

- Chapter 13 - PROPERTY MAINTENANCE ORDINANCE
- Article I - GENERAL PROVISIONS

Sections:

- 13-10 - Title.

This chapter shall be known as the "Property Maintenance Ordinance of the Town of Pima, Arizona." Within the ordinance text, the following terms (whether capitalized or not) shall be synonymous with the Property Maintenance Ordinance of the Town of Pima: "this ordinance," "Pima Property Maintenance Ordinance," and "The Property Maintenance Ordinance."

13-20 - Scope and intent.

- (a) This chapter shall apply to all buildings, structures and lands within the town without regard to the use, the date of construction, improvement or alteration.
- (b) This chapter 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 [13-20\(c\)](#) below, existing structures and premises that do not comply with the provisions of this chapter 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 town codes, ordinances and regulations.
- (c) This chapter shall not require changes in existing buildings and utilities when alterations were installed and have been maintained in accordance with the Town 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.
- (d) Any person in violation of any provision of this chapter shall be guilty of a Class 1 misdemeanor and upon conviction shall be sentenced to not more than 6 months in jail and pay a fine not to exceed \$2500.

(e) Each day a violation of any provision of this chapter or the failure to perform any act or duty required by this chapter continues shall constitute a separate violation or offense.

- 13-30 - Conflict of ordinances.

In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code existing on the effective date of this chapter, the provision of the zoning, building, fire, safety, or health ordinance or code shall prevail.

Nothing in this chapter 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 chapter, or with private restrictions placed upon property by covenant, deed or other private agreement.

- 13-40 - Severability.

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

- 13-50 - Definitions.

- The following words, terms and phrases, when used in this chapter, 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. Accessory dwelling unit: A single-family detached or attached dwelling unit in which any of the rooms are rented or leased to persons on a transient basis, but which does not include group homes, dormitories, convalescent homes, nursing homes, substance abuse detoxification centers or substance abuse treatment centers.

Accessory dwelling unit: A single-family detached or attached dwelling unit in which any of the rooms are rented or leased to persons on a transient basis, but which does not include group homes, dormitories, convalescent homes, nursing homes, substance abuse detoxification centers or substance abuse treatment centers.

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 town.

Agriculture: The growing of a garden and commercial crops in the customary open field manner, and the pasturing of cattle, horses, sheep in numbers not to exceed four animal units per acre of pasture.

Animal waste: Household pet waste and waste from stables, kennels, pet pens, chicken coops, veterinary establishments and others of a similar nature.

Apartment house (multiple dwelling): Any building or portion thereof to be occupied by three or more families living independently of each other and doing their own cooking on the premises.

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 paint, broken doors or windows or any other evidence of neglect or lack of maintenance.

Building: Any structure built for the support, shelter or enclosure of persons, animals, or property of any kind.

Building accessory: A subordinate building, the use of which is incidental to that of the main building.

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.

Clinic: A building used for the diagnosis and treatment of ill or injured persons, but which building does not provide board, room or regular hospital care and services.

Commercial feedlot: See "Livestock feed yard."

Conditional use: A use which requires approval of the board of adjustments before the zoning administrator may issue a permit therefor. Generally, uses which require individual consideration of surrounding conditions and circumstances to carry out the intent and purpose of this chapter. Code Official: The executive official in charge of enforcing violations of this chapter; the code official shall be the town manager or his 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.

Drive in retail: Any form of merchandising in which customers are served while in their automobiles.

Disrepair or Dilapidation: Including but not limited to deteriorated shingles, peeling paint, broken doors or windows or any other evidence of neglect or lack of maintenance.

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.

Dry Lot Feeding: The maintenance of livestock under conditions where over fifty percent of the feed consumed is provided through supplementary feeding.

Dwelling

Dwelling unit: One or more rooms in a building designed for living purpose (bathing, eating, and sleeping) and occupied by one family

Dwelling, single family: A detached residence designed for or occupied by one family.

Dwelling, two-family: A building containing two or more dwelling units.

Dwelling, multiple-family: A building containing three or more dwelling units

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 and/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.

Fence, sight-obscuring: A fence having a height of at least six feet above grade, which permits vision through not more than ten percent of each square foot of the fence.

Floor area: The gross floor area, measure from the exterior walls of the building.

Grade: The average elevation of finished ground surface adjacent to the exterior walls of the building.

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.

Habitable space/room: A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

Height of building: The vertical distance from the natural grade to the highest point of the roof.

Home occupation: Any occupation conducted within a dwelling and carried on by persons residing in the dwelling.

Hospital: A building in which ten or more ill or injured human beings are offered board and room while being treated for such illness or injury by persons registered to practice the healing arts in the State of Arizona.

Hotel/motel: An establishment, other than a boarding house, containing five (5) or more guest rooms that, for a fee, provides temporary sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture, bed linens, telephone and desk service, as well as related ancillary uses including, but not limited to, conference and meeting rooms, restaurants, bars, and recreational facilities. For the purposes of this chapter, a motel shall be considered a hotel.

Immediate family: Defined as a wife, husband, daughter, son, grandchild, mother, father, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, son-in-law, daughter-in-law.

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, directed to a state, county or local official, authorizing entry into private property to inspect for violations of the Pima Town Code or other relevant laws and regulations.

Judge: A Town of Pima Municipal Court Judge.

Junk: Includes, but is not limited to, scrap metals or other scrap materials, or dismantled, demolished, or abandoned automobiles or vehicles or machines or parts thereof.

Landscaping: The application or use of some combinations of planted trees, shrubs, vines ground cover, flowers or lawns. In addition, the combination or design may include rocks and such structural features as fountains, pools, art works, screens, walls, fences or benches.

Livestock corral: A place or pen where a limited number of livestock are kept for agricultural or recreational purposes but distinguished from a livestock feed yard.

Livestock feed-yard-commercial feed lot: A feeding operation on a parcel of land where livestock are kept or exchanged in corrals or yards on a sustained basis and where the feed is brought to the yard as contrasted to feed obtained through animals on the premises.

Lot: A single parcel or tract of land.

Lot, corner: A lot situated at a junction of two or more public streets.

Lot, interior: A lot other than a corner lot.

Lot of record: A lot designated on a subdivision plat or shown by deed, duly recorded pursuant to statute in the county recorder's office. A lot record may or may not coincide with a zoning lot.

Lot, zoning: A parcel of land, composed of one or more recorded lots, occupied by a principal building or building or principal use or uses, along with permitted accessory buildings or uses, meeting all of the requirements for area, width, yards, setbacks, and any other requirements set forth in this chapter.

Manufactured home: A structure transportable in one or more sections which:

When assembled, is at least twelve feet in width and seventy – five feet in length; that is at least nine hundred (900) or more square feet, and

Is built on a permanent chassis, and

Is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, which include the plumbing, heating, cooling, and electrical systems contained in the manufactured home.

Manufactured home park: A development comprised of manufactured homes designed to function as a residential community and restricted to manufactured homes use by covenant or deed restrictions. The entire development may be owned by a single entity and rented to individual users or have multiple ownership with each manufactured home space sold to individual property owners.

Mobile home: Any transportable structure suitable for year-round single-family occupancy and having water, electrical, and sewage connections similar to those of conventional dwellings, that does not meet the definition of "manufactured home".

Municipal court: The Town of Pima Municipal Court.

Nonconforming building: A building, structure or portion thereof which does not conform to the regulations of this chapter applicable to the zone or district in which such building is situated, but which legally existed prior to the effective date of this chapter.

Nonconforming use: A use of premise which does not conform to the regulations of this chapter but which existed at the effective date of this chapter.

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 premise, building or structure.

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

Parking space: A space, not less than twenty feet in length and not less than eight and five-tenths feet in width for the parking of an automobile exclusive of access ways and ramps.

Pasture: Grass and other field crops harvested through the grazing of livestock. Also includes the gleaning of fields after harvest. To qualify as pasture, over fifty percent of the feed consumed by the animals must be derived from the pasture alone.

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

Premises: A zoning lot together with buildings and structures located thereon.

Private property: Land owned by any person or business other than the United States, the State of Arizona, a county, a town, 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.

Public parks and playgrounds: A tract of land which is owned by a public agency and which has been partially or totally developed or designated for recreational purposes.

Recreational vehicle: A travel trailer, camper, motor home, trailer house or camper, used or maintained primarily as temporary dwelling for travel, vacation or recreation purposes.

RV Park: An area or tract of land used to accommodate two or more recreational vehicles for living or sleeping purposes for seasonal or temporary occupancy, and for accessory convenience services.

Residential rental property: Any property or premises that is used solely as leased or rented property for residential purposes. If the property is a space rental mobile home park, residential rental property includes the rental space that is leased or rented by the owner of that rental space, but does not include the mobile home or recreational vehicle that serves as the actual dwelling if the dwelling is owned and occupied by the tenant of the rental space and not by the owner of the rental space. It does not include any facilities owned, operated or licensed by the federal, state or county government or any of their agencies or dormitories operated by educational institutions.

Rest home—nursing home: A building for the care and keeping of the elderly and people afflicted with prolonged illness or injuries.

Salvage yard: The use of more than five hundred square feet of the area of any lot for the storage, keeping, or abandonment of junk.

Seating places: In churches, stadiums, and other places of assembly in which benches or pews are used in place of seats, each eighteen inches of such benches or pews shall be counted as one seat.

Set back: The shortest distance between the property line and the foundation, wall or main frame of the building.

Sign: Any device for visual communication that is used for the purpose of bringing the subject shown thereon to the attention of the public.

Sign, accessory: A sign which directs attention to a business or profession conducted on the premises.

Sign, non-accessory—billboard: A sign which directs attention to a business, commodity or service offered elsewhere than at the location of the sign.

Sign, free-standing: A sign which is not attached to or part of a building.

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.

Special exception: A use which is not specifically permitted in a zone, but which may be permitted by the board of adjustment in accordance with section 12-2-3.

Strict liability offense: An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act that was prohibited, or failed to do an act that the defendant was legally required to do.

Structure: Anything constructed or erected which requires location on the

ground or attached to something having a location on the ground, but not including a tent, vehicle, recreational vehicle, mobile home, or manufactured home.

Tenant: A person, lessee, occupant, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

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

Travel trailer, camper or motor home: See "Recreational vehicle."

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 premise 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.

Utility service: Those services required for plumbing and electrical systems, heating and cooling systems, ventilation systems and fixtures and appliances to properly operate, including water service, sewer service, electric service and gas service.

Variance: A waiver or reduction in required area of lot or yard dimension below the requirements set forth in the zoning chapter.

Vehicle: Every device by which any person or property is or may be transported or drawn; including, but not limited to, automobiles, motor homes, travel trailers, utility trailers or watercraft. 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 or troublesome plant growing wild or where it is not wanted including, but not limited to, vegetation which bears downy or wingy seeds; 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: An open space on the same lot with a building, unoccupied or unobstructed by structures.

Yard, front: The horizontal distance between the street line and the front line of the building, excluding non-enclosed steps.

Yard, required: The open space around buildings which is required by the terms of this chapter.

Yard, side: A yard between the buildings and the side line of the lot and extending from the front yard to the rear yard.

Zone: A section or sections within the municipal limits in which the same zoning regulations apply.

Zoning lot: A parcel of land, composed of one or more recorded lots, occupied by a principal building or building or principal use or uses, along with permitted accessory buildings or uses, meeting all of the requirements for area, width, yards, setbacks, and any other requirements set forth in this chapter. See "Lot, zoning"

Zoning ordinance: The Zoning Ordinance of the Town of Pima, Arizona.

- Article II - ADMINISTRATION AND ENFORCEMENT

Sections:

- 13-60 - Enforcement—General.

- (a) The code enforcement division shall be charged with the administration of this chapter. 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 enforcement officers and other related technical officers, inspectors 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 chapter and to secure the intent thereof.
- (c) The town shall proceed either civilly or criminally against any person who is found to be responsible for causing, permitting, facilitating, or aiding or abetting any violation of any provision of this chapter or for failing to perform any act or duty required by this chapter. A written notice of violation shall be issued to the alleged violator, in accordance with the provisions of [section 13-80](#). 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 chapter or the failure to perform any act or duty required by this chapter 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 chapter 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 authorized designee and furnishes to the code official or his 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 town or are responsible for a violation of this chapter, their responsibility shall be joint and several.
- (g) Violations of this chapter are in addition to any other violation enumerated within the Town Code and in no way limit the penalties, actions or procedures which may be taken by the town for any violation of this chapter which is also a violation of any other provision of the Town Code or any other applicable law. The remedies specified herein are cumulative and the town may proceed under these or any other remedies authorized by law.

(h) Any responsible party failing to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor for those offenses deemed criminal under this chapter or a civil violation for all other offenses.

- 13-70 - Owner of record.

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

- 13-80 - Notice of violation.

The code official or his authorized designee shall seek voluntary compliance with the provisions of this chapter 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 enforcement officer, police officer, or other town agent or employee duly authorized by the town 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 town 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 (3) 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, 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) Except in cases involving health and safety violations, imminent hazards, recidivist offenders, or as otherwise prescribed by ordinance, a responsible person will be provided the following amount of time for compliance:

Section 13-160	30 calendar days
Section 13-170	10 calendar days
Section 13-180	10 calendar days
Section 13-190	10 calendar days
Section 13-200	30 calendar days
Section 13-210	30 calendar days
Article IV	10 calendar days
Article V	15 calendar days

(e) 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.

(f) Nothing in this section shall prevent the town from taking immediate action to protect the public from an imminent hazard to health or safety as otherwise provided by law.

- 13-90 - Civil citations.

(a) Unless otherwise designated as a criminal offense in this chapter, 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 enforcement officer, inspector, police officer, or other town agent or employee duly authorized by the town 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 chapter violated.

(d) The citation shall direct the defendant to pay the fine imposed pursuant to [section 13-100](#) of this chapter or appear in municipal court within ten (10) days of the issuance of the citation.

(e) The citation shall provide notice that if the defendant fails to pay the fine or appear in Municipal Court as directed, a default judgment will be entered in the amount of the fine designated on the citation for the violation. In addition, a default fee may be imposed for failure to appear as set forth in [section 13-100](#) of this chapter.

(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.

- 13-100 - Civil procedure.

(a) The defendant shall, within ten (10) days of the issuance of the citation, either pay the fine indicated on the citation or appear in municipal court to admit or deny the allegations contained in the citation.

(1) The defendant may pay the fine in person or by mailing the citation with a check for the amount of the fine to the municipal court. By paying the fine, the defendant admits the violation described in the citation and accepts responsibility for the offense.

(2) The defendant may appear in person or through an attorney in municipal court and either admit or deny the allegations contained in the citation. 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 pay the fine or appear in municipal court as directed by the citation, the court shall enter a default judgment and impose the fine and default fee required by [section 13-110](#) of this chapter.

(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 13-110](#) of this chapter.

(d) The Arizona Rules of Procedure in Civil Traffic Violation cases shall be followed by the Municipal Court for civil violations of this chapter, except as modified or

where inconsistent with the provisions of this Ordinance, local rules of the Municipal Court or rules of the Arizona Supreme Court.

- 13-110 - Civil penalties.

(a) Any person that violates this chapter shall be subject to a civil penalty of two hundred fifty dollars (\$250.00) base fine for the first violation, five hundred dollars (\$500.00) base fine for a second violation and one thousand dollars (\$1,000.00) base fine for a third violation in any 24-month period. The dates of the offenses are the determining factor for calculating the 24-month period.

(b) Any defendant that fails to pay the fine or appear in municipal court as directed by a citation issued pursuant to this chapter, or who fails to appear at the time and place set for hearing of a matter arising under this chapter, shall be subject to an additional default fee as established by the municipal court.

(c) Any judgments issued by the municipal court shall be subject to all surcharges and fees imposed by state law in addition to the civil fines required by this chapter.

(d) Judgments shall be collected in the same manner as any other civil judgment as provided by law.

- 13-120 - Recidivist offenders.

Any person deemed to be a recidivist offender shall be penalized and fined subject to the provisions of chapters 10, 12 and 13, of the Town Code, to include section 13-9(d).

- 13-130 - Criminal complaints.

The code official or any other town agent or employee duly authorized by the town manager may seek the issuance of a complaint by a police officer or the Pima Town Prosecutor for criminal prosecution of any person who commits a criminal offense as set forth in this chapter.

a) Every criminal action and proceeding under this chapter shall be designated a Class 1 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 (\$2,500.00), exclusive of penalty assessments prescribed by law.
- (3) A term of probation.
- (4) Notwithstanding the elective penalty above, a recidivist offender shall be subject to the penalties set forth in chapters 10, 12 and 13 of the Town Code, to include section 13-9(d).

- 14-140 - Abatement costs.

- (a) If the owner or occupant of any property within the town does not remove or abate from its property a violation that constitutes a hazard to public health and safety within thirty (30) days after written notice has been served by the town, the town 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 cost of such removal to the town 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 town building or property a violation that constitutes a hazard to public health and safety shall be liable for all costs incurred by the town to remove or clean up such violation.
- (c) When the town 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 (25) percent 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 (25) percent for additional inspection and other incidental costs in connection therewith, has not been paid within thirty (30) days of billing by the town, 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 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 assessment may be appealed to the town manager for an administrative hearing for review of such notice. If the town manager is the designated code official, the appeal shall be made to the town civil enforcement officer. a request for an administrative hearing shall be made within the time frame prescribed for compliance in the notice and within thirty (30) calendar days from the date of the assessment.

- **13-150 - Inspection warrants.**

- (a) As set forth herein, the code official may seek the issuance of an inspection warrant by the judge if the code official or his authorized designee is denied access to any property, building or structure that the code official has authority to inspect. The code official shall, in a supporting affidavit, establish that there is probable cause that a violation of this chapter or the Town 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 code enforcement division and presented to the issuing code enforcement officer from persons, who by status or position have personal knowledge of the violations of law 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 enforcement officer 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 enforcement officer 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.

• **Article III - SPECIFIC ACTS, OMISSIONS AND CONDITIONS**

Sections:

• **13-160 - Buildings and structures.**

(a) The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.

(b) All dwelling units shall contain plumbing systems, electrical systems, heating systems, ventilating systems, fixtures and appliances that are properly installed maintained in a safe working condition and capable of performing their intended function(s), as required by the adopted codes. If a cooling system is installed is shall be maintained in a safe working condition and capable of performing its intended function(s). All utility service connections shall be active for the proper operation of all systems and appliances.

(c) All exterior property including yards, ground covers, trees, shrubs or other landscaping; and any exterior surfaces of any buildings or structures including, but not limited to, fences, walls, or roofs or appurtenances including, but not limited to, windows, window frames, window 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 wood surfaces exposed to weather, except 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, roofs or appurtenances including, but not limited to, windows, window frames, window screens, doors, garage doors, door frames, canopies, awnings, cornices, porches, stairways, railings or similar items in public view or an unsheltered area of the property.
- (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 with the design thereof.
- (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.

- **13-170 - 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 town are exempt from this subsection.

- (b) 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 town.

- (c) 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 town building or property any waste materials, trash, weeds, bottles, glass, cans, graffiti, handbills, posters, pieces of scrap metal, metal articles, paper or other accumulation of debris or items other than placement of refuse for collection in accordance with chapters 10, 12 and 13 of the Town Code.

- (d) No owner or occupant of any property shall allow or permit any trees, shrubs or other plant growth on the property to (1) impede, obstruct or interfere with the free passage upon any public street, sidewalk or alleyway; (2) obstruct the visibility of drivers; or (3) interfere with any traffic control device or signs or street lighting. Tree limbs must be maintained to hang no lower than thirteen (13) 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.

- (e) 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.

- (f) No person shall place or store furniture, except furniture designed and placed for outdoor use, household equipment, appliances, vehicle parts, landscape material, or construction material (except in accordance with [section 13-170\(g\)](#) below), cardboard material, plastic material, debris or any similar materials in public view or any unsheltered area of any property.
- (g) No person shall store construction materials in unsheltered areas in which insects may breed or multiply, or which provides harborage for rodents or which constitutes a hazard to the public health or safety. This paragraph shall not apply to any construction material when 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.
- (h) No person owning or occupying any property fronting on any street, alleyway or public place in the town, shall allow thereon grass or weeds 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.
- (i) No person shall allow any landscaping conditions that contribute to visual blight including, but not limited to, vegetation of any kind that is substantially dead or damaged or characterized by uncontrolled growth or lack of maintenance or any similar conditions. All landscaped areas shall be finished with a natural topping material including, but not limited to, 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. Parcels with existing undisturbed natural desert vegetation are exempt from this subsection.
- (j) 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.
- (k) 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.

- (l) No person shall erect, cause, allow, leave or permit to be or remain in or upon any private lot, building, structure or property any electric fence or razor wire except where the electric fence or razor wire is intended to contain livestock in approved zoning districts. Barbed wire fence shall not be within eight (8) feet of any public street, alleyway, sidewalk or right-of-way or at a height of less than six (6) feet.

- **13-180 - 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 the Zoning Ordinance.

- (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 chapter 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 13-180(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 town 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 in accordance with the zoning ordinance.

- **13-190 - 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 constitutes a hazard to public health or safety.
- (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 (1½) cubic feet which is outside of any dwelling unit or within any unoccupied or abandoned building or structure without removing the doors, lids, hinges, and latches, or securing it to prevent access.

- (c) All property shall be graded and 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 (1) may breed insects or result in insect or other infestations, (2) is polluted or stagnant or (3) creates a blighting condition.
- (e) 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.
- (f) 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 town limits.
- (g) Animal waste such as, but not limited to, manure and droppings shall be removed from pens, kennels, stables, yards and other enclosures at least twice weekly and from residentially zoned properties at least once each week or more frequently if the conditions so necessitate.
- (h) 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 town limits, or in any area under the jurisdiction of the town, any human or animal excrement, sewage, household or industrial wastes, or other polluted water or objectionable waste.
- (i) 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.
- (j) 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 directly upon any abutting or adjacent public or private property, except in accordance with applicable adopted codes.
- (k) 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.

(l) 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 erected, altered or occupied contrary to applicable law.

(m) No person shall cause, allow, leave or permit to be or remain in or upon any private lot, building, structure or property any insect, bee, wasp, pigeon, rodent, rat, or any vector or vermin infestation of any kind. All premises shall be kept free from the presence or apparent evidence of insects and rodent infestation, other noxious pests, nesting places and any other unsightly or unsanitary condition which could harbor insects, rodents or other vector or vermin.

(n) 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 ($\frac{1}{2}$) inch.

- **13-200 - Vacant structures; 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) Any unsecured vacant or abandoned building or structure that is structurally sound, weatherproof and otherwise safe must be permanently secured to prevent entry by unauthorized persons. 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 code enforcement division.

(2) Unsecured vacant structures and land which have been subject to dumping on more than one (1) 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-foot high posts at four-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 town building official or fire marshal, as applicable, to be (i) a potential or imminent hazard, (ii) an unsafe structure, (iii) unsafe equipment or (iv) 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 authorized designee has condemned a premises, building, structure or equipment, the code officer 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 13-80](#) of this chapter.

(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 chapter, whenever, in the opinion of the code official, working in conjunction with the town building official or fire marshal, if applicable, there is imminent danger due to an unsafe condition of a 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.

- **13-210 - Demolition.**

- (a) The code official, working in conjunction with the town building official and fire marshal, as applicable, may request the owner or responsible party of any property where a dilapidated building or structure is located that it is unreasonable to repair and that constitutes a hazard to public health and safety to demolish or remove the dilapidated building or structure within thirty (30) days after written notice has been served by the town. The notice shall include the cost of such removal or demolition to the town if the owner or responsible party does not comply.
- (b) If the owner or responsible party fails to comply with the notice within the time frame provided for compliance, the town 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.
- (c) When the town has removed or demolished the dilapidated building or structure, the actual cost of such removal or demolition, including twenty-five (25) percent 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 (25) percent for other incidental costs in connection therewith, has not been paid within thirty (30) days of billing by the town, 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.
- (d) 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.
- (e) A notice of removal or assessment may be appealed to the town manager for an administrative hearing for review of such notice. If the town manager is the designated code official, the appeal shall be made to the town civil enforcement officer. 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.

• **Article IV - RESIDENTIAL RENTAL PROPERTY**

Sections:

- **13-220 - Purpose.**

The purpose of this article is to establish the minimum standards for residential rental properties to preserve and promote the public health, safety and general welfare of residents of the Town of Pima and to enhance the appearance and quality of neighborhoods in the Town of Pima.

- **13-230 - Application.**

The provisions of this article are minimum standards that apply to all residential rental properties located within the Town of Pima. Residential rental properties must also comply with the provisions contained in this chapter. For the purposes of this article, residential rental properties include single family homes, multi-family units, mobile homes, boardinghouses and hotels/motels.

- **13-240 - General.**

(a) All buildings, both existing and new, and all parts thereof shall be maintained in a safe and sanitary condition. All equipment, devices or safeguards which are required by this chapter or any other Town Code shall be maintained in a safe and operable condition.

(b) Every plumbing system, electrical system, heating and cooling system, ventilating system, fixture and appliance shall be properly installed, maintained in a safe working condition and shall be capable of performing the intended function(s).

(1) The owner, manager, agent or responsible party shall obtain all required permits necessary for any repair, alteration or replacement of any system or appliance.

(2) All utility service connections shall be active for the proper operation of all systems and appliances.

(c) All exterior property, premises and common areas shall be maintained in a clean, safe and sanitary condition free from deterioration and blighting conditions.

(d) The exterior and interior of all buildings and structures shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.