

ORDINANCE NUMBER 2016-08

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA AMENDING THE PARADISE VALLEY TOWN CODE, CHAPTER 8, SECTION 8-1-1 ACCUMULATION OF LITTER AND JUNK; 8-1-7 DISPOSAL OF CONSTRUCTION AND REPAIR DEBRIS; AND 8-6-2 ENUMERATED VIOLATIONS

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA:

Section 1. Chapter 8, Sections 8-1-1, 8-1-7 and 8-6-2 are hereby amended (with deletions shown as ~~striketroughs~~ and additions shown in **bold type**):

Section 8-1-1 Accumulation of Litter and Junk

- A. Accumulation of Litter: It is unlawful for any person to throw, deposit, or allow to ~~Aecumulate~~**accumulate**, any glass, rubbish, waste, construction debris or other refuse upon the streets, alleys, highways, public parks or other property of the Town, or upon any private property.
- B. It is unlawful to store or keep any articles or materials which may be classed as junk adjacent to or in close proximity to any school, church, public park, public grounds, business building, or residence without first providing proper and tight buildings or containers for the storage of the junk or adequate screening such that the junk is not visible from adjoining public or private property. "Junk" means worn-out and discarded material which may be turned to some use; articles commonly gathered up and sold to be converted to another product, either of the same or a different kind.
- C. **It is unlawful to store any materials in plain view in a front yard for more than thirty calendar days unless there is an active building permit for the property and the materials are necessary for construction.**
- ~~D.~~ **C.** The property owner is responsible for the maintenance and clean up of:
 - 1. Private property, as specified in subsection ~~a~~**A** above, and
 - 2. The right of way area between the property line and the curb or to the edge of the pavement where no curb exists.

Section 8-1-7 Disposal and/or Storage of Construction and Repair Materials and Debris

- A. It is unlawful to fail to dispose of debris from construction, reconstruction or repair of a structure.
- B. **It is unlawful to store construction materials in plain view in a front yard or anywhere visible off-site unless there is an active construction permit on the property.**
- C. **All construction debris and equipment must be contained on-site at all times. Property owners must maintain the job site free of litter and unsightly materials at all times and are responsible for any litter or unsightly materials left by their contractors. Construction materials are prohibited in the Town right-of-way or within ten feet of adjacent properties.**

Section 8-6-2 Enumerated Violations

It is unlawful, a civil and criminal violation of this Code, and a public nuisance for any occupant, lessee or owner:

- A. To leave or permit to remain any inoperable vehicle when such vehicle or part thereof is located in an unscreened area.
- B. To leave or allow in an unscreened area
 - 1. grass which exceeds six (6) inches in height;
 - 2. weeds which exceed six (6) inches in height;
 - 3. dry vegetation, tumbleweeds, branches or clippings; or
 - 4. dead trees, bushes or shrubs.
- C. To leave or permit to remain on the property any accumulation of rubbish, trash, filth, debris or other deteriorated conditions.
- D. **To leave or permit to remain on the property for more than thirty calendar days any stockpiles of dirt, decomposed granite, sand or other material unless an active building permit is obtained and the stockpile is necessary for the construction project related to such building permit.**
- E. **To leave or permit to remain on the property for more than thirty calendar days any dumpster or other trash receptacle in plain view from off-site unless**

an active building permit is obtained and the trash receptacle is necessary for the construction project related to such building permit.

- ~~D. F.~~** To cause or allow a condition which may harbor insect or rodent infestation, or which may likely become a fire hazard, or which may result in a condition which may threaten the safety or health of neighboring properties or the public.
- ~~E. G.~~** To cause or permit any object, debris, building, tree, bush or landscaping to interfere with, obstruct, tend to obstruct, or render dangerous the free passage, use or vision in the customary manner of any sidewalk, street, or right of way or in violation of the Town Code.
- ~~F. H.~~** To cause or permit any vegetation or landscaping, that is visible from public property, that is substantially dead or damaged, characterized by uncontrolled growth or lack of maintenance, or any other deteriorated condition.
- ~~G. I.~~** To cause or permit any pool, spa, fountain, or other body of water to be improperly maintained so as to create a safety hazard, harbor insect infestation, be polluted, or become stagnant.
- ~~H. J.~~** To allow or permit any wall or fence that is missing blocks, boards, or other material, to deteriorate due to lack of maintenance so as to constitute a hazard to persons or property.

 - (1) Allow or permit any dangerous, deteriorated, abandoned, partially destroyed, or unfinished building, addition, appendage or other structure, or any building in violation of the Uniform Building Code as adopted by the Town, or any vacated or abandoned building or structure to be unsecured at any time resulting in a condition which may threaten the safety or health of neighboring properties or the public.
 - (2) The means, methods, or materials used for securing a vacated or abandoned building or structure, such as wood, metal, or any other item, must be compatible with the color of the building.
- ~~I. K.~~** To allow or permit cattle, horses, sheep, goats, dogs, cats, birds, fowl, or any other animal or bird, and the pens, stalls, yards, shelters, cages, areas, places and premises where they are held or kept, to be maintained in such a manner as to cause flies, insects, vermin, rodent harborage, or to allow odors, ponded water or other liquid, the accumulation of manure, garbage, refuse or other noxious materials to become a public health nuisance.
- ~~J. L.~~** To allow or permit colonies of feral bees, hornets, or wasps, or colonies of honeybees maintained for the production of honey to become a public nuisance.

~~K. M.~~ Notwithstanding any other provisions of this Chapter, a person who commits a nuisance or willfully omits to perform any legal duty relating to the removal of a nuisance not enumerated in this chapter, but otherwise provided for within the scope and authority to regulate nuisances as granted to the Town by State Law, shall be in violation of this chapter, provided the violation poses a present hazard to public health, safety and welfare.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 3. This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this ____ day of _____ 2016.

Michael Collins, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney

CERTIFICATION

I, Duncan Miller, Town Clerk, certify that the foregoing is a true copy of Ordinance Number 2016-08 duly passed and adopted by affirmative vote of the Town Council of Paradise Valley at a meeting held on the ____ of _____ 2016. Passage of this Ordinance appears in the minutes of the meeting. The Ordinance has not been rescinded or modified and is now in effect. I further certify that the municipal corporation is duly organized and existing, and has the power to take the action called for by the Ordinance.

Duncan Miller, Town Clerk