

TOWN OF PARADISE VALLEY

Property Maintenance/Property Nuisance

Town Council

November 3, 2016



DISCUSSION

- Town Code
- Property Maintenance Code
- Construction and Zoning Regulations



PROPOSED CODE CHANGES

The following language is proposed to cover minor nuisances not specifically noted in the Codes:

- It is unlawful to store any materials in a front yard for more than thirty calendar days unless there is an active building permit and the materials are necessary for construction.



- Section 8-1-7 Disposal and/or Storage of Construction and Repair Materials and Debris
 - It is unlawful to fail to dispose of debris from construction, reconstruction or repair of a structure. It is unlawful to store construction materials in a front yard, or anywhere visible off site, unless there is an active construction permit on the property.
 - 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.



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

- 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.
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- To leave or permit to remain on the property for more than thirty calendar days any dumpster or other trash receptacle that is visible off-site unless an active building permit is obtained and the trash receptacle is necessary for the construction project related to such building permit.



After careful study, the Planning Commission recommended that the Town Council approve the proposed revisions to Section 8-1-1, Section 8-1-7 and Section 8-6-2 of the Town Code as contained in Ordinance # 2016-08.

The Planning Commission also requested that Town Council discuss enforcement of the Town Code.

- Zoning Ordinance and Building Codes have always been enforced.
- International Building Maintenance Code is more detailed and addresses:
 - Cracked windows
 - Peeling paint
 - Roof shingles, etc...
- Process for enforcement
- Abatement



Current Code Enforcement

- Site visit
- Notice sent allowing 15 working days to correct
- Second site visit
- Second notice (return receipt required) 10 working days
- Final inspection
- Citation written and turned over for prosecution

International Property Maintenance Code 2012

- **304.1.1 Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:
 - 4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
 - 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

International Property Maintenance Code 2012

- **304.2 Protective treatment.** Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

International Property Maintenance Code 2012

- **304.6 Exterior walls.** Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.
- **304.13.1 Glazing.** Glazing materials shall be maintained free from cracks and holes.
- **A101.1 General.** Windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.
- **308.1 Accumulation of rubbish or garbage.** Exterior property and premises, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.
- **308.2 Disposal of rubbish.** Every occupant of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

QUESTIONS?



TOWN CODE

- Accumulation of Litter: It is unlawful for any person to ...allow to Accumulate, any ... rubbish, waste, construction debris ... upon the streets, ...or upon any private property.
- It is unlawful to store ...any ...materials which may be classed as junk adjacent to or in close proximity to any ...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.
- The property owner is responsible for the maintenance and clean up of Private property, ... and the right of way area between the property line and the curb or to the edge of the pavement where no curb exists.
- It is unlawful for any person to maintain or allow any building or structure so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use.
- It is unlawful to fail to dispose of debris from construction, reconstruction or repair of a structure.



TOWN CODE

- Every person ...who shall permit on such lot or lots weeds or other noxious growth to grow to a height exceeding six inches, or who shall permit any rubbish, dirt, debris, or other matter to accumulate upon such lot or lots, shall be guilty of a violation of this Code.
- ...every person who shall permit grass or weeds to grow to a height exceeding six inches between the property line of such property and the street shall be guilty of a violation of this Code.
- It is unlawful, a civil and criminal violation of this Code, and a public nuisance for any occupant, lessee or owner:
 - To leave or permit to remain any inoperable vehicle when such vehicle or part thereof is located in an unscreened area.
 - 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.
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TOWN CODE

- To leave or permit to remain on the property any accumulation of rubbish, trash, filth, debris or other deteriorated conditions.
- 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.
- 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.
- 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.
- 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.



TOWN CODE

- To allow or permit cattle, horses, sheep, goats, dogs, cats, birds, fowl, or any other animal or bird, ... 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.
- 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.
- 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.
- On residential lots, motor homes, campers, trailers, boats and associated trailers, or buses shall be parked only in the side or rear yard and in such a manner that they are fully screened from adjacent properties, rights-of-way, and open space areas ...Motor homes, mobile homes, or campers shall not be lived in within the boundaries of the Town. Commercial vehicles and mobile homes shall not be parked or stored on any residential lot within the Town unless the commercial vehicle is making deliveries or providing temporary services.

Construction & Zoning Regulations

- All permittees must comply with the following requirements. The purpose of these regulations is to protect residents, personal and public properties, streets, common areas, and the natural desert during building construction.
- - On demolition, grading, remodeling and new construction projects, permittee must notify adjacent property owners regarding the nature of the project, the time period for construction, and any unusual activities that may cause disruption of the normal course of traffic during construction.
 - All permittees must post a 6 square foot (2'x3') identification sign, made of durable material, in the front yard of subject property and not in the Town right-of-way. The sign may not exceed a maximum of 6 feet in height from grade to top of the sign. The sign must include the permittee or company name, phone number, type of work, and address of project.

Construction & Zoning Regulations

- Clear access for neighboring properties and emergency vehicles must be maintained at all times. Construction related vehicles must be legally parked only on one side of the street or job site property.
- all construction debris and equipment must be contained on site at all times. Contractor and property owner must maintain the job site free of litter and unsightly materials at all times. Construction materials are prohibited in the Town right-of-way or near adjacent properties.
- No Certificate of Occupancy will be issued until all affected rights-of-way are cleaned and/or repaired to their original condition and until any and all damages to affected properties are restored to original condition, or until such time that a written, signed and legally binding agreement has been reached by the parties involved to remedy any violation within a reasonable time period, and until all required fees are paid in full.
- Property owner, builder, or general contractor will be responsible for controlling dust from the site at all times.



Questions?

