires to protect the health, safety, and welfare of the citizens of the City of Chandler; and

WHEREAS, the City Council desires to amend the City of Chandler Municipal Code to include rules governing property maintenance within the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. That certain document known as “2020 Code Amendments – Property Maintenance Ordinance,” one paper copy and one electronic copy of which shall remain on file in the office of the City Clerk, is hereby declared to be a public record.

Section 2. That the Chandler City Code is hereby amended by adoption of the amendments set forth in “2020 Code Amendments – Property Maintenance Ordinance,” said document having been declared a public record.

Section 3. Providing for Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby repealed.

Section 4. Providing for Severability.

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

Section 5. Providing for Penalties.

A violation of this ordinance is a class 1 misdemeanor and upon conviction shall be punishable as provided for in Chandler City Code Sections 1-8 and 35-2700.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona this ____ day of _____, 2020.

ATTEST:

City Clerk

Mayor Kevin Hartke

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ____ day of _____, 2020.

ATTEST:

City Clerk

Mayor Kevin Hartke

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4951 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 20____, and that a quorum was present thereat.

CITY CLERK

APPROVE AS TO FORM:

CITY ATTORNEY

Published:

2020 Code Amendments – Property Maintenance Ordinance
Public Record for Ordinance No. 4951

Chapter 30 of the Chandler City Code is hereby repealed and replaced as follows:

CHAPTER 30 – PROPERTY MAINTENANCE ORDINANCE

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ARTICLE I – GENERAL PROVISIONS

30-1 TITLE.

THIS ORDINANCE SHALL BE KNOWN AS THE "PROPERTY MAINTENANCE ORDINANCE OF THE CITY OF CHANDLER, ARIZONA." WITHIN THE ORDINANCE TEXT, THE FOLLOWING TERMS (WHETHER CAPITALIZED OR NOT) SHALL BE SYNONYMOUS WITH THE PROPERTY MAINTENANCE ORDINANCE OF THE CITY OF CHANDLER: "THIS ORDINANCE," "CHANDLER PROPERTY MAINTENANCE ORDINANCE," AND "THE PROPERTY MAINTENANCE ORDINANCE."

30-2 SCOPE AND INTENT.

- (A) This ordinance shall apply to all buildings, structures and lands within the City without regard to the use, the date of construction, improvement or alteration.
- (B) This ordinance shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. unless specifically exempted in subsection 30- 2(c) below, existing structures and premises that do not comply with the provisions of this ordinance shall be altered or repaired to provide a minimum level of health and safety as required herein, repairs, alterations, additions to and change of occupancy in existing buildings shall comply with City Codes, ordinances and regulations.
- (C) This ordinance shall not require changes in existing buildings and utilities when alterations were installed and have been maintained in accordance with the City Codes in effect at the time of construction or alteration of the subject building or utilities. This subsection does not apply when the building has been determined to be an imminent hazard, unsafe, unhealthy, blighted or deteriorated.

30-3 CONFLICT OF ORDINANCES AND EFFECT OF REPEAL OF PRIOR ORDINANCE.

- (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 (2) or more provisions of this chapter conflict, the most stringent or restrictive shall prevail.
- (C) Nothing in this ordinance shall be construed to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this ordinance, or with private restrictions placed upon property by covenant, deed or other private agreement.
- (D) The repeal of Chapter 30, Neighborhood Standards and Maintenance Nuisance

Abatement and Code Enforcement by Ordinance no. 4951 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.

30-4 SEVERABILITY.

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; and to this end, the provisions of this ordinance are hereby declared to be severable.

30-5 DEFINITIONS.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ABANDONED OR INOPERABLE VEHICLE: Any vehicle that is partially or wholly dismantled, discarded, wrecked; or on blocks, stands or similar devices; or stripped or scrapped; or inoperable due to mechanical disassembly; or with a deflated tire or tires, or physically incapable of operation; or is incapable of operation for other reasons that may include an expired (more than one month) license plate or the absence of a license affixed or assigned thereto.

ADOPTED CODES: Any of the provisions of the building code, the mechanical code, the electrical code, the plumbing code, the residential code, the fuel gas code or the energy conservation code, as amended and adopted by the City.

ANIMAL WASTE: Household pet waste, waste from stables, kennels, pet pens, chicken coops, veterinary establishments, and any other domesticated or undomesticated animal feces.

BLIGHT, BLIGHTED OR BLIGHTING: Any unsightly, deteriorated, dilapidated, withered or decayed condition of a building, structure, accessory building, fence, landscaping or property characterized by neglect, lack of maintenance, damage or any other similar condition. Examples include, but are not limited to, the accumulation of debris, wood, scrap iron or other metal, boxes, paper, vehicle parts, tires, abandoned or inoperable equipment or vehicles; discarded appliances; or any items that may harbor insect or vermin infestation or create a fire hazard; landscaping that is overgrown, dead or damaged; fences that are broken, rotted, damaged or leaning; buildings or structures exhibiting general disrepair or dilapidation including but not limited to deteriorated shingles, peeling or chipping paint, broken doors or windows or any other evidence of neglect or lack of maintenance.

BUILDING: Any structure, either temporary or permanent, having a roof and used or built for the shelter and enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.

CODE OFFICIAL: The Executive Official in charge of enforcing violations of this ordinance; the Code Official shall be the City Manager or his/her authorized designee.

CONSTRUCTION MATERIALS: Any material commonly used in construction or landscaping including, but not limited to, asphalt, concrete, plaster, tile, rocks, bricks, sand, dirt, lumber, blocks or other similar materials.

DEBRIS: Substance or material of little or no apparent value including, but not limited to, deteriorated lumber, old newspapers, cardboard material, scrap metal, vehicle parts, discarded furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, abandoned, broken or neglected equipment or the scattered remains of items.

DETERIORATE, DETERIORATED, DETERIORATION: A lowering in quality of the condition of a building, structure or parts thereof including, but not limited to, holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, neglect or lack of maintenance.

DRIVEWAY: An unobstructed area directly connecting a public or private street with vehicle parking, loading, or maneuvering areas.

EXTERIOR PROPERTY: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

FENCE (INCLUDES SCREEN WALLS OR RETAINING WALLS): A self-standing structure constructed of wood, chain link, metal, masonry or similar materials designed for and commonly used to provide semi-privacy, security, screening or bank retention between grade separations.

GRAFFITI: The writing, drawing, inscribing, etching, spray painting, sketching or otherwise applied message, initials, designs, drawing, slogan, sign, symbol or mark of any type that is made on any public or private building, structure or surface, and that is made without the express permission of the building, structure or surface owner.

IMMINENT HAZARD: A condition that could cause serious or life-threatening injury or death at any time.

INSPECTION WARRANT: An order, in writing, signed by a judge of a court of competent jurisdiction authorizing entry into private property to inspect for violations of the Chandler City Code or other relevant laws and regulations.

JUDGE: A City of Chandler Municipal Court Judge.

MUNICIPAL COURT: City of Chandler Municipal Court.

OCCUPANT: Any individual living or sleeping on premises, in a building or structure, or having possession or custody of a space on or within a premises, building or structure.

OWNER: Any individual, association, corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust.

PERSON: An individual, proprietorship, partnership, corporation, or other legal entity.

PRIVATE PROPERTY: Land owned by any person other than the United States, the State of Arizona, a county, a city, a school district or a special district.

PREMISES: a lot, plot or parcel of land including any buildings thereon.

POTENTIAL HAZARD: A condition that can cause an unreasonable risk of death or serious personal injury or serious damage to property and which can become an imminent hazard if further deterioration occurs.

SOUND CONDITION: Free from decay or defects and capable of performing the task for which it was designed and in the manner it was intended.

STRUCTURE: Any piece of work artificially built up or composed of parts joined together in some definite manner.

TRASH: All non-putrescible wastes consisting of both combustible and noncombustible solid waste material, excluding ashes.

UNSAFE EQUIPMENT: Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

UNSAFE STRUCTURE: A structure that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants, in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

UNSHELTERED: Any area on a premises located outside a garage or other building or structure in such a manner as to be visible to a person standing upon any public street, sidewalk or at ground level upon any adjoining piece of property.

VEHICLE: Every device by which any person or property is or may be transported or drawn; including, but not limited to, automobiles, all-terrain vehicles, recreational vehicles, motor homes, travel trailers, utility trailers, horse trailers, watercraft, and watercraft trailers. Devices moved by human power or used exclusively upon stationary rails or tracks are exempt.

VEHICLE PARTS: Any part(s), component(s) or accessory of a vehicle.

VEHICLE REPAIR: The service, repair or routine maintenance of a vehicle, including, but not limited to, lubrication, minor repair and tune-up of engines, tire rotation, engine or transmission overhaul or replacement, body or frame repair or replacement work or other repair, replacement, restoration or other similar activities.

WEED: Any valueless, undesirable, invasive, or troublesome plant growing wild or where it is not wanted including, but not limited to, vegetation which bears seeds of a downy or wingy nature; tumbleweed, sagebrush, chaparral and any other brush or vegetation of uncontrolled growth which may provide harborage for insects or other infestations or which is likely to become a fire hazard when dry; and vegetation that is otherwise noxious or dangerous; or dry grass, stubble or brush or other flammable material which may endanger the public health or safety.

YARD, FRONT: A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

YARD, REAR: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, SIDE: A yard lying between the side lot line of the lot and the line drawn through the nearest point of a principal building extending from the front yard to the rear yard, or in the absence of either of said yards from the front to the rear lot lines respectively.

ZONING ORDINANCE: CHAPTER 35 – LAND USE AND ZONING ORDINANCE OF THE CITY OF CHANDLER, ARIZONA.

ARTICLE II – ADMINISTRATION AND ENFORCEMENT

30-6 ENFORCEMENT – GENERAL.

- (A) The Neighborhood Resources Department shall be charged with the administration of this ordinance. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Code Official shall have the authority to appoint deputy Code Officials, code inspectors, and other related technical officers and employees.
- (B) The Code Official shall have authority, as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures, to interpret and implement the provisions of this ordinance and to secure the intent thereof.
- (C) The City may proceed either civilly or criminally against any person who is found to be responsible for aiding or abetting, causing, permitting, or facilitating any violation of any provision of this ordinance or for failing to perform any act

or duty required by this ordinance. A written notice of violation shall be issued to the alleged violator, in accordance with the provisions of section 30-8. If the violation is not remedied within the time frame specified in the notice of violation, a citation may be issued.

- (D) Each day a violation of any provision of this ordinance or the failure to perform any act or duty required by this ordinance continues shall constitute a separate violation or offense.
- (E) It shall be unlawful for any responsible party who has received a notice of a violation to sell, transfer, mortgage, lease or otherwise dispose of such property until the provisions of this ordinance have been complied with, or until such responsible party first furnishes the grantee, transferee, mortgagee or lessee a true copy of any notice issued by the Code Official or his/her authorized designee and furnishes to the Code Official or his/her authorized designee a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of such notice and fully accepting the responsibility without condition for making the corrections or repairs required by such notice.
- (F) When two (2) or more persons have liability to the City or are responsible for a violation of this ordinance, their responsibility shall be joint and several.
- (G) Violations of this ordinance are in addition to any other violation enumerated within the City Code and in no way limit the penalties, actions or procedures which may be taken by the City for any violation of this ordinance which is also a violation of any other provision of the City Code or any other applicable law. The remedies specified herein are cumulative and the City may proceed under these or any other remedies authorized by law.
- (H) Any responsible party failing to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor for those offenses deemed criminal under this ordinance or responsible for a civil violation for all other offenses.

30-7 OWNER OF RECORD.

The owner(s) of record, as recorded in the Maricopa County Recorder's Office or as stated on the Maricopa County Assessor's Office tax bill, may be presumed to have lawful control over any building or parcel of land.

30-8 NOTICE OF VIOLATION.

The Code Official or his/her authorized designee shall seek voluntary compliance with the provisions of this ordinance before issuing a civil citation or criminal complaint, as applicable. This shall include a written notice of violation served on the responsible person or persons.

- (A) A notice of violation may be issued by the Code Official, any code inspector, police officer, or other City agent or employee duly authorized by the City Manager.
- (B) A notice of violation shall include:
- (1) Identification of the property or location of the violation;
 - (2) A statement of the violation(s) in sufficient detail to allow a responsible party to identify and correct the problem;
 - (3) A re-inspection date; and
 - (4) The name of the person at the City to contact for further information.
- (C) A notice of violation shall be deemed effective on the date when the written notice is:
- (1) Hand delivered 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) Posted on or about the entrance of the premises where the violation occurred.
 - (3) Mailed by certified or first class mail, postage prepaid addressed to the owner, occupant, agent, manager or responsible person at the last known mailing address and three business days have elapsed.
 - (4) Served on the owner, occupant, agent, manager or responsible person by the same manner as provided in the Arizona rules of civil procedure.
 - (5) For the purpose of parking violations, notice may be placed on the subject vehicle's windshield or mailed by certified or first class mail to the subject vehicle's registered owner's last known address with the Arizona Motor Vehicle Division.
- (D) Failure of the responsible party, property owner, occupant, manager or authorized agent of the property owner to receive a notice of violation shall not preclude the subsequent issuance of a civil citation or criminal complaint, as applicable.
- (E) Nothing in this section shall prevent the City from taking immediate action to protect the public from an imminent hazard to health or safety as otherwise provided by law.

30-9**CIVIL CITATIONS.**

- (A) Unless otherwise designated as a criminal offense in this ordinance, if a violation continues past the time provided for voluntary compliance in the notice of violation, a civil citation may be issued to the person responsible for the violation.
- (B) A civil citation may be issued by the Code Official, any code inspector, police officer, or other City agent or employee duly authorized by the City Manager.
- (C) The citation shall include the date of the violation, the location of the property and reference(s) to the section(s) of this ordinance violated.
- (D) The citation shall direct the defendant to appear in Chandler Municipal Court no less than ten (10) calendar days of the issuance of the citation.
- (E) The citation shall provide notice that if the defendant fails to appear in Chandler Municipal Court as directed, a default judgment will be entered for the violation. In addition, a default fee may be imposed for failure to appear as set forth in section 30-11 of this ordinance.
- (F) Service of the citation may be accomplished and will be deemed proper and complete by any of the following means:
 - (1) Hand delivering the citation to the defendant.
 - (2) Mailing a copy of the citation by certified or registered mail, return receipt requested, to the defendant's last known address. If the citation is returned showing that the certified mail was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such citation.
 - (3) Any means allowed by the Arizona Rules of Civil Procedure for the Superior Court.
 - (4) Service of a citation for a parking violation may be accomplished by placing a copy of the citation on the subject vehicle's windshield or by mailing the citation by certified or registered mail, return receipt requested to the subject vehicle's registered owner's last known address on file with the Arizona Motor Vehicle Division.

30-10**CIVIL PROCEDURE.**

- (A) The defendant shall appear in Chandler Municipal Court on or before the date indicated in the citation to admit or deny the allegations contained in the citation. The defendant may appear in person or through an attorney. If the defendant admits the allegations, the court shall immediately enter a judgment against the defendant in the amount of the fine for the violation charged. If the defendant

denies the allegations contained in the citation, the court shall set a hearing date for the matter.

- (B) If the defendant fails to appear in Chandler Municipal Court as directed by the citation, the court shall enter a default judgment and impose the fine and default fee required by section 30-11 of this ordinance.
- (C) If the defendant fails to appear at the time and place set for hearing by the court, the court shall enter a default judgment and impose the fine and default fee required by section 30- 11 of this ordinance.
- (D) The Arizona Rules of Procedure in Civil Traffic Violation cases shall be followed by the Chandler Municipal Court for civil violations of this ordinance, except as modified or where inconsistent with the provisions of this ordinance, local rules of the Chandler Municipal Court or rules of the Arizona Supreme Court.

30-11 CIVIL PENALTIES.

- (A) Any person that violates this ordinance shall be subject to a civil penalty of two hundred fifty dollars (\$250) for the first violation, five hundred dollars (\$500) for a second violation and seven hundred and fifty dollars (\$750) for a third violation in any twenty-four (24) month period. The dates of the offenses are the determining factor for calculating the twenty four (24) month period. In addition, the court may enter an order requiring the defendant to abate the violation within a prescribed period of time.
- (B) Any defendant that fails to appear in Chandler Municipal Court as directed by a citation issued pursuant to this ordinance, or who fails to appear at the time and place set for hearing of a matter arising under this ordinance, shall be subject to an additional default fee as established by the Chandler Municipal Court.
- (C) Any judgments issued by the Chandler Municipal Court shall be subject to all surcharges and fees imposed by state law in addition to the civil fines required by this ordinance.
- (D) Judgments shall be collected in the same manner as any other civil judgment as provided by law.

30-12 RECIDIVIST OFFENDERS.

Any person deemed to be a recidivist offender shall be penalized and fined subject to the provisions of section 1-8.7(b) of the City Code.

30-13 CRIMINAL COMPLAINTS.

The Code Official or any other City agent or employee duly authorized by the City Manager may seek the issuance of a complaint by a police officer or the Chandler City Prosecutor for criminal prosecution of any person who commits a criminal offense as set forth in this ordinance.

- (A) Every criminal action and proceeding under this ordinance shall be designated a class one misdemeanor and commenced and prosecuted in accordance with the laws of the state of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.
- (B) Upon conviction of a person for a criminal offense, the court may impose any combination of the following:
 - (1) A sentence of incarceration not to exceed six (6) months in jail.
 - (2) A base fine not to exceed two thousand five hundred dollars (\$2,500), exclusive of penalty assessments prescribed by law.
 - (3) A term of probation.
 - (4) An order of requiring the defendant to abate the violation within a prescribed period of time.
 - (5) Notwithstanding the elective penalty above, a recidivist offender shall be subject to the penalties set forth in chapter 1 of the City Code.

30-14 ABATEMENT COSTS.

- (A) If the owner or occupant of any property within the City does not remove or abate from their property a violation that constitutes a hazard to public health and safety within 30 days after written notice has been served by the City, the City may, at the expense of the owner or occupant, remove or cause the removal thereof and the record owner shall be liable for all costs incurred. The notice shall include the estimated cost of such removal to the City if the owner or occupant does not comply.
- (B) Any person who places, deposits, leaves or causes in or upon any public street, alleyway, sidewalk, park or other City building or property a violation that constitutes a hazard to public health and safety shall be liable for all costs incurred by the City to remove or clean up such violation.
- (C) When the City has effected removal or abatement of a violation that constitutes a hazard to public safety from any building or property pursuant to this article, the actual cost of such removal, including twenty-five percent (25%) for additional inspection and other incidental costs in connection therewith, shall become an assessment upon the building or real property from which such violation is

removed. The owner of record of such property shall be liable for the payment of same. If the actual cost for removal, including twenty-five percent (25%) for additional inspection and other incidental costs in connection therewith, has not been paid within thirty (30) days of billing by the City, such notice of assessment shall be recorded in the Office of the County Recorder. From the date of the recording it shall be a lien on such building or property until paid. Such liens shall be prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes.

- (D) A prior assessment against the building or property shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same property may be enforced in the same action.
- (E) A notice of abatement or abatement costs may be appealed to the City Manager or designee for an administrative hearing for review of such notice or costs. A request for an administrative hearing shall be made within the time frame prescribed for compliance in the notice of abatement or within 30 calendar days from the date of billing of abatement cost by the City.

30-15 INSPECTION WARRANTS.

- (A) As set forth herein, the Code Official or designee may seek the issuance of an inspection warrant by a judge if the Code Official or his/her authorized designee is denied access to any property, building or structure that the Code Official has authority to inspect. The supporting affidavit shall establish that there is probable cause that a violation of this ordinance or the City Code exists and that the proposed inspection is reasonable and necessary. Probable cause may be established based on any of the following:
 - (1) Previous inspections have shown violations and the present inspection is necessary to determine whether those violations have been abated.
 - (2) Complaints have been received by the Neighborhood Resources Department and presented to the issuing code inspector from persons, who by status or position have personal knowledge of the City Code violations occurring on the subject property, building or structure.
 - (3) The inspection of the premises in question was to be made pursuant to an administrative plan containing neutral criteria supporting the need for the inspection.
- (B) In executing an inspection warrant on an occupied property, the code inspector shall, before entry, make a reasonable effort to present the person's credentials, authority and purpose to the owner, occupant, agent, manager or person in possession of the property and produce the warrant or a copy thereof upon request. A copy of the warrant shall be left with the owner, occupant, agent, manager or person in possession of the property.

- (C) In executing an inspection warrant on an unoccupied property, the code inspector 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 warrant shall be conspicuously posted on the property.
- (D) Any person who willfully refuses to permit an inspection lawfully authorized by warrant issued pursuant to this section is guilty of a class 1 misdemeanor.
- (E) An inspection warrant shall be executed within five (5) calendar days from its issuance. The warrant shall be returned to the judge within three (3) court business days after the inspection warrant is executed.

30-16 NEIGHBORHOOD ADVISORY COMMITTEE.

- (A) *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.
- (B) *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.
- (C) *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 or 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.
- (D) *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:
 - (1) 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;

- (2) To review and recommend revisions to the City Code in order to ensure the City Codes are up to date, applicable to conditions in Chandler, clearly understandable, and enforceable; continually monitor accomplishments and performance standards;
- (3) To recommend programs which will educate Chandler residents as to the importance and benefits of neighborhood stability;
- (4) To evaluate and assist in developing incentives for building collaborative public—private partnerships to improve and maintain neighborhoods;
- (5) To develop recommendations for programs to enhance participation in neighborhood activities;
- (6) To hold public meetings on specific programs and projects as may be necessary; and
- (7) Such other powers or duties as may from time to time be recommended by the City Manager, with the approval of the City Council.

ARTICLE III – SPECIFIC ACTS, OMISSIONS AND CONDITIONS

30-17 BUILDINGS AND STRUCTURES.

- (A) All buildings, structures, accessory structures, detached garages, fences, walls and storage structures shall be maintained in a structurally sound condition, free from blight and in good repair, and must not be erected, altered or occupied contrary to applicable law.
- (B) Upon issuance of a stop work order, no person shall continue any work on any building, structure, accessory structure, detached garage, fence, wall, or storage structure that has been erected, altered, or occupied contrary to applicable law.
- (C) All exterior surfaces of any buildings or structures including, but not limited to, appurtenances, fences, walls, roofs, windows, window frames, screens, doors, garage doors, door frames, canopies, awnings, cornices, porches, stairways, railings or similar items shall be properly maintained and shall not otherwise present a blighted or deteriorated appearance.
- (D) All exterior doors, garage doors, door frames, skylights, windows and window frames shall be maintained in sound condition, securely fit in their frames, be substantially weather tight and shall not otherwise present a deteriorated or blighted appearance. Window screens, if present, shall be free from excessive

tears or holes or bent or broken frames. All glazing materials shall be maintained free from cracks and holes. Boarded window or door openings on an occupied structure are prohibited. Temporary boarding prior to repairs is acceptable.

- (E) All fences, screen walls and retaining walls on the property shall be maintained in a safe and structurally sound condition and shall not otherwise present a deteriorated or blighted appearance. This includes, but is not limited to, leaning or damaged fences, use of tarps, fences missing slats or blocks, deterioration of paint or materials or any other materials that are otherwise broken, damaged or rotting in such amounts as to present a deteriorated or blighted appearance. All materials shall be of typical fence type, uniform, compatible in color and structure and consistent with the design thereof.
- (F) All exterior surfaces exposed to weather, except decorative brick, stone, or decay resistant woods, shall be protected with paint or other protective covering. All exterior painted surfaces shall be maintained in sound condition. Painted surfaces that represent a blighted or deteriorated appearance including, but not limited to, substantial fading, excessive peeling, flaking, chipping or cracking shall be eliminated and surfaces repainted. This subsection shall apply to any exterior surfaces of any buildings or structures including, but not limited to, fences, walls, or appurtenances including, but not limited to, rooflines, fascia, windows, window frames, window screens, doors, garage doors, doorframes, canopies, awnings, cornices, porches, stairways, railings or similar items in public view.
- (G) Roofs and all appurtenances shall be structurally sound and maintained in a safe condition. Roof coverings shall be substantially free from broken, rotted, split or curled materials and shall not otherwise present a deteriorated or blighted appearance. All materials shall be uniform, compatible and consistent.
- (H) All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (I) All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from deteriorated or blighted appearance or hazardous conditions.
- (J) Buildings shall have approved premises identification 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. Address numbers shall be arabic numerals or alphabet letters. Numbers shall be a minimum of four (4) inches high with a minimum stroke width of one-half (1/2) inch.

30-18**LAND MAINTENANCE.**

- (A) No person shall place any personal property, materials, goods, wares, merchandise or similar items of any kind in or upon any public street, sidewalk, alleyway or right-of-way. Items placed by or approved by the City are exempt from this subsection.
- (B) No person shall place, deposit or leave in or upon any public or private property, public street, alleyway, sidewalk, rights-of-way, park or other City building or property any waste materials, trash, weeds, bottles, glass, cans, pieces of scrap metal, metal articles, paper or other accumulation of debris or items other than placement of refuse for collection in accordance with Chapter 44 of the City Code.
- (C) No person shall allow the accumulation of rubbish, debris, trash, garbage, refuse or other wastes, except that which is deposited in proper containers for sanitation collection, in unsheltered areas of private property, including items such as, but not limited to, cardboard, bottles, glass, cans, pieces of scrap wood, metal, metal articles, paper, plastic, boxes, tires, vehicle parts or other such materials or items which constitute a hazard to the health and safety of the occupants, the neighborhood, the public or others or creates a blighted condition.
- (D) No person shall place or store furniture, except furniture designed and placed for outdoor use, household or personal items, equipment, appliances, vehicle parts, landscape material, or construction material (except in accordance with section 30-18(e) below), cardboard material, plastic material or sheeting, tarps, canvases, debris or any similar materials in public view or any unsheltered area of any property.
- (E) No person shall store construction materials or any similar materials in public view or any unsheltered area of any property. This section shall not apply to any construction material when active construction activities and a valid building permit exists for the property on which the construction material is located and the construction material is intended to be incorporated in the project for which the permit is issued.
- (F) No owner or occupant of any property shall allow or permit any trees, shrubs or other plant growth on the property to impede, obstruct or interfere with the free passage upon any public street, sidewalk or alleyway; obstruct the visibility of drivers; or interfere with any traffic control device or signs or street lighting. Tree limbs must be maintained to hang no lower than fifteen (15) feet above any public street or alleyway and eight (8) feet above any public sidewalk. Trees below eight (8) feet, shrubs, or other plant growth must be maintained away from any public sidewalk.

- (G) No person owning or occupying any property fronting on any street, alleyway or public place in the City, shall allow thereon grass or weeds characterized as uncontrolled, unmaintained or overgrown, including those areas between the property line and the street, when such conditions create a blighted condition or may harbor infestations or are likely to become a hazard to the public health or safety.
- (H) No person shall allow or permit to remain any portion of the front or side yard of any residential property that is in public view to be absent of landscaping material. All exposed dirt within required landscaped areas shall be finished with a natural topping material including, but not limited to, sod, artificial turf, groundcover, planting, decomposed granite, river rock, expanded shale, native stone or bark. Ground cover consisting of crushed rock, gravel or similar materials shall be maintained at a sufficient depth that covers all exposed areas of dirt.
- (I) No person shall allow landscape materials and features, including but not limited to grasses, groundcovers, trees, shrubs, ornamental plants, architectural pools, ponds, basins, fountains and retention basins to be maintained except in substantial conformance to the conditions and requirements in existence at the time of their approval/acceptance by City Inspectors.
- (J) No person shall allow or permit to remain any exterior property condition that presents a blighted or deteriorated appearance including, but not limited to, yards, ground covers, trees, shrubs or other landscaping vegetation that is substantially dead or damaged, characterized by uncontrolled growth or lack of maintenance, or any other similar conditions.
- (K) No person shall allow any palm tree to have an excessive accumulation of dead or dry fronds that descend downward from the base of the lowest living frond that may result in insect or other infestations or result in other conditions that are likely to become a hazard to public health or safety.
- (L) No person in control of any land abutting a sidewalk, alley or street shall fail to maintain the sidewalk, alley or street in the same manner as provided in the subsections of this section. The areas required to be maintained 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 (1/2) 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 (1/2) of the width of the street abutting their land.

(M) No person shall allow graffiti on any sidewalk, wall, building, fence or sign, or on any other structure or surface owned by such person. The owner shall keep such property free from graffiti when the graffiti is visible from the street or other public way, or any other public or private property. Any surface that has been defaced with graffiti must be restored to its original state by the owner.

(N) No person shall attach or place any sign, placard, poster, banner or any other advertising device to any tree, public utility structure, traffic control device, streetlight standard or any other device upon the public streets, alleyways, sidewalks or rights-of-way unless pursuant to a permit, license or other approval from the City.

30-19 VEHICLES.

(A) No person shall park or permit to be parked any vehicle displayed for sale upon any public street or private property including vacant property except where the sale of a vehicle is customary and incidental to the principal use of the property and in accordance with the zoning ordinance, except as follows:

(1) The display of one (1) vehicle for sale is permitted at a residence when the vehicle is titled to the owner or occupant of the property, is parked on an improved parking surface on the property and is not being sold in connection with an automobile sales business.

(2) No more than three (3) vehicles may be displayed for sale at the same residence within a calendar year.

(3) No more than one (1) vehicle shall be displayed for sale at any one (1) time.

(B) No person shall park or permit to be parked any vehicle on any property or vacant property except where the parking of such vehicles is customary and incidental to the principal use of the property and in accordance with zoning ordinances.

(C) A vehicle cover placed on any vehicle that is visible from any public street or sidewalk must be properly maintained and made exclusively for covering vehicles. A proper cover does not include bed linen, paper, cardboard, plastic sheeting, tarps or any other item or material not manufactured specifically as a vehicle cover. The use of a vehicle cover on any abandoned or inoperable vehicle as defined in this ordinance is limited to a vehicle that is stored in a carport.

- (D) No person shall store an abandoned or inoperable vehicle, including any vehicle being repaired or restored, that is visible from any public street or sidewalk except where the storage, repair or restoration is customary and incidental to the principal use of the property and in accordance with the zoning ordinance. An abandoned or inoperable vehicle, including any vehicle being repaired or restored, may be stored in a carport if the vehicle is covered with a properly maintained vehicle cover made exclusively for covering vehicles as described in subsection 30-19(c) above.
- (E) Within any residentially zoned district, no person shall perform any vehicle repairs except as follows:
- (1) All vehicle repairs performed must be customary and incidental to the principal use of the property.
 - (2) Any vehicle undergoing repair must be titled to the owner or occupant of the property.
 - (3) Vehicle repairs shall not exceed ten (10) calendar days.
 - (4) The painting of vehicles in any residentially zoned district is prohibited.
- (F) No person shall leave, place or park any abandoned vehicle or inoperable vehicle upon any public street, alleyway, public or private parking lot or City property.
- (G) Within any residentially zoned district, no person shall park or permit to be parked any vehicle within a front yard or side yard area except on the driveway or approved surface in accordance with the zoning ordinance.
- (H) *Parking or maneuvering on unimproved surfaces.* On or after October 1, 2008, all parking, maneuvering, ingress and egress areas on any lot or parcel of land developed for a use other than residential use with four (4) or fewer dwelling units shall be maintained with a surface material satisfying the requirements for parking surfaces set forth in the zoning ordinance. This subsection shall not prevent the enforcement of zoning provisions under chapter 35 of this code relating to the development, maintenance or improvement of parking, maneuvering, ingress and egress areas.
- (I) *Parking or maneuvering on unimproved surfaces.* On or after October 1, 2009, all parking, maneuvering, ingress and egress areas that are three thousand (3,000) square feet or more in size on a lot or parcel that is developed for residential use with four (4) or fewer dwelling units shall be maintained with a surface material satisfying the requirements for parking surfaces set forth in the zoning ordinance. This subparagraph shall not prevent the enforcement of zoning provisions under Chapter 35 of this Code relating to the development, maintenance or improvement of parking, maneuvering, ingress and egress areas.

30-20**MISCELLANEOUS.**

- (A) No person shall erect, maintain, use, place, deposit, cause, allow, leave or permit to be or remain in or upon any private lot, building, structure or property or in or upon any public street, alleyway, sidewalk, right-of-way or other public or private place, any condition, thing or act that is injurious to health or safety, an obstruction to the free use of property, or 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 that 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.
- (B) No person shall abandon, discard, store or keep in any place accessible to children, a refrigerator or any other self-latching container of a capacity greater than one and one-half cubic feet which is outside of any dwelling unit or within any unoccupied or abandoned building or structure without removing the doors, lids, hinges, latches, or securing it to prevent access.
- (C) All property shall be maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water (with the exception of approved retention areas and reservoirs) which may cause a hazardous or unhealthy condition or breed insects.
- (D) No person shall allow any swimming pool, architectural pool, hot tub, spa or pond to remain or be maintained in a condition that is breeding insects, or may result in insect or other infestations, is polluted or stagnant, or is creating a blighted condition.
- (E) No person shall fail to maintain a swimming pool area enclosure as required in sections 29-6 and 35-2205 of this City Code.
- (F) No person shall permit or cause the discharge of water from any swimming pool, architectural pool or spa into any public street, alleyway, rights-of-way or any abutting or adjacent public or private property.
- (G) No person who keeps or controls any animal shall cause, allow or permit any manure or liquid discharge of such animal to be unloaded, left or dumped in or upon any ditch, street, alleyway, sidewalk, place, vacant lot or public property within the City.
- (H) Within residentially zoned properties, animal waste such as, but not limited to, manure or droppings shall be removed from pens, kennels, stables, yards and other enclosures at least twice weekly, or more frequently if the conditions so necessitate, and from the property at least once each week.

- (I) It shall be unlawful for any person to deposit, or permit to be deposited, in an unsanitary manner, upon public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, sewage, household or industrial wastes, or other polluted water or objectionable waste.
- (J) All property shall be kept free of noxious odors. Odors from agriculturally zoned parcels resulting from an approved agricultural use are exempt from this subsection.
- (K) No person shall cause, allow or permit any pipe, duct, conductor, fan or blower to discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes upon any abutting or adjacent public or private property, except in accordance with applicable adopted codes.
- (L) No person shall cause, allow, leave or permit to be or remain in or upon any private lot, building, structure or property any vector, vermin, or other noxious pest infestation of any kind, including but not limited to insects, bees, wasps, pigeons, rats, or rodents. All premises shall be kept free from the presence or apparent evidence of vector, vermin, or other noxious pest infestation, including nesting places, or any other unsightly or unsanitary condition which could harbor infestations.
- (M) No person shall operate a leaf blower over surfaces that have not been stabilized or cause or permit landscape debris or other material to be blown or placed in or on any highway, street, alley, public place or public right-of-way.

30-21 VACANT STRUCTURES AND PREMISES; UNSAFE STRUCTURES AND UNSAFE EQUIPMENT; CONDEMNATION.

- (A) All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause blight or adversely affect the public health or safety.
 - (1) All vacant premises, including those areas between the property line and the street, shall be maintained to prevent grass, weeds and other vegetation characterized as uncontrolled, unmaintained or overgrown when such conditions create a blighted condition or may harbor infestations or are likely to become a hazard to the public health or safety. Parcels with existing undisturbed natural desert vegetation are exempt from this subsection when the Code Official determines there is a sufficient separation between the vegetation and adjacent property lines.
 - (2) All unsecured vacant or abandoned buildings or structures must be permanently secured to prevent entry by unauthorized persons pursuant to approved board-up specifications. Any wood or similar material used to secure a building or structure must be painted a color compatible with the building or structure. A copy of board-up specifications may be obtained from the Neighborhood Resources Department.

- (3) Unsecured vacant structures and land which have been subject to dumping on more than one occasion shall have signs stating “no dumping” erected thereon in accordance with applicable laws and shall be secured to prevent future occurrences of dumping by installing permanent fencing, ditches or berms, or by placing four (4) foot high posts at four (4) foot intervals, or any other equally effective method approved by the Code Official or adopted codes.
- (B) When a structure or equipment is found by the Code Official, working in conjunction with the City Building Official or Fire Marshal, as applicable, to be (1) a potential or imminent hazard, (2) an unsafe structure, (3) unsafe equipment or (4) unfit for human use or occupancy, the Code Official is authorized to condemn such structure or equipment pursuant to the provisions of this subsection.
- (1) When the Code Official or his/her authorized designee has condemned a premises, building, structure or equipment, the Code Official shall post a notice bearing the word “condemned” and a statement of the penalties provided for occupying the premises, building and structure, operating the equipment or removing the notice. The notice shall be served on the owner or the person responsible for the property in accordance with section 30-8 of this ordinance.
 - (2) No person shall occupy any unsafe building or structure condemned by the Code Official.
 - (3) No person shall operate any unsafe equipment that has been condemned by the Code Official.
 - (4) No owner or responsible party of any property or premises shall allow anyone to occupy any unsafe building or structure condemned by the Code Official.
 - (5) No owner or responsible party of any equipment shall allow anyone to operate any unsafe equipment that has been condemned by the Code Official.
 - (6) No person shall deface or remove a condemnation notice without the approval of the Code Official.
 - (7) Notwithstanding other provisions of this ordinance, whenever, in the opinion of the Code Official, working in conjunction with the City Building Official or Fire Marshal, if applicable, there is imminent danger due to an unsafe condition of an unsecured vacant or abandoned building or structure, the Code Official shall order the necessary work to be done, including the boarding up of openings to render such structure temporarily safe whether or not the legal procedure herein described have

been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency. For purposes of this subsection, a vacant or abandoned building or structure shall also include any building or structure that has sustained fire, water, or other substantial damage and is currently unoccupied due to such damage.

30-22 DEMOLITION.

- (A) No person shall allow or cause to remain on any property any damaged or dilapidated building or structure that is unreasonable to repair, contributes to urban blight, adversely affects property values in the City, serves as attractive nuisance, or constitutes a hazard to the public health or safety.
- (B) The Code Official, working in conjunction with the City Building Official and Fire Marshal, as applicable, may require the owner or responsible party of any property where a dilapidated building or structure is located to demolish or remove the dilapidated building or structure within 30 days after written notice has been served by the City. The notice shall include the estimated cost of such removal or demolition to the City if the owner or responsible party does not comply.
- (C) If the owner or responsible party fails to comply with the notice within the time frame provided for compliance, the City may, at the expense of the owner or responsible party, remove or demolish the dilapidated building or structure and the owner or responsible party shall be liable for all cost incurred.
- (D) When the City has removed or demolished the dilapidated building or structure, the actual cost of such removal or demolition, including twenty-five percent (25%) for other incidental costs in connection therewith, shall become an assessment upon the property from which the dilapidated building or structure was removed. The owner of record of such property shall be liable for the payment of same. If the actual cost for removal, including twenty-five percent (25%) for other incidental costs in connection therewith, has not been paid within thirty (30) days of billing by the City, such assessment shall be recorded in the Office of the County Recorder. From the date of the recording it shall be a lien on such property until paid. Such liens shall be prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes.
- (E) A prior assessment against the property shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same property may be enforced in the same action.

A notice of removal or assessment may be appealed to the City Manager, or designee, for an administrative hearing for review of such notice. A request for an administrative hearing shall be made within the time frame prescribed for compliance in the notice and within 30 days from the date of the assessment.