

CHAPTER 10 - HEALTH AND SANITATION

Article 10-1 GARBAGE AND TRASH COLLECTION

- Section 10-1-1 Definitions
- Section 10-1-2 Collection Agency
- Section 10-1-3 Collection Hours, Rules and Regulations
- Section 10-1-4 Rates

Section 10-1-1 Definitions

In this Article, unless the context otherwise requires:

- A. Garbage: Means all putrescible wastes, except sewage and body waste, including all organic wastes that have been, prepared for, or intended to be used as, food or have resulted, from the preparation of food, including all such substances from all public and private establishments and residences.
- B. Refuse: Means all garbage and trash.
- C. Trash: Means all nonputrescible wastes.

Section 10-1-2 Collection Agency

The City shall collect all refuse within the City for a fee. No person shall collect or gather refuse within the City for a fee, except as authorized by the City. Authorization may be made for collection of refuse for a fee within the City for those residential accounts specified by the City where the City cannot access the residential premises and commercial accounts specified by the City where equipment which is not available through the City is required, including but not limited to, "dumpsters". Application for such authorization shall be made at the City Hall. All collectors authorized for the collection of refuse shall also have a current City business license and shall comply with all applicable rules and regulations. The City reserves the right to revoke such authorization where the underlying reason for the authorization has been resolved.

Section 10-1-3 Collection Hours, Rules and Regulations

The hours of collection of refuse shall be designated by the head of the Public Works Department. All occupants, tenants or owners of property within the City shall comply with all provisions of this Chapter and the designations by the Public Works Department.

Section 10-1-4 Rates

By resolution, the council shall from time to time fix the rates and classifications for garbage and trash collection within the City. Each residential or commercial owner, tenant or occupant shall pay the City fee for service whether utilized or not.

Article 10-2 PREPARATION OF REFUSE FOR COLLECTION

- Section 10-2-1 Preparation of Refuse
- Section 10-2-2 Location for Pick Up - Clean up
- Section 10-2-3 Lids and Covers
- Section 10-2-4 Use of Containers
- Section 10-2-5 Unlawful Storage or Collection

Section 10-2-1 Preparation of Refuse

All refuse shall be prepared for collection or disposed of as follows:

- A. Garbage: The customer shall furnish containers for the accumulation, storage, and collection of all garbage. Such containers shall be tightly covered and be of rust resistant metal or plastic and shall have handles on the outside. The maximum capacity of each container shall not exceed thirty-three (33) gallons and loaded for collection shall not exceed fifty (50) pounds in weight. Such containers shall be kept in good repair and in a sanitary condition. Containers found to be no longer serviceable through disrepair or maintained in an unsanitary condition may be prohibited by the City for further use. Legal notice of such prohibition shall consist of a label or tag affixed to the container. Receptacles not placed in a satisfactory condition or replaced within fifteen (15) days of said notice may be removed and destroyed by the City without further notice.
- B. Trash: Trash shall be placed in containers or tied in bundles by the customer and set out for collection. Containers may be garbage containers described above, or boxes not exceeding three (3) square feet by four (4) feet deep. In any event, the weight of a loaded container or bundle shall not exceed fifty (50) pounds.
- C. Brush: Brush shall be cut into such size, not more than five (5) feet in length, that one person can readily load the individual pieces into a truck or chipper and shall be piled in neat order with all long branches parallel to one another, and shall have all metal or foreign materials removed to facilitate chipping.
- D. Building Materials: All owners, contractors and builders of structures shall, upon the completion of any structure, gather up and haul away, at their sole cost and expense, all refuse of every nature, description or kind, which has resulted from the building of such structure, including all lumber scraps, shingles, plaster, brick, stone, concrete, and other building material, and shall place the lot and all premises utilized in such construction in a sightly condition. The forgoing provision notwithstanding, the City may dispose of small amounts of building materials from time to time for residential customers, providing it is arranged for collection in accordance with City requirements and contains no concrete, masonry, or soil. A charge will be made for City services in accordance with council resolution.

- E. By-products: Any commercial or manufacturing establishment which by the nature of its operations creates an unusual amount of by-product refuse may be required by the City to dispose of its own refuse or waste as opposed to having the City provide the service.
- F. Hazardous or Dangerous Waste: The City shall not collect hazardous or dangerous waste, refuse or materials including, but not limited to, engine or cooking oil, paint, or hot ashes. Any such refuse or materials must be disposed of by the owner or occupant of the premises in compliance with all local, State and federal laws or regulations.
- G. Soil and Concrete: Waste soil, concrete, masonry blocks, sod and rocks shall be disposed of in a lawful manner by the owner, tenant, or occupant of the premises.
- H. Tires - Batteries: The City shall not collect tires or batteries. Such items shall not be stored or collected on any premises unless otherwise authorized by law. All owners, occupants or tenants shall dispose of all used tires and batteries in a manner allowed by federal, State and local law within ten (10) days of the date they are first placed on the premises.
- I. Appliances: Stoves, refrigerators, freezers, coolers, washers, dryers, air conditioning units, hot water tanks and furnaces shall not be collected by the City except by special prior arrangement with the City and the payment of the applicable fee as determined from time to time by the council.

Section 10-2-2 Location for Pick Up - Clean Up

- A. All refuse shall be prepared for collection in the proper manner and placed in the location designated for collection by the sanitation department. All containers of garbage or refuse and bundles of trash shall be so located as to not block the street, alley, sidewalk, or gutter, or otherwise be a hazard to pedestrian or vehicular traffic. Garbage and trash shall be placed in the designated area only on the date collection is to occur, at a time which will allow for collection at normal collection time, or as otherwise designated by the department.
- B. The customer shall keep clean the area where his/her container is set out for pick up. The customer shall keep his/her solid waste from scattering from the pick up point to other premises and the public right-of-way.

Section 10-2-3 Lids and Covers

The lids or covers of all containers shall at all times be kept secure so that flies and insects may not have access to the contents, and shall only be removed while the container or receptacle is being filled, emptied, or cleaned.

Section 10-2-4 Use of Containers

It is unlawful for any person to deposit, or cause to be deposited, any refuse in any container that he/she does not own or is not entitled to use as a tenant or occupant of the property on which the container is located.

Section 10-2-5 Unlawful Storage or Collection

It is unlawful for any person, owner or occupant to collect, store or fail to dispose of any refuse, junk, appliance or other materials as required in this Chapter or applicable rules or regulations.

Article 10-3 OTHER METHODS OF GARBAGE AND TRASH REMOVAL

- Section 10-3-1 Hauling Refuse
- Section 10-3-2 Vehicles and Receptacles to be Spill Proof
- Section 10-3-3 Spilled Refuse
- Section 10-3-4 Dumping Refuse
- Section 10-3-5 Violations - Penalty

Section 10-3-1 Hauling Refuse

It is unlawful for any person to haul or cause to be hauled any refuse on or along any public street, avenue, or alley in the City, in violation of any provision of this Chapter.

Section 10-3-2 Vehicles and Receptacles to be Spill Proof

It is unlawful for any person to haul or cause to be hauled on or along any public street in the City any garbage, unless such garbage is contained within a strong watertight vehicle or within a watertight receptacle constructed to prevent any such garbage from falling, leaking, or spilling and any odor from escaping.

Section 10-3-3 Spilled Refuse

Any person hauling any refuse along the streets of the City shall immediately replace, in the conveyance used for such hauling, any refuse which may fall upon any street.

Section 10-3-4 Dumping Refuse

It is unlawful for any person to place or cause to be placed any refuse upon any public or private property within the City, except as specifically permitted in this Chapter.

Section 10-3-5 Violations - Penalty

It shall be a civil violation punishable as provided in Section 1-5-1(A) to fail to comply with any provisions of Articles 10-1, 10-2, or 10-3 of the Chapter. Each day a violation continues shall be a separate offense.

Article 10-4 PROPERTY MAINTENANCE AND PUBLIC NUISANCES

Section 10-4-1	Definitions
Section 10-4-2	Property Maintenance Code
Section 10-4-3	Litter, Dilapidated Structures, Abandoned or Junk Vehicles
Section 10-4-4	Owner and Occupant to Maintain Premises
Section 10-4-5	Unsanitary or Unsafe Conditions - Emergency Measures
Section 10-4-6	Emergency Action to Relieve Threat of Imminent Hazard
Section 10-4-7	Declaration of Public Nuisances
Section 10-4-8	Restrictions
Section 10-4-9	Authority To Inspect
Section 10-4-10	Failure To Produce Evidence of Identity
Section 10-4-11	Commencement of an Action
Section 10-4-12	Remedies Not Exclusive
Section 10-4-13	Defendants and Responsible Parties
Section 10-4-14	Civil Violations and Citations
Section 10-4-15	Civil Penalties
Section 10-4-16	Each Day Separate Violation
Section 10-4-17	Habitual Offender
Section 10-4-18	Petition for Judicial Abatement
Section 10-4-19	Recovery of City Cost For Correction of Violation
Section 10-4-20	Administrative Procedure to Abate Public Nuisances
Section 10-4-21	Notice to Abate
Section 10-4-22	Service of Notice
Section 10-4-23	Administrative Appeal
Section 10-4-24	Lien for Removal; Assessment Procedure
Section 10-4-26	Assessments; How Paid; Accrual
Section 10-4-27	Emergency Abatement
Section 10-4-28	Limitation of Liability
Section 10-4-29	Violations - Penalties

Section 10-4-1 Definitions

In this Article, unless the context otherwise requires:

- A. Abandoned or Junk Vehicle: 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. The vehicle has a deflated tire or tires, or
 4. A wheel or tire has been removed on the vehicle, or

5. The vehicle does not have a current, fully paid registration from the State of Arizona; or
 6. It is a partially or wholly dismantled vehicle.
- B. Authorized Private Receptacle: A litter storage and collection receptacle as required and authorized in this Chapter.
- C. Dilapidated Structure: Is a 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 thereof has been damaged by fire, earthquake, wind, flood 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.
 2. 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.
 3. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement or instability of any building; (iv) the deterioration, decay or inadequacy of its foundations; or (v) any other cause, is likely to partially or completely collapse, or has so collapsed.
 4. 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.
 5. Whenever the building or structure has been so damaged by fire, wind, age, wear, lack of maintenance, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminal or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts; (iv) a site for the infestation of insects, rodents or other pests.
 6. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, 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.

7. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistant condition, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Chief to be a fire hazard.
 8. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or equity jurisprudence.
 9. 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.
- D. Enforcement Agent: The City Manager, Code Enforcement Officer, Building Official, Police and Fire Officers, the City Attorney, and any other person designated by the City Manager, shall have the authority to issue and enforce warnings and citations pursuant to this Article.
- E. 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.
- F. 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 property.
- G. Hazard: A condition that may cause physical harm or injury to person or property.
- H. Imminent Hazard: A condition that presents an immediate likelihood for causing physical harm or injury to person or property.
- I. Improved property: Land on which buildings or other structures are located.
- J. Infestation: The apparent presence of insects, rodents or other pests.
- K. Junk: Items that in their present State are of little or no apparent economic value that are not confined within an industrial area zoned and approved as a junk or salvage yard in compliance with the Globe Zoning Code, such as an accumulation of the following materials: discarded or scrapped furniture; glass, metal, paper, or machinery parts; vehicles or vehicle parts, inoperative machinery or appliances, building materials wastes; litter; discarded or empty containers. Junk shall also include all types of litter or solid waste described in the Globe City

Code.

- L. Land: All land in the City of Globe whether improved or unimproved.
- M. Litter: Means any rubbish, trash, weeds, filth and debris which shall constitute a hazard to public health and safety, and shall include all putrescible and nonputrescible 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.
- N. Notice to Abate: A notice issued to a property owner or occupant concerning violation of this Article requiring corrective action.
- O. Occupants: The person occupying or having physical or legal custody of a structure or premises as a lessee or otherwise.
- P. Owner: The person indicated on the records of the Gila County Assessor, or other official body, as the owner of record of the property in question.
- Q. Person: A human being, enterprise, corporation, association, partnership, firm or society.
- R. Plant Growth: Vegetation, whether living or dead, such as grass, weeds, vines, bushes, cactus or trees.
- S. 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.
- T. 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.
- U. Property: Includes buildings, grounds, lots and tracts of land.
- V. Public Place: Means any and all streets, sidewalks, boulevards, alleys, or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

- W. 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.
- X Stored: Parking, leaving, locating, keeping, maintaining, depositing, remaining, or being physically present on private property.
- Y. 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.
- Z. Structures: Includes buildings improvements and other structures that are constructed or placed on land.
- AA. Unsafe Conditions: All unsafe conditions are declared to 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 defined herein, is or may be, an attractive nuisance to children or a danger to the life, health, premises, occupants, or safety of the public.
- BB. 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 as 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 or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

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.
 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 City, as specified in the Chapter 12, the International Fire Code, the Property Maintenance Code, Zoning Code, or of any law or ordinance of this State or City relating to the condition, use, location or structure of buildings.
 7. 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, or weather 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.
 8. Whenever a building or portion thereof is a dilapidated structure as defined herein.
- CC. 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. Campers, trailers and boats shall be included in this definition.
- DD. Weeds or Grass: Johnson grass, Bermuda grass, Rye grass, White horse nettle, any type of plant growth defined as a noxious weed by State law regardless of whether a particular property owner or occupant who is the subject of enforcement action under this Code regards the growth as desirable, and any other similar species or subspecies of weeds or grass of any kind.

Section 10-4-2 Property Maintenance Code

Any person violating any provision of the Property Maintenance Code adopted under Chapter 12, incorporated herein by this reference, shall be guilty of a civil violation punishable as provided in Section 1-5-1(A), unless cited as a habitual offender in which case such violation shall be punishable as provided in Section 1-5-1(B) of this Code. Citations may be issued pursuant to the provisions of Chapter 6 of this Code. 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, in this Article, where two or more provisions address the same topic both shall apply but the most stringent shall control.

Section 10-4-3 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 City, 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 City.

Section 10-4-4 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.

Section 10-4-5 Unsanitary or Unsafe Conditions - Emergency Measures

- A. 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.
- B. 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.
- C. Posting of Signs: City 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, Building Department, City of Globe"; 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.

Section 10-4-6 Emergency Action To Relieve Threat of Imminent Hazard

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

- B. As soon as reasonably practicable under the circumstances, the City shall serve a civil or criminal citation or summons and complaint on the person or persons responsible for the violation.
- C. Promptly after service of the citation or complaint the magistrate shall set an expedited hearing on the matter. At the hearing, the City must establish by a preponderance of the evidence that the City complied with all of the requirements of this Section. If the City fails to meet this burden, the court shall require the City 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.

Section 10-4-7 Declaration of Public Nuisances

In addition to any other nuisances described in this Code, the following are declared to be public nuisances and prohibited:

- 1. Unsafe Conditions
- 2. Unsafe Buildings
- 3. Unsanitary Conditions
- 4. Dilapidated Structures
- 5. Abandoned or Junk Vehicles
- 6. Violations of this Article.
- 7. Litter

Section 10-4-8 Restrictions

- A. It shall be unlawful for any person to violate of any of the following restrictions which shall also be a public nuisance:
 - 1. 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 if said repairs or restoration takes twenty (20) days or longer. 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.

2. No person shall deposit, store or maintain any garbage or junk that is visible from beyond the lot boundaries, except as authorized for collection under this Chapter.
3. All persons owning or occupying land or places of business within the City 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, provided, however, this Section shall not prohibit the temporary storage of such matters in authorized receptacles for collection consistent with this Chapter.
4. 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 City, or the visibility of any traffic control device or signal.
5. No owner or occupant of land within the City 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.
6. No person shall deposit in, sweep upon, or permit to drain into any public right-of-way or public place of the City 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.
7. 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.
8. No owner or occupant of a building or structure within the City shall permit graffiti on the building or structure or fail to eradicate graffiti from the building or structure within thirty (30) days of notice thereof.
9. No person shall erect or maintain any electric fence, erect or maintain any barbed wire or razor wire except that no more than three (3) strands of barbed wire or one (1) coil of razor wire not less than six feet and two inches (6'2") 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 one acre used for agricultural or livestock purposes. Barbed wire or razor wire shall not extend beyond the premises permitted to be enclosed.
10. 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.
11. No person shall park, or (in case of owner of 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 un-surfaced private property in the City except when necessarily required while actually conducting an authorized commercial purpose.

12. 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. No person shall allow the windows 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 so as to blend in with the finish of the building.

Section 10-4-9 Authority to Inspect

- A. City 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.
- B. In order to determine compliance with this Article, private property may be entered with:
 1. the consent of the owner or occupant;
 2. as authorized by an administrative or other search warrant issued by the Superior Court, Justice Court, or an order from the City Magistrate Court authorizing the City 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.
 3. When a violation of this Article is apparent from outside the boundary lines of the property, City enforcement agents may enter the property for the purpose of issuing a notice of abatement or a citation and to document said violation.

Section 10-4-10 Failure to Provide Evidence of Identity

A person who fails or refuses to provide evidence of his/her identity to a duly authorized enforcement agent of the City upon request, when such agent has reasonable cause to believe the person has committed a violation of this Article, is guilty of a misdemeanor. Evidence of identity under this Section shall consist of a person's full name, residence

address, and date of birth.

Section 10-4-11 Commencement of an Action

- A. City enforcement agents as defined in this Article, are authorized to commence an enforcement action under this Article by issuing a citation. City enforcement agents may also issue an administrative notice to abate, as may be approved by the City Manager. Said enforcement agents may also seek the issuance of a complaint by the City Attorney for habitual offenders or petition for judicial abatement as defined in this Article.
- B. Nothing in this Section shall preclude City 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.

Section 10-4-12 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 City or other persons under other laws, ordinances or rules. The City 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.

Section 10-4-13 Defendants and Responsible Parties

Any person 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 an 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.

Section 10-4-14 Civil Violations and Citations

- A. A civil action for a violation of this Article may be commenced by issuance of a citation.
- B. The citation will be substantially in the form as provided by Chapter 6 of this Code. The citation 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.

- C. Any civil fine or judgment for civil 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 Gila County Recorder. Any judgment for civil fines or penalties pursuant to this Article may also be collected as any other civil judgment and shall bear interest at the legal rate until paid in full.

Section 10-4-15 Civil Penalties

In addition to any other remedy or penalty provided at law or equity, violation of any provision of this Article shall be a civil violation punishable as provided in Section 1-5-1(A).

Section 10-4-16 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 or by the City Manager continues, shall constitute a separate civil offense.

Section 10-4-17 Habitual Offenders

- A. A person who commits a violation of this Chapter 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 City Attorney is authorized to file a criminal misdemeanor complaint in the City or County Court against habitual offenders who violate this Chapter. 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 as set forth in Section 1-5-1(B) of this Code. 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. 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 an habitual offender, under this Section, shall be commenced and prosecuted in accordance with the rules of criminal procedure relating to criminal misdemeanors.

Section 10-4-18 Petition For Judicial Abatement

In addition to any civil sanction or criminal penalty, the City attorney may petition and

the court may in its discretion order the responsible party to correct and abate the violation by a specified date. The City may also petition the court for an order allowing the City 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 .

Section 10-4-19 Recovery of City's Costs of Correcting Violation

For a civil or criminal violation of this Article, if the City corrects a violation pursuant to Section 10-4-18, the City may petition the court to recover the costs, expenses and attorney's fees which the City incurred in correcting the violation and in bringing the petition for recovery. If the court finds by a preponderance of the evidence that the City is entitled to recover, the court may order the defendant to pay to the City the amount of the costs, expenses and attorney's fees reasonably incurred by the City and may enter judgment in favor of the City and against the responsible party in that amount. The court may make payment of the judgment a condition of suspending a portion of a civil sanction.

Section 10-4-20 Administrative Procedure to Abate Public Nuisances

- A. Subject to the provisions of subsection B of this Section, the City 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.¹
- B. If the dilapidated structure is located within a district zoned for historic preservation of the City and is considered historically significant, the City Manager shall coordinate compliance with the provision of this Article with any applicable historical preservation ordinance to insure compliance with all applicable Codes.

Section 10-4-21 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 City Manager 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

¹ **Editor's Notes:** Statutory reference: A.R.S. 9-499

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 10-4-22 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 City,
 3. A Statement that unless the person owning or controlling such premises complies therewith, prior to the time established in the notice, that the City 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 assessors parcel number of the property.

Section 10-4-22 Service of Notice

- A. The notice provided in Section 10-4-21 shall be posted on the property and personally served on the owner or person controlling such premises by an enforcement agent of the City in the manner provided in the Arizona Rules of Civil 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 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 Gila County Recorder and shall be released only if the owner or person in control of the property has complied in full.

Section 10-4-23 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, or hearing

officer if same has been established by the council for that purpose, 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 or hearing officer, if applicable, shall, after receiving the appeal, hear and determine the same and the decision of the council or hearing officer, if applicable, shall be final. The appellant shall receive at least three (3) days notice of the hearing.
- D. The council or hearing officer, if applicable, may either affirm or reverse the decision of the City Manager 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 City clerk within thirty (30) days of mailing or posting of said notice.

Section 10-4-24 Removal by City

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 City Manager 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 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.

Section 10-4-25 Lien for Removal; Assessment Procedure

- A. If the owner or occupant of the property fails to comply with the notice and the City 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 City Manager shall record the assessment in the Gila 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 City and the payment requirements as set forth in Section 10-4-26 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 City 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 City Attorney is authorized to bring an action to enforce the assessment in the Superior Court of Gila 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.

Section 10-4-26 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.²

Section 10-4-27 Emergency Abatement

- A. If a situation presents an imminent hazard, the City 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 City may act immediately to correct or abate the hazard itself pursuant to Section 10-4-6, 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 City is unable to contact the owner, occupant, agent or responsible party despite reasonable efforts to do so, the City's right under this Section to correct or abate the hazard shall continue.
- B. The City 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.

Section 10-4-28 Limitation of Liability

This Chapter shall not be construed to require regular inspections of premises by the City or an obligation to abate any public nuisance as defined herein, reported or unreported within a specific time period. Neither the City or 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.

Section 10-4-29 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 civil violation punishable as provided in Section 1-5-1(A), 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 1-5-1(A) and, in addition to any fine which may be

² **Editor's Note:** Substantially the same language as contained within this Section was adopted by and through Ordinance No. 730 (2004)

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.

Article 10-5 CITY CEMETERY

- Section 10-5-1 City owned Cemetery, Rules and Regulations
- Section 10-5-2 Sale of Lots
- Section 10-5-3 Lot Improvements
- Section 10-5-4 Mortuaries must be Licensed
- Section 10-5-5 Maintenance
- Section 10-5-6 Conduct of Persons Within City of Globe Cemetery
- Section 10-5-7 Violation - Penalty

Section 10-5-1 City Owned Cemetery, Rules and Regulations

The City may at its discretion provide a cemetery and burial lots as a public service and the council reserves the right to regulate the sale, use and maintenance of the cemetery lots in order to maintain administrative control and preserve said property.³

Section 10-5-2 Sale of Lots

- A. Upon purchase of lots, buyers shall assume all responsibility for general maintenance. All improvements are subject to City regulations as may be amended from time to time and no improvements shall be made in violation of this Code.
- B. No lots shall be purchased for speculation nor shall lots be resold for a profit. Individual lot prices shall be established by regulations adopted pursuant to this Article. At the discretion of the council, the purchaser may be required to execute a sales agreement.
- C. The City shall designate blocks within which lots may be purchased.

Section 10-5-3 Lot Improvements

No lot improvements may be made without complying with this Code.

- A. All markers shall be flat and set in concrete at the grade established by the City.
- B. Fencing, curbing, plantings, shrubs, trees, structures and ornaments are prohibited and may be removed by the City without notice to the lot owner.
- C. No lot improvements are to be constructed on weekends without making special arrangement with the City.

Section 10-5-4 Mortuaries Must be Licensed

Mortuaries operating within the cemetery shall be properly licensed by the State of Arizona and the City. Said mortuaries shall be responsible for the opening and closing

³ **Editor's Notes:** Enabling statutes A.R.S. 9-240(B) 9 & 11

of graves, and shall, during the opening and closing of graves, be responsible for the protection of adjoining lots and be responsible for the repair of any damage caused to adjoining lots within thirty (30) days of such damage. All grave openings and burials shall be reported to the City Clerk within seventy-two (72) hours of burial providing the block and lot number and the name of the decedent interred.

Section 10-5-5 Maintenance

The City of Globe may provide cemetery maintenance to the extent of budget limitations and reserves the right to establish reasonable maintenance fees for lots purchased and held in reserve. Maintenance fees may be established by Council resolution.⁴

Section 10-5-6 Conduct of Persons Within City of Globe Cemetery

- A. Automobiles shall not be driven through the cemetery at a greater speed than fifteen (15) miles per hour and shall be kept on the right side of the roadway.
- B. Bicycles and motorcycles are not permitted in the cemetery except when in attendance at funerals or on cemetery business.
- C. Children under twelve (12) years of age shall not be permitted within the cemetery or its buildings unless accompanied by an adult responsible for them.
- D. Animals shall not be permitted on the cemetery grounds.
- E. No person shall gather flowers or damage or remove shrubbery or plants.
- F. Depositing of rubbish on the walkways, roads, grounds, graves, or gravesites or in the buildings is prohibited.
- G. No person shall willfully or maliciously deface, break, destroy, disturb, or remove a tomb, monument, or grave stone erected for a dead person or mark, deface, injure, destroy, disturb, or remove any fence post, rail, or wall of the cemetery.
- H. No persons shall loiter within the cemetery except for purposes directly related to the purposes of the cemetery;
- I. The hours of the cemetery shall be from dawn to dusk and no persons shall be allowed in the cemetery at other times.

Section 10-5-7 Violation - Penalty

Any violation of the provisions of this Article or the rules and regulations adopted pursuant to this Article shall be a civil violation punishable as provided in Section 1-5-1(A) of this Code. Each day a violation continues shall be a separate offense.

⁴ **Editor's Notes:** Maintenance fund authorized A.R.S. 9-453