

TOWN OF MAMMOTH LAND CODES

ARTICLE 14-27

PROPERTY MAINTENANCE CODE AND PUBLIC NUISANCES

THIS ARTICLE WILL REPEAL AND REPLACE ARTICLES 14-14 AND 14-26

EFFECTIVE DATE NOVEMBER 1, 2017

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14-27-01

INTENT AND PURPOSE

The purpose of this Article 14-27 is to promote the health, safety, economic, aesthetic and general welfare of the Citizens in the Town of Mammoth. Furthermore, it is intended to protect neighborhoods against all nuisances, blight, and deterioration. By establishing these requirements for the maintenance and security of all lands within the Town of Mammoth, it will promote a more attractive and wholesome environment for the residents in the Town of Mammoth. This Article shall apply to all properties, buildings, and premises within the Town of Mammoth without regard to zoning or use.

All properties, buildings and premises thereof must comply with these Regulations. All properties shall be maintained in a clear, safe, secure, and sanitary condition provided herein so as not to cause a blighting problem or otherwise adversely affect the public health, safety, well-being, or "Quality of Life" of any resident residing in the Town of Mammoth.

14-27-02

DEFINITIONS

- A **Abandoned or Junk Vehicles**—this means a vehicle or any major portion thereof, which is incapable of movement under its own power and will remain so without repair and/or reconstruction. It shall also mean a vehicle being repaired when such repairs take in excess of thirty (30) days. **It shall be presumed the vehicle or part thereof is "Abandoned" or is a "Junk" vehicle if any of the following conditions exist for more than three (3) consecutive days:**
1. The vehicle cannot be started with its own battery, or
 2. The vehicle is on blocks or similar devices, or
 3. A wheel or tire has been removed on the vehicle, or
 4. **The vehicle does not have a current, fully paid registration from the State of Arizona.**
 5. The vehicle is partially or wholly dismantled.

- B Authorized Private Household Trash/Garbage Receptacle**—A litter or garbage storage and collection receptacle as required and authorized by the Town of Mammoth.
- C Debris**—Rubble, wreckage, litter, trash, and all other forms of refuse. This shall include lumber, cement, tires, bricks, and abandoned vehicles.
- D Dilapidated Structures**—Is any real property structure which has been reduced to, or fallen into, partial ruin or decay from fire, weather, age, wear, misuse or neglect. Dilapidated structure shall include any building or structure which has any, or all, of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are, or may be, endangered:
1. Whenever any portion of the exterior of the building or structure has the appearance of damage due to weather, age, wear, misuse or neglect: as in paint chipping broken windows, skirting, siding, thresholds, sills, shingles or roofing is in need of repair or replacement.
 2. Whenever any portion thereof has been damaged by fire, winds, floods, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
 3. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
 4. Whenever the building or structure, or any portion thereof, because of :
 - a. Dilapidation, deterioration, or decay
 - b. Faulty construction
 - c. The removal, movement or instability of any building
 - d. The deterioration, decay, or inadequacy of its foundations
 - e. Any other cause that is likely to partially or completely collapse, or has so collapsed.
 5. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
 6. Whenever the building or structure has been so damaged by fire, wind, age, wear, lack of maintenance, or flood, or has become so dilapidated or deteriorated as to become:
 - a. An attractive nuisance to children
 - b. A harbor for vagrants, criminal, or immoral persons
 - c. Enables persons to resort thereto for the purpose of committing unlawful or immoral acts
 - d. A site for the infestation of insects, rodents or other pests.
 7. Whenever a building or structure, used or intended to be used for a dwelling has damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the County Health Officer to be unsanitary unfit for human habitation or in such a condition that it may cause sickness or disease.
 8. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive condition, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Chief to be a fire hazard.
 9. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or equity jurisprudence.
 10. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to make such building or structure, or portion thereof, an attractive nuisance or hazard to the public.
- E Dwelling**—A building or portion thereof designed or used exclusively for residential occupancy, including, single family, two family and multiple family structures.

- F **Emergency**—Any serious, unexpected and often dangerous condition or situation requiring immediate action to avoid any dangers to life, health, property or safety of the public.
- G **Enforcement Agent**—The Town Manager, Code Enforcement Agent, Police or Fire Officers, the Town Attorney, and any other person designated by the Town Manager, shall have the authority to issue and enforce warnings and citations pursuant to the Article.
- H **Farm Fowl**—Includes all types of chickens, roosters, ducks, geese, ect....
- I **Garbage**—An accumulation of spoiled or discarded animal or vegetable material resulting from the handling, preparation, cooking, or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition which may become putrid. This will include all such substances from all public and private establishments as well as all residences.
- J **Graffiti**—An inscription or drawing carved or drawn on a stationary structure so as to be discernible from the public right of way and which degrades the beauty, appearance, or value of the property.
- K **Hazard**—A condition that may cause physical harm or injury to person or property/
- L **Imminent Hazard**—A condition that presents an immediate likelihood for causing physical harm or injury to person or property.
- M **Improved Property**—Land on which buildings or other structures are located.
- N **Infestation**—The apparent presence of insects, rodents or other pests.
- O **Junk**—Items that in their present state are of little or no apparent economic value that are not confined within a commercial area zoned and approved as a junk or salvage yard in compliance with the Mammoth Zoning Code, such as any metal, paper, or machinery parts; vehicles, or vehicle parts, inoperative machinery or appliances, building material waste, litter, discarded or empty containers. Junk shall also include all types of litter or solid waste described elsewhere in the Mammoth Town Code.
- P **Land**—All land in the limits of the Town of Mammoth whether improved or unimproved.
- Q **Litter**—Means any rubbish, trash, weeds, filth and debris which shall constitute a hazard to public health and safety, and shall include all putrid and non putrid solid wastes including garbage, trash, ashes, street cleaning, dead animals, abandoned or junk vehicles or appliances, and industrial waste, any deposit, accumulation, pile, or heap of brush, grass, debris, weeds, cans, cloth, paper, wood, rubbish or other unsightly or unsanitary matter of any kind whatsoever. The term "litter" shall also include any growth of weeds, brush, grass, or other vegetable growth of a height and condition which causes a high risk of fire or a breeding place for rodents or other unhealthy or unsanitary animals.
- R **Livestock**—This will include horses, cattle, sheep, pigs, and goats.
- S **Manufactured Home**—A single family dwelling unit, built after June 15, 1976, on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation and with the tongue and axles removed.
- T **Modular Home**—Also called a prefabricated home does not have axles or a frame, meaning that they are typically transported to their site by means of flatbed trucks. Constructed according to State and Local building codes.
- U **Notice to Abate**—A notice issued to a property owner or occupant concerning violation of this Article requiring corrective action.
- V **Occupants**—The person occupying or having physical or legal custody of a structure or premises as a lessee or otherwise.
- W **Organic Composting**—May include all vegetable, breads, eggshells, paper (non-glossy), must also contain worms and/or fungus for breakdown. May not include meats, proteins, bones, or fats.
- X **Owner**—Owner or Owners of Record shall be any and all persons indicated on the records of the Pinal County Assessor, or other official body, as the owner of record of the property in question and shall be responsible for stated property.
- Y **Person**—A human being, enterprise, corporation, association, partnership, firm or society.
- Z **Plant Growth**—Vegetation, whether living or dead, such as grass, weeds, vines, bushes, cactus or trees.

- AA Polluted**—A condition that exists in water and is characterized by bacterial growth, algae, insect infestation, the remains of litter, debris, garbage, or any other foreign matter which because of its nature or location, constitutes an unhealthy, unsafe, or unsightly condition.
- BB Private Premises**—Means any lot, property, dwelling, house, building, or other structure, designed or used either wholly or in part for private residential or commercial purposes, whether inhabited or, temporarily or continuously, uninhabited or vacant, and shall include any lot, yard, grounds, walk, driveway, porch, steps or vestibules belonging or appurtenant to such dwelling, house, building or other structures.
- CC Property**—Include buildings, grounds, lots and tracts of land.
- DD Public Place**—Means any and all streets, sidewalks, boulevards, alleys, or other public ways, and any and all public parks, squares, spaces, ground and buildings.
- EE Recreational Vehicles**—Lists all motor homes, fifth wheel trailers, campers, and all off road vehicles. None of the above may be used as a primary residence or in place of a manufactured or modular home within the Town of Mammoth.
- FF Refuse**—Means all forms of Garbage, and/or Trash as contained within this Article.
- GG Responsible Party**—The owner and/or occupant of a building, structure or property shall jointly and severally be the responsible party for purposes of this Article.
- HH Salvage**—For purposes of this Article the term salvage shall be understood to be the act of accumulating parts and pieces from various forms of wholes, such a stock piles of vehicles or vehicle parts, miscellaneous scraping materials, and/or any other form of stock piling that may create a blighting appearance in the Town.
- II Secure**—To enclose all open areas of a building, such as doors and window as to protect the structure from entry by animals or individuals and if a manufactured home it must include skirting as to protect the under area from entry by any animals, pests, or individuals.
- JJ Stored**—Parking, leaving, locating, keeping, maintaining, depositing, remaining, or being physically present on private property.
- KK Street or Highway**—The entire width between the boundary lines of every way publicly owned or maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.
- LL Structures**—Includes buildings improvements and other structures that are constructed or placed on land.
- MM Unsafe Conditions**—All unsafe conditions are declared t be prohibited and a public nuisance and shall be corrected, abated or removed by an appropriate method in accordance with the procedure specified in this Article or as otherwise provided by law. Unsafe conditions as used in this Article shall include, but shall not be limited to, any unguarded well, cesspool, excavation pit or hole which by virtue of abandonment, dilapidation or lack of maintenance is a hazard to the public, and any premises or any portion thereof which, as the result of the accumulation or collection of litter, dilapidated structures or abandoned or junk vehicles as defied herein, is or may be, an attractive nuisance to children or a danger to the life, health,, premises occupants or safety of the public.
- NN Unsafe Buildings**—All unsafe buildings, structures or conditions are hereby declared to be prohibited and public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this Article or otherwise provided by law. For the purposes of this Code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such condition or defect exists to the extent that the life, health, premises, or safety of the public or its occupants are, or may be endangered:
1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged or maintained as to provide safe and adequate means of exit in case of fire or panic.
 2. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is materially in excess of the working stress or stresses allowed in the Building Codes for new buildings of similar structure, purpose or location.

3. Whenever any building or portion thereof has racked, warped, buckled, settled to such an extent that walls or other structural portions have materially less resistance to winds or weather than is required in the case of similar new construction. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non supporting part, member or portion materially less, or in any supporting part, member or portion materially less, of the strength, fire resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
 4. Whenever, for any reason, the building or structure or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
 5. Whenever the building or structure, exclusive of the foundation, shows thirty three (33%) percent or more damage or deterioration of its supporting member or members, or fifty (50%) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings. Whenever a building or portion thereof is a dilapidated structure as defined herein.
 6. Whenever any building or structure has been constructed, exists or is maintained in violation of any requirement or prohibition applicable to such building or structure provided by the building regulations of this Town, the Fire Code, The Property Maintenance Code, Zoning Code, or of any law or ordinance of this State, County, or Town relating to the condition, use, location or structure of buildings.
- OO **Vehicle**—Every device by which any person or property is or may be transported or drawn upon a street or highway, excepting devices moved by human power or used exclusively upon stationary rails or tracts. Camper, trailers, and boats shall be included in this definition. Operating vehicles shall have current registration from the State of Arizona.
- PP **Weeds**—Johnson grass, Bermuda grass, Rye grass, White horse nettle, any type of plant growth defined as noxious weed by State law regardless of whether a particular property owner or occupant who is the subject of enforcement action under this code may regard the growth as desirable and any other similar species or subspecies of weeds or grass of any kind.

14-27-03

PROPERTY MAINTENANCE CODE

Any person violating any provision of the Property Maintenance Code, shall be guilty of a Criminal Misdemeanor violation case, such violation may be punishable by receiving a mandatory fine of \$100.00 assessed by the Town of Mammoth in addition to any fines assessed by the courts should a citation be issued. Citations may be issued after (30) thirty days of the initial violation letter, pursuant to the provisions of **14-27-18, 19, 20, and 21** of this Article. Citations may be issued for violation hereof in addition to, in lieu of any other remedy, or both. Violations of the Property Maintenance Code are declared to be public nuisances which may also be abated through judicial or administrative abatement procedures as set forth in this Article. Notwithstanding any contrary language in this Code, or in this Article, where two or more provisions address the same topic both shall apply but the most stringent shall control.

14-27-04

LITTER, DILAPIDATED STRUCTURES, ABANDONED OR JUNK VEHICLES

No person shall throw, deposit, allow or maintain litter, dilapidated structures, abandoned or junk vehicles or any other public nuisance on any occupied or unoccupied private premises within the Town, except that the owner or person in control of said private premises may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any other property within the Town.

14-27-05

OWNER TO MAINTAIN PREMISES

The owner and person in control of any private premises shall at all times maintain the premises free of litter, dilapidated structures, abandoned or junk vehicles or any public nuisance and in compliance with the Property Maintenance Code; provided, however that this Section shall not prohibit the storage of litter in authorized private receptacles for collection

14-27-06

UNSANITARY OR UNSAFE CONDITIONS—EMERGENCY MEASURES

Unsafe conditions such as leaking sewage from broken sewer lines, open cesspools, excavation pits or other similar unsanitary or unsafe conditions shall be abated as soon as practicable under the circumstances by the removal of water service to the building, other emergency remedial measures reasonably required, or by other legal means available to the administrative authority or health department.

To avoid injury or damage to its citizens, unsafe conditions shall be abated as soon as reasonably possible after the condition has been reported to the proper authorities. No officer or official shall be liable in any manner for failing to cure or attempting to cure or remedy such condition.

Posting of Signs: Town Enforcement Agents should cause to be posted at each entrance to such building or premises, where reasonably prudent, a notice to read: "Unsafe Conditions Exist, Do Not Enter, Unsafe to Occupy, Code Enforcement Town of Mammoth"; such notice, if posted, shall remain posted until completion of the required repairs, the demolishing of the building or abatement of the unsafe condition, whichever shall apply.

14-27-07

EMERGENCY ACTION TO RELIEVE THREAT OF IMMINENT HAZARD

When a currently existing violation of this Article poses an imminent hazard, then the Town may immediately enter the property and take the minimum action necessary to relieve the threat of serious harm.

As soon as reasonably practicable under the circumstances, the Town shall serve a Criminal Citation or summons and complaint on the person or persons responsible for the violation.

Promptly after service of the citation or complaint the magistrate shall set an expedited hearing on the matter. At the hearing, the Town must establish by a preponderance of the evidence that the Town complied with all of the requirements of this Section. If the Town fails to meet this burden, the court shall require the Town to pay the responsible party for the reasonable cost of any physical damage caused to that party's property by failing to comply with one or more of the requirements of this Section.

14-27-08

EMERGENCY ABATEMENT

If a situation presents an imminent hazard, the Town may issue a notice to abate directing the owner, occupant, operator, or agent to immediately take such action as is appropriate to correct or abate the hazard described in the notice. In addition, the Town may act immediately to correct or abate the hazard itself pursuant to Section 14-27-6, or may commence an action in Magistrate or Superior Court to require the owner or occupant to abate the imminent hazard. In the event the Town is unable to contact the owner, occupant, agent or responsible party despite reasonable efforts to do so, the Town's right under this Section to correct or abate the hazard shall continue.

- A The Town may recover its costs incurred in abating an imminent hazard under this Section in the same substantive manner as provided for in this Article to the extent practicable under the circumstances.
- B The Town may recover its costs incurred in abating an imminent hazard under this Section in the same substantive manner as provided for in this Article to the extent practicable under the circumstances.

14-27-09

REMOVAL BY THE TOWN

When any person to whom notice has been given, pursuant to this Article, fails, neglects or refuses to remove from such premises any or all litter, dilapidated structures or abandoned or junk vehicles, or other public nuisance, in a timely manner, the Town Enforcement Agent is authorized and directed to cause same to be removed and disposed of at the expense of the owner or person controlling such premises. Upon completion of the work, the Code Enforcement Agent or Town Manager shall prepare a verified Statement of account of the actual cost of such removal or abatement, the date the work was completed, and the street address and the legal description of the premises on which said work was done, including ten (10%) percent for additional inspection and other incidental costs in connection therewith, and shall serve a duplicate copy of such verified Statement upon the person owning or controlling such premises.

14-27-10

LIMITATION OF LIABILITY

This Chapter shall not be construed to require regular inspections of premises by the Town or an obligation to abate any public nuisance as defined herein, reported or unreported within a specific time period. Neither the Town nor any of its officers or officials shall be liable in any manner for injuries or damages which result or are alleged to have resulted from any delay or failure to enforce the provisions of this Article.

14-27-11

DECLARATION OF PUBLIC NUISANCES

In addition to any other nuisances described in this Code, the following are declared to be public nuisances and prohibited; Details and explanations are stated in Section 14-27-12 Restrictions.

- 1. Litter**
- 2. Abandoned or Junk Vehicles**
- 3. Dilapidated Structures**
- 4. Unsafe Buildings**
- 5. Unsafe Conditions**

6. **Unsanitary Conditions**
7. **Livestock and Farm Fowl**
8. **All Other Violations of the Article**

14-27-12

RESTRICTIONS

1. **"Sanitation Cans"** No person shall deposit, store or maintain any garbage or junk that is visible from beyond the lot boundaries, except as authorized for collection. All areas where sanitation receptacles are housed must be kept in a clean and orderly manner. All garbage, trash, refuse, must be properly contained when placed outside for collection. Hours of collection are considered to be from 6:00PM the night before the scheduled pickup until 9:00PM the night of the scheduled pickup. All receptacles should be removed from public property by this time.
2. **"5' From Roadway"** All persons owning or occupying land or places of business within the Town shall keep the sidewalk or public places fronting or bordering their property free of garbage, junk, obstructions, and weeds or grass in excess of ten (10) inches however, this Section shall not prohibit the temporary storage of such matters in authorized receptacle for collection consistent with this Article or for pick up by the Town as in Bulk Brush Pickup.
3. **"5' From Roadway"** No owner or occupant of land shall allow or permit trees, shrubs or plant growth on the land to endanger, impede, obstruct or interfere with vehicular or pedestrian use of any street, sidewalk, or alley within the Town, or the visibility of any traffic control device or signal.
4. **"Fire Threats"** No owner or occupant of land within the Town shall allow plant growth, or other materials, which are dead, dormant or so dry as to be readily flammable or combustible on such land that may constitute a fire hazard or other threat to the public health or safety.

5. **“Abandoned Vehicles”** In residential areas and in business areas where the storage of a particular vehicle is not necessary for the operation of the business enterprise, all vehicles being restored or repaired, shall be stored safely within a lawful building or structure or behind a fence in such a manner as to not be visible from beyond the lot boundaries from adjacent public ways, or covered with a car cover made of opaque material. Where the storage of a vehicle is necessary to the operation of a business enterprise, it shall be stored on the premises in accordance with the applicable provisions of this Code, including but not limited to the Zoning Code. **This Code shall apply to a limit of 3 non working vehicles. 4+ vehicles of non working status shall constitute a salvage or junk yard and is not allowed in the residential areas of Mammoth.**
6. **“Tires”** No person shall be allowed to store discarded tires on residential property. The only place able store tires within the Town of Mammoth are in areas designated by business license to operate a vehicle or tire repair service.
7. **“Security”** No person shall allow the windows or doorways in any building to remain broken and open to the elements in a manner that contributes or tends to contribute to the dilapidation of the building or that allows infestation. All broken windows shall be repaired or covered with glass, Plexiglas or other secure and non-combustible materials and glazed in to be weather tight. The material will be designed and of such color as to blend with the finish or paint applied to the majority of the building. All entry areas must be secured whether occupied or vacant.
8. **“Visual Nuisance”** No person shall allow any exterior portion of a building or structure to become deteriorated by means of weather, age, or neglect that may present a hazard to the general public or an unattractive nuisance for surrounding residents within the Town of Mammoth. This will include roofing, siding, paint, exterior supports, porches, carports, storage buildings, animal containments, etc...

9. A) **"Waste Products Public"** No person shall deposit in, sweep upon, or permit to drain into any public right-of-way or public place of the Town any hazardous material, garbage, junk, obstruction or similar matter which is offensive to sight or smell, impedes passage, or that may be detrimental to, public health.
- B) **"Waste Products Private"** All owners must maintain their private properties free of litter, debris and any public nuisance except as authorized for collection. This includes but is not limited to scrapped furniture, glass, metal, vehicles and parts, rubbish, appliances, building materials, cardboard, containers, junk, tires, and any other discarded items. Stored items must not be visible from beyond the property lines.
10. **"Semi Trucking, Heavy Equipment"** No person shall park, or (in case of owner or occupant) allow or permit any person to park on the owners or occupant's land, any commercial vehicle or heavy equipment having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds on any undeveloped and/or un-surfaced private property in the Town except when necessarily required while actually conducting an authorized commercial purpose. Some exceptions may be accepted on a case by case basis as in the case of long-haul drivers home for a short stay.
11. **"Rec Vehicles"** No Recreational Vehicle such as motor homes, fifth wheel trailers, or campers may be used as a residence, or in place of a manufactured home, on any property within the Mammoth Town Limits. A Variance may be requested through the Mammoth Planning and Zoning Commission for cases of visitors who may be staying for short periods, or in the case of construction on a primary residence where the RV is being used while the Primary residence is in repair.

12. **"Signs"** No person shall attach any sign to any public utility structure, traffic control device, street light standard, or similar structure in the public right-of-way except those signs erected by a public utility or government agency.
13. **"Pools"** No person shall allow any swimming pool or similar body of water to stagnate and thereby become polluted, offensive to the senses or unsafe for its intended use.
14. **"Graffiti"** No owner or occupant of a building or structure within the Town shall permit graffiti on the building or structure or fail to eradicate graffiti from the building or structure within Seven (7) days of notice thereof.
15. **"Barbed Fencing"** No person in a residential area shall erect or maintain any electric fence, erect or maintain any barbed wire or razor wire on any property that encompasses less than (1) one acre, exceptions are that no more than three (3) strands of barbed wire or one (1) coil of razor wire not less than Eight Feet and Two Inches (8'2") above the ground are permitted at the top of an otherwise lawful fence enclosing a municipal, institutional, or commercial use. Barbed wire fencing is not prohibited on premises larger than (1) one acre used for agricultural or livestock purposes. Barbed wire or razor wire shall not extend beyond the premises permitted to be enclosed.
16. **"Fencing Residential"** No person shall enclose or construct fencing from any materials not specifically used for the enclosure of a property. Permissible materials are wood, brick, chain link, or rock construction. Pallets and use of discarded materials will not be permitted for use as fencing.
17. **"Fencing to Public"** No owner or occupant shall fail to properly repair, replace, or remove any collapsed or fallen wall or fence adjacent to the public right-of-way.

18. **"Farm Fowl"** No person shall be permitted to house any Farm Fowl which includes chickens and roosters, (ducks and geese are not permitted within the Mammoth Town Limits) on any property that is less than one-half (1/2) acre unless the following are in place: Guidelines for keeping such animals in the Town of Mammoth are as follows—
- All animals must be contained within the boundaries of the housing property. They may not be free roaming, as to encroach on any other resident's right to use and maintain their own properties.
 - **Proper Housing:** This will be a coop that is completely contained consisting of a roosting room and a walk about area. This may not be constructed within (10) ten feet of any neighboring property line. The roosting coop may be no taller than (8) eight feet in height.
 - **NO Free Roaming:** This is meant to keep all animals from leaving the boundaries of residence. You may allow your fowl to roam your yard outside of the housing area only when they are being supervised by an adult who can keep them from leaving the residence boundaries.
 - On properties of less than one-half (1/2) acre must be limited to a maximum number of twenty fowl per residence. This number will include chicks as well as adults. **Only one Rooster per residential property.** The fowl must be contained in proper housing.
 - All animal droppings, including feces and feathers must be cleaned weekly and contained in insect free containers for disposal.
 - If a habitual violation of this order is confirmed (Two (2) or more violations in a one (1) year) the owner of said Farm Fowl will be given notice to expel the animals from this property and will not be permitted to house any Farm Fowl in the future.

19. **“Livestock”** No person shall house Livestock (Horses, Cattle, Sheep, Pigs, Goats) within the Mammoth Town Limits. Exceptions to this regulation will be in the case of Goats, these animals may be allowed to reside on properties that are a minimum of one (1) acre. These animals must be contained in proper pens that are maintained in a clean and sanitary condition. All droppings must be cleaned weekly and contained in insect free containers for disposal. These may not be free roaming on any property within the Mammoth Town Limits.

- **Proper pens must be fenced in a manner that does not allow for any free roaming of the property within the Mammoth Town Limits.**
- **Pens must not be constructed within (10) ten feet of any neighboring property lines.**

If a habitual violation of this order is confirmed (Two (2) or more violations in a one (1) year) the owner of said Livestock will be given notice to expel the animals from this property and will not be permitted to house any livestock in the future.

14-27-13

AUTHORITY TO INSPECT

Town Enforcement Agents, are hereby authorized to make inspections for violations of this Article in the normal course of job duties; or in response to a citizen complaint that an alleged violation of the provisions of this Article may exist; or when there is a reason to believe that a violation of this Article has been or is being committed

In order to determine compliance with this Article, private property may be entered with one or more of the following:

The consent of the owner or occupant as authorized by an administrative or other search warrant issued by the Superior Court, Justice Court, or an order from the Town Magistrate Court authorizing the Town to enter the property and relieve the harm. The magistrate court shall issue such an order only upon a showing that probable cause exists to believe that a violation of this Article which poses an imminent hazard exists on the property.

When a violation of this Article is apparent from outside the boundary lines of the property, Town Enforcement Agents may enter the property for the purpose of issuing a notice of abatement or a citation and to document said violation.

14-27-14

FALIURE TO PRODUCE EVIDENCE OF IDENTITY

A person who fails or refuses to provide evidence of his/her identity to a duly authorized Enforcement Agent of the Town upon request, when such agent has reasonable cause to believe the person has committed a violation of this Article, is guilty of a Criminal Misdemeanor. **Evidence of identity under this Section shall consist of a person's full name, residence address, and date of birth.**

14-27-15

COMMENCEMENT OF AN ACTION

- A. Town Enforcement Agents as defined in this Article; are authorized to commence an enforcement action under this Article by issuing a citation. Town Enforcement Agents may also issue an administrative notice to abate, as may be approved by the Town Council. Said Enforcement Agents may also seek the issuance of a complaint by the Town Attorney for habitual offenders or petition for judicial abatement as defined in this Article.
- B. Nothing in this Section shall preclude Town Enforcement Agents from seeking voluntary compliance with the provisions of this Article, or from enforcing this Article through notices of violation, warnings or through other informal devices designed to achieve compliance in the most efficient and effective manner under the circumstances.

14-27-16

REMEDIES NOT EXCLUSIVE

Procedures to enforce compliance with this Article are in addition to any other procedure established by law, this Code, and this Article shall not be interpreted as limiting the penalties, actions, or abatement procedures which may be taken by the Town or other persons under other laws, ordinances or rules. The Town shall not be allowed to bring simultaneous judicial and administrative abatement actions or to bring a separate abatement action for the same violation if the defendant has prevailed in a judicial or administrative abatement proceeding.

14-27-17

DEFENDANTS AND RESPONSIBLE PARTIES

Any persons who causes, permits, facilitates, allows, aids or abets any violation of this Article, or who fails to perform any act or duty required pursuant to this Article, is subject to the enforcement provisions of this Article. The owner and occupant of property found to be in violation of this Article are individually, jointly and severally responsible for the violation, the prescribed civil or criminal sanctions, and for abating the violation. It shall not be a defense to enforcement or abatement action under this Article that any other person may also be liable for any violation or abatement in whole or in part.

14-27-18

CRIMINAL MISDEMEANOR VIOLATIONS AND CITATIONS

A Criminal Misdemeanor action for a violation of this Article may be commenced by issuance of written "ORDER TO COMPLY", description of the violation(s) or by designation of the Town Code Section that was violated and/or the issuance of a citation.

The citation will be issued by The Mammoth Police Department/ or summons by the Town of Mammoth Magistrate Courts and will be followed by compliance with Section 26C of this Article. The citation/summons shall advise the responsible party of the violation(s) committed, either by written description of the violation(s) or by designation of the City Code Section that was violated. Amendments to the citation may be made as authorized by law.

Any Criminal fine or judgment for sanctions issued pursuant to this Article shall constitute a lien against the real property of the responsible party that may be perfected by recording a copy of the fine or judgment with the Pinal County Recorder. Any judgment for Criminal fines or penalties pursuant to this Article may also be collected as any other judgment and shall bear interest at the legal rate until paid in full.

14-27-19

CRIMINAL PENALTIES

In addition to any other remedy or penalty provided by law, violation of any provision of this Article shall be a Criminal Misdemeanor violation punishable by accruing fines not to exceed \$10.00 per day to commence on the 5th day from date on original notice.

14-27-20

EACH DAY SEPARATE VIOLATION

Each day in which a violation of this Article continues, or the failure to perform any act or duty required by this Article, shall constitute a separate Criminal offense.

14-27-21

HABITUAL OFFENDERS

- A. A person who commits a violation of this Article after previously having been found responsible for committing two (2) or more civil violations of this Article within a twenty-four (24) month period --- whether by admission, by payment of the fine, by default or by judgment after hearing --- shall be guilty of a class one (1) misdemeanor. The Town Attorney is authorized to file a criminal misdemeanor complaint in the Town or County Court against habitual offenders who violate this Section. For purposes of calculating the twenty-four (24) month period under this paragraph, the dates of the commission of the offenses are the determining factor.
- B. Upon conviction of a violation of this Section, the Court may impose a sentence equal to (2X) two time the fine amounts stated in **Sections 14-27-3 and 14-27-19** of this Code or the Magistrate shall order a person who has been convicted of a violation of this Section to pay a fine of not less than five hundred (\$500) dollars for each count upon which a conviction has been obtained, whichever is lower. A judge shall not grant probation to or suspend any part or all of the imposition or execution of any sentence required by this Subsection except on the condition that the person pay the mandatory minimum fines as provided in this paragraph.
- C. Every action or proceeding against a habitual offender, under this Section, shall be commenced and prosecuted in accordance with the rules of criminal procedure relating to criminal misdemeanors.

14-27-22

VIOLATIONS-PENALTIES

- A Any person, firm or corporation who is found to have violated any provision of this Article on premises owned or controlled by said person, firm or corporation is guilty of a Criminal Misdemeanor violation punishable as provided in **Section 14-27-3 & 14-27-19 through 21** and in addition to any fine which may be imposed, shall be liable for all costs of removal which may be assessed pursuant to this Article.
- B Any person, firm or corporation who shall place or keep any litter, dilapidated structures, or abandoned or junk vehicles upon any private or public premises not owned or under the control of said person, firm or corporation or who violates any provision of this Article, shall be guilty of a civil violation punishable as provided in **Section 14-27-3 & 14-27-19 through 21**, and in addition to any fine which may be imposed for violation of any provision of this Section, shall be liable for all costs which may be assessed pursuant to this Article for the removal of said litter or dilapidated structure.

14-27-23

PETITION FOR JUDICIAL ABATEMENT

In addition to any Criminal Sanction or Criminal Penalty, the Town attorney or the Code Enforcement Agent may petition and the court may in its discretion order the responsible party to correct and abate the violation by a specified date. The Town may also petition the court for an order allowing the Town to enter the property and correct the violation if the responsible party fails to comply with the court's correction order. Petitions for judicial abatement shall generally follow the requirements of A.R.S. 9-499, to the extent applicable.

14-27-24

RECOVERY OF TOWN COST FOR CORRECTION OF VIOLATION

For a Criminal violation of this Article, if the Town corrects a violation pursuant to Section 14-27-19, the Town may petition the court to recover the costs, expenses and attorney's fees which the Town incurred in correcting the violation and in bringing the petition for recovery. If the court finds by a preponderance of the evidence that the Town is entitled to recover the \$100.00 Mandatory Fine, in addition the court may order the defendant to pay to the Town the amount of the costs, expenses and attorney's fees reasonably incurred by the Town and may enter judgment in favor of the Town and against the responsible party in that amount. The court may make payment of the judgment a condition of suspending a portion of a Criminal Sanction.

14-27-25

ADMINISTRATIVE PROCEDURE TO ABATE PUBLIC NUISANCES

- A. Subject to the provisions of subsection B of this Section, the Town Manager shall compel the removal of all litter, dilapidated structures, abandoned or junk vehicles and any other public nuisance as defined herein, by the procedures provided in this Article, or such other procedure authorized by this Code or State law. The procedures established by this Article shall be in addition to, and not exclusive of, all other procedures or remedies established by this Code for the removal of litter, dilapidated buildings or abandoned or junk vehicles, or any other public nuisance.
- B. If the dilapidated structure is located within a district zoned for historic preservation of the Town and is considered historically significant, the Town Manager shall coordinate compliance with the provision of this Article with any applicable historical preservation ordinance to insure compliance with all applicable Codes.

NOTICE TO ABATE

- A. If a person owning or controlling any private premises fails, neglects or refuses to remove or properly dispose of litter, dilapidated structures or abandoned or junk vehicles, or any other public nuisance located on premises owned or controlled by such person, he/she shall be given written notice by the Code Enforcement Agent to remove same from such premises within thirty (30) days from the date the notice was received or deemed received by him/her.
- B. Such notice shall be received not less than thirty (30) days before the date set therein for compliance. The notice shall be deemed received five (5) days after posting same on the property or mailing same as provided in Section 14-27-22 of this Article, whichever is the earlier.
- C. Said notice shall contain the date of mailing, name and address of the owner, the address of the property and shall further contain:
 - 1. A Statement of what the owner or occupant must do to comply with the notice and this Article.
 - 2. An estimate of the cost of removal by the Town,
 - 3. A Statement that unless the person owning or controlling such premises complies therewith, prior to the time established in the notice, that the Town may, at the expense of the person owning or controlling said premises, perform the necessary work at a cost not to exceed the estimate given in the notice.
 - 4. Inform the owner and occupant if any, that he/she may appeal in writing to the council within thirty (30) days from the date the notice was mailed to him/her and prior to the date set for compliance unless abatement has been ordered by a court.
 - 5. A legal description or county assessor parcel number of the property.

14-27-27

SERVICE OF NOTICE

- A. The notice(s) provided in Section 14-27-22 shall be posted on the property and personally served on the owner or person controlling such premises by an enforcement agent of the Town in the manner provided in the Arizona Rules of Criminal Procedure, or mailed to the owner or person controlling such premises at his/her last known address by certified mail, or the address to which the tax bill for the premises was last mailed. If the owner does not reside on such premises, a duplicate notice shall also be sent to him/her by certified mail at his/her last known address and posted on the premises. Notice shall be deemed received, for all purposes of this Article, five (5) days after depositing same in the mail to the address to which the tax bill was mailed by the Pinal County Assessor and posting same on the property. The failure to post on the property shall not be deemed to affect the validity of service of notice unless specifically required by statute.
- B. The notice shall be recorded in the office of the Pinal County Recorder and shall be released only if the owner or person in control of the property has complied in full.

14-27-28

ADMINISTRATIVE APPEAL

- A. Within said thirty (30) days of the date of mailing of the notice, the owner or person controlling such premise may appeal in writing to the council, from the demand for compliance set forth in the notice, unless abatement has been ordered by a court.
- B. The written notice of appeal must contain the full name, address and phone number of the person appealing and a Statement of what control he/she has of the property and why compliance is not required or is otherwise inappropriate. The appellant shall have the burden of proof in these regards.
- C. The council shall, after receiving the appeal, hear and determine the same and the decision of the council shall be final. The appellant shall receive at least three (3) days notice of the hearing.

- D. The Council may either affirm or reverse the decision of the Town Enforcement Agent or modify the scope of work as required in the notice.
- E. An appeal shall be conclusively deemed waived if a written notice of appeal is not received by the Town Clerk within thirty (30) days of mailing or posting of said notice.

14-27-29

Lien for Removal: Assessment Procedure

- A. If the owner or occupant of the property fails to comply with the notice and the Town is required to incur costs for the removal, abatement or enjoining of the hazard to public health and safety created by the litter or dilapidated structure there shall be a written assessment on the property from which the litter or dilapidate structures have been removed, abated or enjoined.
- B. The Code Enforcement Agent or Town Manager shall record the assessment in the Pinal County Recorder's Office. Said assessment shall include the legal description of the property, the date and the amount of the assessment made by the Town and the payment requirements as set forth in Section 14-27-26 of this Article. Copies of the assessment shall also be mailed to the property owner.
- C. Assessments made pursuant to this Article shall be prior to and superior to all other liens, obligations mortgages or other encumbrances on said property with the exception of liens for general taxes.
- D. The Town Attorney is authorized to take action to obtain a judgment of foreclosure and obtain an order of sale to satisfy any assessment not paid in accordance with the provisions of this Article.

- E The Town Attorney is authorized to bring an action to enforce the assessment in the Superior Court of Pinal County at any time after recording of the assessment. Failure to enforce the assessment by such action shall not affect the validity of the assessment.
- F The assessment recorded in accordance with the provisions of this Article shall be prima facie evidence of the truth of all matters recited in the assessment and of the regularity of all proceedings prior to the recording of the assessment.

14-27-30

Assessments: How Paid: Accrual

- A. Assessments that are imposed pursuant to this Article shall run against the property until paid and are due and payable as follows:
 - 1. Assessments of less than Five Hundred (\$500.00) Dollars shall be paid within one (1) year after the assessment is recorded.
 - 2. Assessments of Five Hundred (\$500.00) Dollars or more, but less than One Thousand (\$1000.00) Dollars shall be paid within two (2) years after the assessment is recorded.
 - 3. Assessments of One Thousand (\$1000.00) or more, but less than Five Thousand (\$5000.00) Dollars, shall be paid within three (3) years after the assessment is recorded.
 - 4. Assessments of Five Thousand (\$5000.00) Dollars or more, but less than Ten Thousand (\$10,000) Dollars, shall be paid within six (6) years after the assessment is recorded.
 - 5. Assessments of Ten Thousand (\$10,000.00) or more shall be paid within ten (10) years after the assessment is recorded.

- B. Each assessment shall contain a payment schedule which requires payment of the assessment over the above time periods in substantially equal yearly installments.
- C. An assessment that is past due shall accrue interest at the legal rate as prescribed by A.R.S. § 44-1201, as amended from time to time.
- D. A prior assessment for removal of litter or dilapidated structures as provided in this Article shall not be a bar to a subsequent assessment or assessments for these purposes and any number of assessments on the same lot or tract of land may be enforced in the same action.