

ORDINANCE 117-97

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING THE TOWN CODE, CHAPTER 9, OFFENSES, ARTICLE 9-1, OFFENSES, BY DELETING SECTION 9-1-7, NUISANCES IN ITS ENTIRETY; AND AMENDING CHAPTER 10, HEALTH AND SANITATION, ARTICLE 10-1, METHODS OF GARBAGE AND TRASH REMOVAL, BY DELETING SECTION 10-1-1, DEFINITIONS IN ITS ENTIRETY, AND ARTICLE 10-2, REMOVAL OF LITTER, JUNK AND GARBAGE, BY DELETING SECTION 10-2-1, DEFINITIONS IN ITS ENTIRETY, AND BY CREATING FOUR NEW ARTICLES, 10-3, LITTER; NUISANCES, 10-4, ABANDONED VEHICLES, 10-5, UNATTENDED CONTAINERS, AND 10-6, ON-SITE REST ROOM FACILITIES.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

Section 1. That the Queen Creek Town Code, Chapter 9, Offenses, Article 9-1, Offenses, Section 9-1-7, Nuisance, is hereby deleted in its entirety and the section renamed "Reserved" as follows:

ARTICLE 9-1 OFFENSES

- 9-1-1 Dangerous Constructions
- 9-1-2 Excavations to be Covered
- 9-1-3 Explosives
- 9-1-4 Littering
- 9-1-5 Curfew Hours for Minor
- 9-1-6 Noise
- 9-1-7 ~~Nuisance~~ (RESERVED)
- 9-1-8 Obstruction of View
- 9-1-9 Offensive Business
- 9-1-10 Offensive Premises
- 9-1-11 Prostitution
- 9-1-12 Searchlights
- 9-1-13 Signs and Banners
- 9-1-14 Spitting
- 9-1-15 Water - Flow Upon Streets Prohibited
- 9-1-16 Weapons

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Section 9-1-7

Nuisances (RESERVED)

- A. ~~Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any person, which unlawfully obstructs the free passage or use, in the customary manner, of any public park, square, alley, sidewalk, street or highway, is a public nuisance, and is no less a nuisance because the extent of the annoyance or damage inflicted is unequal.~~
- B. ~~It is unlawful for any person to maintain or commit a public nuisance, or to willfully omit to perform any legal duty relating to the removal of a public nuisance.~~
- C. ~~A public nuisance may be abated by order of the town court.~~

Section 2. That the Town Code, Chapter 10, Health and Sanitation, Article 10-1, Methods of Garbage and Trash Removal, is hereby amended by deleting Section 10-1-1, Definitions, in its entirety, and replacing it with Section 10-1-5, Hauling Refuse, and renumbering accordingly to read as follows:

ARTICLE 10-1 METHODS OF GARBAGE AND TRASH REMOVAL

- 10-1-1 ~~Definitions~~ HAULING REFUSE
10-1-2 Vehicles and Receptacles to be Spill proof
10-1-3 Spilled Refuse
10-1-4 Dumping Refuse
~~10-1-5 Hauling Refuse~~

Section 10-1-1 ~~Definitions~~ HAULING REFUSE

~~In this chapter unless the context otherwise requires:~~

- A. ~~"Garbage" means all putrescible wastes, except sewage and body wastes, 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.~~
- D. ~~"Weed" means any objectionable, noxious or undesirable plant growing in areas other than~~

~~those used for commercial production of agricultural products.~~

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 TOWN, IN VIOLATION OF ANY OF THE PROVISIONS IN THIS CHAPTER.

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~~Section 10-1-5 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 town, in violation of any of the provisions in this chapter.~~

Section 3. That the Town Code Chapter 10, Health and Sanitation, Article 10-2, Removal of Litter, Junk and Garbage, by amending the title, by adding provisions for removal of rubbish, trash, weeds, filth, debris and dilapidated structures, by deleting Section 10-2-1, Definitions, in its entirety and renumbering the subsequent sections accordingly, and by replacing the phrase "litter, junk and garbage" with "rubbish, trash, weeds, filth, debris and dilapidated structures" to read as follows:

ARTICLE 10-2 ~~REMOVAL OF LITTER, JUNK AND GARBAGE~~ RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND DILAPIDATED STRUCTURES

- ~~10-2-1 Definitions~~
- 10-2-2 1 Litter RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND DILAPIDATED STRUCTURES on Property
- 10-2-3 2 Owner to Maintain Premises
- 10-2-4 3 Procedure to Compel Removal of ~~Litter, Junk and Garbage~~ RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND DILAPIDATED STRUCTURES
- 10-2-5 4 Notice to Remove
- 10-2-6 5 Service of Notice
- 10-2-7 6 Appeal to Council
- 10-2-8 7 Removal by Town
- 10-2-9 8 Lien for Removal

~~Section 10-2-1 Definitions~~

~~In this article, unless the context otherwise requires:~~

- A. ~~"Garbage" means 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.~~

- ~~B. "Junk" means items that in their present state are of little or no apparent economic value, that are not confined within an industrial area in compliance with the Queen Creek Zoning Ordinance, such as an accumulation of the following materials: discarded or scrapped furniture; glass, metal, paper or machinery parts; inoperative machinery or appliances; building material wastes; litter or discarded or empty containers. Junk shall also include all types of solid waste as defined in A.R.S. § 49-701.25.~~
- ~~C. "Litter" means any filth, debris and weeds which constitute a hazard to public health and safety and shall include, without limitation, any deposit, accumulation, pile or heap of brush, grass, debris, weeds, cans, cloth, paper, wood, rubbish, ashes, street cleanings or other unsightly and unsanitary matter of any kind whatsoever, any other matter defined as "refuse" in this article, and any growth of weeds to a height of over six inches.~~
- ~~D. "Private property" means any commercial or industrial premises or any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps or vestibules belonging or appurtenant to said premises, dwelling, house, building or other structure.~~
- ~~E. "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.~~

SECTION 10-2-2 1 ~~Litter, Junk and Garbage~~ RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND DILAPIDATED STRUCTURES on Property

It is unlawful for any person to throw, deposit, maintain or allow to be maintained, any ~~litter, junk and garbage~~ RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND DILAPIDATED STRUCTURES on any occupied or unoccupied private or public property within the town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for ~~litter, junk and garbage~~ RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND DILAPIDATED STRUCTURES in such a manner that ~~litter, junk and garbage~~ RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND DILAPIDATED STRUCTURES will be prevented from being carried or deposited by the elements upon any public place. In addition to any criminal penalty which may be imposed for violation of any provisions of this article, such person shall be liable for all costs which may be assessed pursuant to this article for the removal of said ~~litter, junk and garbage~~ RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND DILAPIDATED STRUCTURES.

Section 10-2-3 2 Owner to Maintain Premises

The owner or person in control of any private property shall at all times maintain the premises free

of ~~litter, junk and garbage~~ RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND DILAPIDATED STRUCTURES; provided that this section shall not prohibit the storage of ~~litter, junk and garbage~~ RUBBISH, TRASH, WEEDS, FILTH, AND DEBRIS in suitable containers.

Section 10-2-4 3 Procedure to Compel Removal of ~~Litter, Junk and Garbage~~ RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND DILAPIDATED STRUCTURES

The town clerk shall enforce the provisions of this article by causing to be prosecuted violators of this article in the municipal court pursuant to the provisions of this code or by compelling the removal of ~~litter, junk and garbage~~ RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND DILAPIDATED STRUCTURES by the procedure outlined hereafter, or by both the prosecution and compelling removal; the exercise of either option shall not preclude the exercise of the other option, and both may be exercised simultaneously.

Section 10-2-5 4 Notice to Remove

To compel the removal of ~~litter, junk and garbage~~ RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND DILAPIDATED STRUCTURES through the provisions of this article, if a person owning or controlling any property fails, neglects or refuses to remove or properly dispose of ~~litter, junk and garbage~~ RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND DILAPIDATED STRUCTURES located on property owned or controlled by such person, he shall be given written notice by the clerk to remove all ~~litter, junk and garbage~~ RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND DILAPIDATED STRUCTURES from such property within thirty (30) days from the date the notice was received by him, and prior to the date of compliance on the notice. Such notice shall be received not less than thirty days before the date set thereon for compliance, and shall contain an estimate of the cost of removal by the town, a statement that unless the person owning or controlling such property complies therewith within thirty (30) days from the date such written notice is received, that the town will, at the expense of the person owning or controlling said property, perform the necessary work at a cost not to exceed the estimate given in the notice, and that a surcharge for the cost of such removal by the town shall be billed separately and shall constitute a lien on the property owned or controlled by the person. The notice shall further advise that the person receiving the notice may appeal in writing to the council within thirty (30) days from the date the notice is received by him and prior to the date of compliance.

Section 10-2-6 5 Service of Notice

Notice shall be personally served on the owner or person controlling such property, by a police officer of the town in the manner provided in Rule 4(d) of the Arizona Rules of Civil Procedure, or mailed to the owner or person controlling such property at his last known address by certified or registered mail, or the address to which the tax bill for the property was last mailed. If the owner

does not reside on such property, a duplicate notice shall also be sent to him by certified or registered mail at his last known address. In the event that the post office address of the owner or user is unknown or if the owner or user cannot be reached by mail, the town clerk may cause to be published such notice in the newspaper used by the town for one publication, and such service shall be complete and shall have the same effect and force as if personally served upon such owner or user.

Section 10-2-7 6 Appeal to Council

Prior to the date set for compliance on the notice, the owner or person controlling such property may appeal in writing to the council from the demand of the clerk. The council shall, at its next regular meeting after receiving the appeal, hear and determine the same and the decision of the council shall be final. The council may either affirm or reverse the decision of the clerk or modify the scope of the work as required in the notice.

Section 10-2-8 7 Removal by Town

When any such person to whom notice, as aforesaid, has been given, and on or before the date of compliance on the notice, or within such further time as may have been granted by the council on appeal, fails, neglects or refuses to move from such property any or all ~~litter, junk and garbage~~ RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND DILAPIDATED STRUCTURES, the clerk is authorized and directed to cause same to be removed and disposed of at the expense of the owner or person controlling such property. Upon completion of the work, the clerk 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 property on which said work was done, including ten 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 property in the manner prescribed in Section 10-2-5. The owner or person controlling such property shall have thirty (30) days from the date of service upon him to appeal in writing to the council from the amount of the assessment as contained in the verified statement. If an appeal is not filed with the clerk within such thirty (30) day period, then the amount of the assessment as determined by the clerk shall become final and binding. If an appeal is taken, the council shall, at its next regular meeting, hear and determine the appeal and may affirm the amount of the assessment, modify the amount thereof, or determine that no assessment at all shall be made. The decision of the council shall be final and binding on all persons.

Section 10-2-9 8 Lien for Removal

If no appeal is taken from the amount of the assessment, or if an appeal is taken and the council has affirmed or modified the amount of the assessment, the original assessment or the assessment as so modified shall be recorded in the office of the county recorder and, from the date of its recording, shall be a lien on said lot or tract of land until paid. Such liens shall be ~~subject and inferior to the~~ PRIOR AND SUPERIOR TO ALL OTHER LIENS, OBLIGATIONS, MORTGAGES OR OTHER ENCUMBRANCES, EXCEPT liens for general taxes. ~~and to all prior recorded mortgages and encumbrances of record.~~ A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure or order of sale. The town shall have the right to bring an action to enforce the lien in the superior court at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein and of the

regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this section shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

Section 4. That the Town Code, Chapter 10, Health and Sanitation, is hereby amended by creating a new Article 10-3, Litter; Nuisances, to read as follows:

ARTICLE 10-3 LITTER; NUISANCES

- 10-3-1 DEFINITIONS
- 10-3-2 PUBLIC NUISANCES DEFINED
- 10-3-3 LITTER IN PUBLIC PLACES; CONSTRUCTION DEBRIS
- 10-3-4 DEPOSITING LITTER IN GUTTERS
- 10-3-5 LITTER THROWN FROM VEHICLES
- 10-3-6 LITTERING FROM TRUCKS
- 10-3-7 LITTERING IN PARKS
- 10-3-8 DEPOSIT OF COMMERCIAL HANDBILLS ON PUBLIC PROPERTY
- 10-3-9 HANDBILLS: COMMERCIAL AND NON COMMERCIAL
- 10-3-10 DROPPING LITTER FROM AIRCRAFT
- 10-3-11 DEPOSIT OF LITTER ON OCCUPIED PRIVATE PROPERTY
- 10-3-12 MAINTENANCE OF LITTER-FREE PREMISES
- 10-3-13 VACANT LOTS
- 10-3-14 BUSINESS ESTABLISHMENTS - RECEPTACLES
- 10-3-15 UNSIGHTLY PREMISES
- 10-3-16 ABATEMENT OF NUISANCES
- 10-3-17 PENALTIES

SECTION 10-3-1 DEFINITIONS

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- A. "AIRCRAFT" MEANS ANY CONTRIVANCE NOW KNOWN OR HEREAFTER INVENTED, USED OR DESIGNED FOR NAVIGATION OR FOR FLIGHT IN THE AIR, AND INCLUDES, BUT IS NOT LIMITED TO, HELICOPTERS AND LIGHTER-THAN-AIR DIRIGIBLES AND BALLOONS.
- B. "ANIMAL" MEANS ANY AND ALL TYPES OF ANIMALS, BOTH DOMESTIC AND WILD, MALE AND FEMALE, SINGULAR AND PLURAL.
- C. "AUTHORIZED PRIVATE RECEPTACLE" MEANS A LITTER STORAGE AND

COLLECTION RECEPTACLE AS REQUIRED AND AUTHORIZED IN THIS ARTICLE.

- D. "COMMERCIAL HANDBILL" MEANS ANY PRINTED OR WRITTEN MATTER, ANY SAMPLE OR DEVICE, CIRCULAR, LEAFLET, PAMPHLET, PAPER, BOOKLET, OR ANY OTHER PRINTED, OR OTHERWISE REPRODUCED ORIGINAL OR COPIES OF ANY MATTER OR LITERATURE:
1. WHICH IS NOT DEFINED AS IN THIS CHAPTER AS EITHER A NEWSPAPER OR A NON-COMMERCIAL HANDBILL; AND
 2. WHICH ADVERTISES FOR SALE ANY MERCHANDISE, PRODUCT, COMMODITY, OR THING; OR
 3. WHICH DIRECTS ATTENTION TO ANY BUSINESS OR MERCANTILE OR COMMERCIAL ESTABLISHMENT, OR OTHER ACTIVITY, FOR THE PURPOSE OF EITHER DIRECTLY OR INDIRECTLY PROMOTING THE INTERESTS THEREOF BY SALES; OR
 4. WHICH DIRECTS ATTENTION TO OR ADVERTISES ANY MEETING, THEATRICAL PERFORMANCE, EXHIBITION, OR EVENT OF ANY KIND, FOR WHICH AN ADMISSION FEE IS CHARGED FOR THE PURPOSE OF PRIVATE GAIN OR PROFIT. THE TERMS OF THIS CLAUSE SHALL NOT APPLY WHEN AN ADMISSION FEE IS CHARGED OR A COLLECTION IS TAKEN UP FOR THE PURPOSE OF DEFRAYING THE EXPENSES INCIDENT TO SUCH MEETING, THEATRICAL PERFORMANCE, EXHIBITION, OR EVENT OF ANY KIND, WHEN IN EITHER OF THE SAME IS HELD, GIVEN OR TAKES PLACE IN CONNECTION WITH THE DISSEMINATION OF INFORMATION WHICH IS NOT RESTRICTED UNDER THE ORDINARY RULES OF DECENCY, GOOD MORALS, PUBLIC PEACE, SAFETY AND GOOD ORDER. NOTHING CONTAINED IN THIS CLAUSE SHALL BE DERIVED TO AUTHORIZE THE HOLDING, GIVING OR TAKING PLACE OF ANY MEETING, THEATRICAL PERFORMANCE, EXHIBITION, OR EVENT OF ANY KIND WITHOUT A LICENSE, WHERE SUCH LICENSE IS OR MAY BE REQUIRED BY ANY LAW OF THIS STATE, OR UNDER ANY ORDINANCE OF THIS TOWN; OR
 5. WHICH, WHILE CONTAINING READING MATTER OTHER THAN ADVERTISING MATTER, IS PREDOMINANTLY AND ESSENTIALLY AN ADVERTISEMENT, AND IS DISTRIBUTED OR CIRCULATED FOR ADVERTISING PURPOSES, OR FOR THE PRIVATE BENEFIT AND GAIN OF ANY PERSON SO ENGAGED AS ADVERTISER OR DISTRIBUTOR.
- E. "DEBRIS" MEANS JUNK, ABANDONED BROKEN OR NEGLECTED LUMBER, FURNITURE, FURNITURE PARTS, STOVES, SINKS, CABINETS, HOUSEHOLD

FIXTURES, REFRIGERATORS, CAR PARTS, EQUIPMENT, OR THE REMAINS OF SOMETHING OF LITTLE OR NO APPARENT ECONOMIC VALUE.

- F. "DILAPIDATED STRUCTURE" MEANS ANY UNSIGHTLY AND DANGEROUS STRUCTURE AS DEFINED BY THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1994 EDITION SECTION 302 OR ANY UNSAFE BUILDING OR STRUCTURE DEFINED BY THE UNIFORM BUILDING CODE, 1994 EDITION, SECTION 102, OR ANY OLD, ABANDONED, OR PARTIALLY DESTROYED STRUCTURE, OR ANY STRUCTURE COMMENCED AND ABANDONED.
- G. "FILTH" MEANS ANY ACCUMULATION OF GARBAGE, JUNK OR LITTER, ANY CONDITION WHICH CONSTITUTES A BREEDING PLACE FOR FLIES, RODENTS, MOSQUITOES AND OTHER INSECTS WHICH ARE CAPABLE OF CARRYING AND TRANSMITTING DISEASE-CAUSING ORGANISMS TO ANY PERSON OR PERSONS, ANY SPOILED OR CONTAMINATED FOOD OR DRINK INTENDED FOR HUMAN CONSUMPTION, OR ALL SEWAGE, HUMAN EXCRETA, WASTEWATER, GARBAGE OR OTHER ORGANIC WASTES DEPOSITED, STORED, DISCHARGED OR EXPOSED SO AS TO BE A POTENTIAL INSTRUMENT OR MEDIUM IN THE TRANSMISSION OF DISEASE TO OR BETWEEN ANY PERSON OR PERSONS.
- H. "FOWL" MEANS A BIRD OF ANY KIND ~~ANY AND ALL FOWL~~, DOMESTICATED AND WILD, MALE AND FEMALE, SINGULAR AND PLURAL.
- I. "GARBAGE" MEANS THE 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.
- J. "JUNK" MEANS ITEMS THAT IN THEIR PRESENT STATE ARE OF LITTLE OR NO APPARENT ECONOMIC VALUE, THAT ARE NOT CONFINED WITHIN AN INDUSTRIAL AREA IN COMPLIANCE WITH THE QUEEN CREEK ZONING ORDINANCE, INCLUDING, BUT NOT LIMITED TO AN ACCUMULATION OF THE FOLLOWING MATERIALS: DISCARDED OR SCRAPPED FURNITURE; GLASS, METAL, PAPER OR MACHINERY PARTS; INOPERATIVE MACHINERY OR APPLIANCES; BUILDING MATERIAL WASTES; LITTER OR DISCARDED OR EMPTY CONTAINERS.
- K. "LITTER" MEANS ANY FILTH, DEBRIS AND WEEDS WHICH CONSTITUTE A HAZARD TO PUBLIC HEALTH AND SAFETY AND SHALL INCLUDE, WITHOUT LIMITATION, ANY DEPOSIT, ACCUMULATION, PILE OR HEAP OF BRUSH, GRASS, DEBRIS, WEEDS, CANS, CLOTH, PAPER, WOOD, RUBBISH, ASHES, STREET CLEANINGS OR OTHER UNSIGHTLY AND UNSANITARY MATTER OF

ANY KIND WHATSOEVER, ANY OTHER MATTER DEFINED AS "REFUSE" IN THIS CHAPTER, AND ANY GROWTH OF WEEDS TO A HEIGHT OF OVER SIX (6) INCHES.

- L. "MAJOR REPAIR" MEANS THE REMOVAL FROM ANY VEHICLE OF A MAJOR PORTION THEREOF, INCLUDING, BUT NOT LIMITED TO, THE DIFFERENTIAL, TRANSMISSION, HEAD, ENGINE BLOCK OR OIL PAN.
- M. "NEWSPAPER" MEANS A PUBLICATION REGULARLY ISSUED FOR DISSEMINATION OF CURRENT NEWS, MATTERS OF GENERAL INTEREST AND LOCAL HAPPENINGS AT STATED SHORT INTERVALS OF TIME WHETHER SUCH PUBLICATION IS DISTRIBUTED BY PAID SUBSCRIPTION OR FOR FREE. SUCH PUBLICATION SHALL BE FROM A KNOWN OFFICE OF PUBLICATION AND SHALL BEAR THE DATES OF ISSUE AND SHALL BE NUMBERED CONSECUTIVELY.
- N. "NON-COMMERCIAL HANDBILL" MEANS ANY PRINTED OR WRITTEN MATTER, ANY SAMPLE OR DEVICE, CIRCULAR, LEAFLET, PAMPHLET, MAGAZINE PAPER BOOKLET, OR ANY OTHER PRINTED OR OTHERWISE REPRODUCED ORIGINAL OR COPIES OF ANY MATTER OR LITERATURE NOT INCLUDED IN THE DEFINITIONS OF A COMMERCIAL HANDBILL OR A NEWSPAPER.
- O. "PARK" MEANS A PARK, RESERVATION, PLAYGROUND, RECREATION CENTER OR ANY OTHER PUBLIC AREA IN THE TOWN OWNED OR USED BY THE TOWN AND DEVOTED TO PUBLIC RECREATION.
- M. "PRIVATE PROPERTY" OR "PRIVATE PREMISES" MEANS ANY DWELLING, HOUSE, BUILDING OR OTHER STRUCTURE DESIGNED OR USED EITHER WHOLLY OR IN PART FOR PRIVATE RESIDENTIAL PURPOSES, WHETHER INHABITED OR TEMPORARILY OR CONTINUOUSLY UNINHABITED OR VACANT, AND INCLUDES BUT IS NOT LIMITED TO ANY YARD, GROUNDS, WALK, DRIVEWAY, PORCH, STEPS, VESTIBULE OR MAIL BOX BELONGING OR APPURTENANT TO SUCH DWELLING, HOUSE, BUILDING OR OTHER STRUCTURE.
- N. "PROPERTY USED FOR AGRICULTURAL PURPOSES" MEANS PROPERTY OF NOT LESS THAN TEN (10) CONTIGUOUS ACRES WHICH:
 - 1. THE PRIMARY USE OF THE PROPERTY IS AS AGRICULTURAL LAND AND THE PROPERTY HAS BEEN IN ACTIVE PRODUCTION IN CONFORMANCE WITH GENERALLY ACCEPTED AGRICULTURAL PRACTICES FOR AT LEAST TWO OF THE FIVE PRIOR YEARS; AND
 - 2. THERE IS A REASONABLE EXPECTATION OF OPERATING PROFIT,

EXCLUSIVE OF LAND COST, FROM THE AGRICULTURAL USE OF THE PROPERTY.

- O. "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.
- P. "REFUSE" MEANS ALL PUTRESCIBLE AND NON-PUTRESCIBLE SOLID WASTES, EXCEPT BODY WASTES, INCLUDING GARBAGE, RUBBISH, ASHES, STREET CLEANINGS, DEAD ANIMALS, ABANDONED, WRECKED OR JUNKED VEHICLES OR PARTS THEREOF AND SOLID MARKET AND INDUSTRIAL WASTES.
- Q. "RUBBISH" MEANS NON-PUTRESCIBLE SOLID WASTES CONSISTING OF BOTH COMBUSTIBLE AND NON-COMBUSTIBLE WASTES, SUCH AS PAPER, WRAPPINGS, CIGARETTES, CARDBOARD, METAL CANS, YARD CLIPPINGS, LEAVES, METAL, WOOD, GLASS, BEDDING, CROCKERY AND SIMILAR MATERIALS.
- R. "STREETS OR ROAD" MEANS THE ENTIRE WIDTH BETWEEN THE BOUNDARY LINES OF EVERY WAY PUBLICLY MAINTAINED WHEN ANY PART THEREOF IS OPEN TO THE USE OF THE PUBLIC FOR PURPOSES OF VEHICULAR TRAVEL, AND INCLUDES THE WHOLE RIGHT-OF-WAY OF THE PUBLIC ENTITY MAINTAINING SAID WAY, WHETHER SUCH RIGHT-OF-WAY IS PAVED OR NOT.
- S. "TRASH" MEANS ANY ACCUMULATION OF REFUSE, RUBBISH, LITTER OR GARBAGE.
- T. "VEHICLE" MEANS EVERY DEVICE IN, UPON OR BY WHICH ANY PERSON OR PROPERTY IS OR MAY BE TRANSPORTED OR DRAWN UPON A HIGHWAY, INCLUDING DEVICES USED EXCLUSIVELY UPON STATIONARY RAILS OR TRACKS, EXCEPT FOR A DEVICE PROPELLED SOLELY BY HUMAN POWER.

SECTION 10-3-2 PUBLIC NUISANCES DEFINED

ACTS, OMISSIONS, CONDITIONS AND THINGS IN OR UPON ANY PRIVATE LOT, BUILDING, STRUCTURE OR PREMISES, OR IN OR UPON ANY PUBLIC RIGHT-OF-WAY, WASH, STREET, AVENUE, ALLEY, PARK, PARKWAY OR OTHER PUBLIC OR PRIVATE PLACE IN THE TOWN WHICH ARE INJURIOUS TO THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE, WHICH INTERFERE WITH THE COMFORTABLE ENJOYMENT OF LIFE OR PROPERTY BY ANY PERSON, OR WHICH UNLAWFULLY OBSTRUCT THE FREE PASSAGE OR USE OF ANY PUBLIC PARK, WASH, SQUARE, ALLEY, SIDEWALK, STREET OR HIGHWAY ARE HEREBY DECLARED TO BE PUBLIC NUISANCES, INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:

- A. PRIVIES, VAULTS, CESSPOOLS, SUMPS, PITS OR LIKE PLACES WHICH ARE NOT SECURELY PROTECTED FROM INSECTS OR RODENTS, OR WHICH ARE FOUL OR MALODOROUS, OR WHICH ARE NOT SECURELY CLOSED AND PROTECTED OR, IF NECESSARY, ILLUMINATED SO AS TO PREVENT PERSONS OR OBJECTS FROM FALLING THEREIN. NOTHING IN THIS SUBSECTION SHALL BE DEEMED TO PROHIBIT THE USES OF SUMPS NAMED HEREIN WHEN SUCH ARE NECESSARY AND INCIDENTAL TO AN AGRICULTURAL USE ON LAND DEFINED IN THIS CHAPTER AS "PROPERTY USED FOR AGRICULTURAL PURPOSES."
- B. FILTHY, LITTERED OR TRASH-COVERED EXTERIOR AREAS, INCLUDING ALL BUILDINGS AND STRUCTURES THEREON AND AREAS ADJACENT THERETO.
- C. ANIMAL MANURE IN ANY QUANTITY WHICH IS NOT SECURELY PROTECTED FROM INSECTS AND THE ELEMENTS, OR WHICH IS KEPT OR HANDLED IN VIOLATION OF ANY ORDINANCE OF THE TOWN OR MARICOPA COUNTY; ~~PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBSECTION SHALL BE DEEMED TO PROHIBIT THE UTILIZATION OF SUCH ANIMAL MANURE ON ANY FARM, GARDEN OR RANCH IN SUCH A MANNER AND FOR SUCH PURPOSES AS ARE COMPATIBLE WITH CUSTOMARY METHODS OF GOOD HUSBANDRY.~~ NOTHING IN THIS SUBSECTION SHALL BE DEEMED TO PROHIBIT USES NAMED HEREIN WHEN SUCH ARE NECESSARY AND INCIDENTAL TO AN AGRICULTURAL USE ON LAND DEFINED IN THIS CHAPTER AS "PROPERTY USED FOR AGRICULTURAL PURPOSES."
- D. POISON OAK, POISON IVY, OR ANY NOXIOUS OR TOXIC WEEDS OR UNCULTIVATED PLANTS (WHETHER GROWING OR OTHERWISE), WEEDS, TALL GRASS, UNCULTIVATED SHRUBS OR GROWTH HIGHER THAN SIX (6) INCHES OR WHICH PRESENT A FIRE HAZARD.
- E. ACCUMULATIONS OF BOTTLES, GLASS, CANS, ASHES, SMALL PIECES OF SCRAP IRON, WIRE METAL ARTICLES, BRIC-A-BRAC, BROKEN STONE OR CEMENT, BROKEN CROCKERY, BROKEN GLASS, BROKEN PLASTER AND ALL OTHER TRASH AND ABANDONED MATERIAL, UNLESS THE SAME BE KEPT IN COVERED BINS OR METAL RECEPTACLES APPROVED BY THIS CODE OR ANY TOWN ORDINANCE. ~~NOTHING IN THIS SUBSECTION SHALL BE DEEMED TO PROHIBIT USES NAMED HEREIN WHEN SUCH ARE NECESSARY AND INCIDENTAL TO AN AGRICULTURAL USE ON LAND DEFINED IN THIS CHAPTER AS "PROPERTY USED FOR AGRICULTURAL PURPOSES."~~
- F. ACCUMULATIONS OF TRASH, LITTER, RAGS, EMPTY BARRELS, BOXES, CRATES, PACKING CASES, MATTRESSES, BEDDING, PACKING STRAW, PACKING HAY, OR OTHER PACKING MATERIAL, LUMBER, SCRAP IRON, TIN, AND OTHER METAL, OR ANYTHING WHATSOEVER IN WHICH INSECTS MAY BREED OR MULTIPLY OR WHICH PROVIDES HARBORAGE FOR RODENTS OR WHICH MAY CREATE A FIRE HAZARD. NOTHING IN THIS SUBSECTION SHALL

BE DEEMED TO PROHIBIT USES NAMED HEREIN WHEN SUCH ARE NECESSARY AND INCIDENTAL TO AN AGRICULTURAL USE ON LAND DEFINED IN THIS CHAPTER AS "PROPERTY USED FOR AGRICULTURAL PURPOSES."

- G. ANY UNSIGHTLY AND DANGEROUS BUILDING, BILLBOARD OR OTHER STRUCTURE, OR ANY OLD ABANDONED OR PARTIALLY DESTROYED BUILDING OR STRUCTURE, OR ANY BUILDING OR STRUCTURE COMMENCED AND ABANDONED.
- H. ALL PLACES USED OR MAINTAINED AS JUNK YARDS OR DUMPING GROUNDS, OR FOR THE WRECKING, DISSEMBLING, REPAIR OR REBUILDING OF AUTOMOBILES, TRUCKS, TRACTORS OR MACHINERY OF ANY KIND, OR FOR THE STORING OR LEAVING OF WORN OUT, WRECKED OR ABANDONED AUTOMOBILES, TRUCKS, TRACTORS OR MACHINERY OF ANY KIND OR OF ANY OF THE PARTS THEREOF, OR FOR THE STORING OR LEAVING OF ANY MACHINERY OR EQUIPMENT USED BY CONTRACTORS OR BUILDERS OR BY OTHER PERSONS, WHICH SAID PLACES ARE KEPT OR MAINTAINED SO AS TO INTERFERE WITH THE COMFORTABLE ENJOYMENT OR THE QUALITY OF LIFE OR PROPERTY BY AND OF OTHERS; PROVIDED, HOWEVER, THAT NOTHING CONTAINED IN THIS SUBSECTION SHALL BE DEEMED TO PROHIBIT ANY AUTOMOBILE WRECKING YARD, AUTO REPAIR FACILITY OR JUNK YARD WHERE THE SAME IS OTHERWISE PERMITTED BY THE TOWN ZONING ORDINANCE AND AMENDMENTS THERETO, WHICH IS OPERATED IN CONFORMITY THEREWITH. NOTHING IN THIS SUBSECTION SHALL BE DEEMED TO PROHIBIT USES NAMED HEREIN WHEN SUCH ARE NECESSARY AND INCIDENTAL TO AN AGRICULTURAL USE ON LAND DEFINED IN THIS CHAPTER AS "PROPERTY USED FOR AGRICULTURAL PURPOSES."
- I. ANY PUTRID, UNSOUND OR UNWHOLESOME BONES, MEAT, HIDES, SKINS, OR THE WHOLE OR ANY PART OF ANY DEAD ANIMAL, FISH OR FOWL, BUTCHER'S TRIMMINGS AND OFFAL, OR ANY WASTE VEGETABLE OR ANIMAL MATTER IN ANY QUANTITY, GARBAGE, HUMAN EXCRETA, SEWAGE OR OTHER OFFENSIVE SUBSTANCES ACCUMULATED ON PRIVATE OR PUBLIC PROPERTY; PROVIDED, HOWEVER, NOTHING HEREIN CONTAINED SHALL PREVENT THE TEMPORARY RETENTION OF WASTE IN RECEPTACLES IN THE MANNER PROVIDED BY A COUNTY HEALTH OFFICER, THIS CODE OR ORDINANCE OF THE TOWN.
- J. THE ERECTION, CONTINUANCE OR USE OF ANY BUILDING, ROOM OR OTHER PLACE IN SAID TOWN FOR THE EXERCISE OF ANY TRADE, EMPLOYMENT OR MANUFACTURE WHICH, BY NOXIOUS EXHALATIONS, INCLUDING, BUT NOT LIMITED TO, SMOKE, SOOT, DUST, FUMES OR OTHER GASES, OFFENSIVE ODORS OR OTHER ANNOYANCES, WHICH IS DISCOMFORTING OR OFFENSIVE OR DETRIMENTAL TO THE HEALTH OF INDIVIDUALS OR OF THE PUBLIC,

EXCEPT FOR NORMAL EXHALATION OR SMOKE PRODUCED BY NORMAL HEATING DEVICES. NOTHING IN THIS SUBSECTION SHALL BE DEEMED TO PROHIBIT USES NAMED HEREIN WHEN SUCH ARE NECESSARY AND INCIDENTAL TO AN AGRICULTURAL USE ON LAND DEFINED IN THIS CHAPTER AS "PROPERTY USED FOR AGRICULTURAL PURPOSES."

- K. CAUSING, ALLOWING OR PERMITTING ANY ARTIFICIAL ILLUMINATION OF SUCH INTENSITY AS TO INTERFERE SUBSTANTIALLY AND UNNECESSARILY WITH THE USE AND ENJOYMENT OF PUBLIC OR PRIVATE PROPERTY BY ANY CONSIDERABLE NUMBER OF PEOPLE, WITH THE LAWFUL USE OF ANY SCHOOL, PUBLIC PLACE OR PUBLIC STREET, WITH ANY GOVERNMENTAL OR PUBLIC FUNCTION OF THE TOWN, OR AS TO CONSTITUTE A HAZARD OR THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE PEOPLE OF THE TOWN; PROVIDED, HOWEVER, THIS SUBSECTION SHALL NOT APPLY WHERE THE PERSON RESPONSIBLE FOR SAID ARTIFICIAL ILLUMINATION IS AUTHORIZED BY THE TOWN MANAGER, ANY SCHOOL WITHIN THE TOWN, THIS CODE OR ANY ORDINANCE OF THE TOWN. NOTHING IN THIS SUBSECTION SHALL BE DEEMED TO PROHIBIT USES NAMED HEREIN WHEN SUCH ARE NECESSARY AND INCIDENTAL TO AN AGRICULTURAL USE ON LAND DEFINED IN THIS CHAPTER AS "PROPERTY USED FOR AGRICULTURAL PURPOSES."
- L. BURNING OF REFUSE. NO OUTSIDE BURNING IS ALLOWED EXCEPT WHEN SUCH BURNING IS PURSUANT TO A VALIDLY ISSUED PERMIT. NECESSARY AND INCIDENTAL TO AN AGRICULTURAL USE ON LAND DEFINED IN THIS CHAPTER AS "PROPERTY USED FOR AGRICULTURAL PURPOSES."
- M. ANY UNGUARDED OR ABANDONED EXCAVATION, PIT, WELL OR HOLE DANGEROUS, INJURIOUS OR HARMFUL TO LIFE OR PROPERTY.
- N. TO LEAVE OR PERMIT TO REMAIN OUTSIDE OF ANY DWELLING, BUILDING OR OTHER STRUCTURE, OR WITHIN ANY UNOCCUPIED OR ABANDONED BUILDING, DWELLING OR OTHER STRUCTURE UNDER THE CONTROL OF ANY PERSON AND IN A PLACE ACCESSIBLE TO CHILDREN, ANY ABANDONED, UNATTENDED OR DISCARDED ICEBOX, REFRIGERATOR OR OTHER CONTAINER WHICH HAS AN AIRTIGHT DOOR OR LID, SNAP LOCK OR OTHER LOCKING DEVICE WHICH MAY NOT BE RELEASED FROM THE INSIDE, UNLESS SUCH ICEBOX, REFRIGERATOR OR OTHER CONTAINER IS PROPERLY STORED BY FIRST REMOVING SAID DOOR OR LID, SNAP LOCK OR OTHER LOCKING DEVICE FROM SAID ICEBOX, REFRIGERATOR OR CONTAINER.
- O. THE DOING OF ANY ACT, OR OMITTING TO PERFORM A DUTY, OR SUFFERING OR PERMITTING ANY CONDITION OR THING TO BE OR EXIST, WHICH ACT, OMISSION, CONDITION OR OTHER THING EITHER:

1. UNLAWFULLY INTERFERES WITH, OBSTRUCTS OR TENDS TO OBSTRUCT OR RENDERS DANGEROUS THE FREE PASSAGE OR USE, IN THE CUSTOMARY MANNER, OF ANY STREAM, PUBLIC PARK, PARKWAY, SQUARE, SIDEWALK, STREET OR HIGHWAY IN THE TOWN AND IS NO LESS A NUISANCE BECAUSE THE EXTENT OF THE ANNOYANCE OR DAMAGE INFLICTED IS UNEQUAL.
 2. OBSTRUCTS THE FREE USE OF PROPERTY SO AS TO ESSENTIALLY INTERFERE WITH THE COMFORTABLE ENJOYMENT OF LIFE AND PROPERTY BY AN ENTIRE COMMUNITY OR NEIGHBORHOOD OR BY A CONSIDERABLE NUMBER OF PERSONS.
- P. TO LEAVE OR PERMIT TO REMAIN OVERNIGHT IN THE FRONT YARD OF ANY PRIVATE PREMISES, CONSTRUCTION EQUIPMENT WHETHER FREE STANDING OR ON ONE OR MORE AXLES; OR TO STORE OVERNIGHT IN THE FRONT YARD OF ANY PRIVATE PREMISES, ANY BUILDING MATERIALS WHETHER FREE STANDING OR ON PALLETS OR SKIDS, WHEN SUCH EQUIPMENT OR MATERIALS ARE NOT FOR USE AT THE PREMISES OR STORED PURSUANT TO A VALID AND CURRENT BUILDING PERMIT ISSUED BY THE TOWN FOR WORK AT THAT PREMISES. EQUIPMENT AND MATERIALS MAY BE STORED IN THE SIDE YARD AREA OF ANY PRIVATE PREMISES SO LONG AS THEY ARE SCREENED FROM PUBLIC VIEW BY AN OPAQUE WALL, FENCE OR OTHER PERMITTED SCREEN. ~~NOTHING IN THIS SUBSECTION SHALL BE DEEMED TO PROHIBIT USES NAMED HEREIN WHEN SUCH ARE NECESSARY AND INCIDENTAL TO AN AGRICULTURAL USE ON LAND DEFINED IN THIS CHAPTER AS "PROPERTY USED FOR AGRICULTURAL PURPOSES."~~

SECTION 10-3-3 LITTER IN PUBLIC PLACES; CONSTRUCTION DEBRIS

- A. NO PERSON SHALL THROW OR DEPOSIT LITTER IN OR UPON ANY STREET, SIDEWALK OR OTHER PUBLIC PLACE WITHIN THE TOWN EXCEPT IN PUBLIC RECEPTACLES, OR IN AUTHORIZED PRIVATE RECEPTACLES FOR COLLECTION.
- B. CONSTRUCTION DEBRIS SHALL NOT REMAIN UNCONTAINED FOR MORE THAN TWENTY-FOUR HOURS AND SHALL BE CONTAINED AT ALL TIMES UPON THE PREMISES.

SECTION 10-3-4 DEPOSITING LITTER IN GUTTERS

NO PERSON SHALL SWEEP INTO OR DEPOSIT IN ANY GUTTER, STREET OR OTHER PUBLIC PLACE WITHIN THE TOWN THE ACCUMULATION OF LITTER FROM ANY PUBLIC OR PRIVATE SIDEWALK OR DRIVEWAY OR ANY BUILDING OR LOT. PERSONS OWNING OR OCCUPYING PROPERTY OR PLACES OF BUSINESS SHALL KEEP

THE SIDEWALK AND PARKWAY IN FRONT OF THEIR PREMISE FREE OF LITTER.

SECTION 10-3-5 LITTER THROWN FROM VEHICLES

NO PERSON, WHILE A DRIVER OR PASSENGER IN A VEHICLE, SHALL THROW OR DEPOSIT LITTER UPON ANY STREET OR OTHER PUBLIC PLACE WITHIN THE TOWN, OR UPON PRIVATE PROPERTY.

SECTION 10-3-6 LITTERING FROM TRUCKS

NO PERSON SHALL DRIVE OR MOVE ANY TRUCK OR OTHER VEHICLE WITHIN THE TOWN UNLESS SUCH VEHICLE IS SO CONSTRUCTED OR LOADED AS TO PREVENT ANY LOAD, CONTENTS OR LITTER FROM BEING BLOWN OR DEPOSITED UPON ANY STREET, ALLEY OR OTHER PUBLIC PLACE.

SECTION 10-3-7 LITTERING IN PARKS

NO PERSON SHALL THROW OR DEPOSIT LITTER IN ANY PARK WITHIN THE TOWN EXCEPT IN PUBLIC RECEPTACLES AND IN SUCH MANNER THAT THE LITTER WILL BE PREVENTED FROM BEING CARRIED OR DEPOSITED BY THE ELEMENTS UPON ANY PART OF THE PARK OR UPON ANY STREET OR PUBLIC PLACE. WHERE PUBLIC RECEPTACLES ARE NOT PROVIDED, ALL LITTER SHALL BE CARRIED AWAY FROM THE PARK BY THE PERSON RESPONSIBLE FOR ITS PRESENCE AND PROPERLY DISPOSED OF.

SECTION 10-3-8 DEPOSIT OF COMMERCIAL HANDBILLS ON PUBLIC PROPERTY

NO PERSON SHALL THROW OR DEPOSIT ANY COMMERCIAL OR NON-COMMERCIAL HANDBILL IN OR UPON ANY SIDEWALK, STREET OR OTHER PUBLIC PLACE WITHIN THE TOWN, NOR SHALL ANY PERSON HAND OUT OR DISTRIBUTE OR SELL ANY COMMERCIAL HANDBILL IN ANY PUBLIC PLACE, BUT NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT ANY PERSON FROM HANDING OUT OR DISTRIBUTING ON ANY SIDEWALK, STREET OR OTHER PLACE WITHIN THE TOWN, WITHOUT CHARGE TO THE RECEIVER THEREOF, ANY NON-COMMERCIAL HANDBILL TO ANY PERSON WILLING TO ACCEPT IT.

SECTION 10-3-9 HANDBILLS: COMMERCIAL AND NON-COMMERCIAL

- A. NO PERSON SHALL THROW OR DEPOSIT ANY COMMERCIAL OR NON-COMMERCIAL HANDBILL IN OR UPON ANY VEHICLE, BUT IT IS NOT

UNLAWFUL ON ANY PUBLIC PLACE FOR A PERSON TO HAND OUT OR DISTRIBUTE WITHOUT CHARGE TO THE RECEIVER THEREOF, A NON-COMMERCIAL HANDBILL TO ANY OCCUPANT OF A VEHICLE WHO IS WILLING TO ACCEPT IT.

- B. NO PERSON SHALL THROW OR DEPOSIT ANY COMMERCIAL OR NON-COMMERCIAL HANDBILL IN OR UPON ANY PRIVATE PREMISES WHICH ARE KNOWN, OR SHOULD BE KNOWN, TO SUCH PERSON TO BE TEMPORARILY OR CONTINUOUSLY UNINHABITED OR VACANT.
- C. NO PERSON SHALL THROW, DEPOSIT OR DISTRIBUTE ANY COMMERCIAL OR NON-COMMERCIAL HANDBILL UPON ANY PRIVATE PREMISES, IF REQUESTED BY ANYONE THEREON NOT TO DO SO, OR IF THERE IS PLACED ON THE PREMISES IN A CONSPICUOUS POSITION NEAR THE ENTRANCE THEREOF, A SIGN BEARING THE WORDS "NO TRESPASSING", "NO PEDDLERS OR AGENTS", "NO ADVERTISEMENT", OR ANY SIMILAR NOTICE, INDICATING IN ANY MANNER THAT THE OCCUPANTS OF SAID PREMISES DO NOT DESIRE TO BE MOLESTED OR HAVE THEIR RIGHT OF PRIVACY DISTURBED, OR TO HAVE ANY HANDBILL LEFT UPON SUCH PREMISES.
- D. NO PERSON SHALL THROW, DEPOSIT OR DISTRIBUTE ANY COMMERCIAL OR NON-COMMERCIAL HANDBILL IN OR UPON PRIVATE PREMISES WHICH ARE INHABITED UNLESS THE HANDBILL IS SO PLACED OR DEPOSITED AS TO SECURE OR PREVENT THE HANDBILL FROM BEING BLOWN OR DRIFTED ABOUT THE PREMISES OR SIDEWALKS, STREETS OR OTHER PUBLIC PLACES, AND EXCEPT THAT MAILBOXES MAY NOT BE SO USED WHEN SO PROHIBITED BY FEDERAL POSTAL LAW OR REGULATIONS. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE DISTRIBUTION OF MAIL BY THE UNITED STATES NOR OF NEWSPAPERS AS DEFINED BY THIS ARTICLE.
- E. NO PERSON SHALL THROW, DEPOSIT OR DISTRIBUTE ANY COMMERCIAL HANDBILL IN OR UPON PRIVATE PREMISES WHICH ARE INHABITED EXCEPT UPON THE ACCEPTANCE THEREOF, OR THE EXPRESS CONSENT THEREFOR, BY AN OCCUPANT OF SUCH PREMISES.

SECTION 10-3-10 DROPPING LITTER FROM AIRCRAFT

NO PERSON IN ANY AIRCRAFT SHALL THROW OUT, DROP OR DEPOSIT WITHIN THE TOWN ANY LITTER, HANDBILL OR ANY OTHER OBJECT.

SECTION 10-3-11 DEPOSIT OF LITTER ON OCCUPIED PRIVATE PROPERTY

NO PERSON SHALL THROW OR DEPOSIT LITTER ON ANY OCCUPIED PRIVATE PROPERTY WITHIN THE TOWN, WHETHER OWNED BY SUCH PERSON OR NOT,

EXCEPT THAT THE OWNER OR PERSON IN CONTROL OF PRIVATE PROPERTY 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 STREET, SIDEWALK OR OTHER PUBLIC PLACE OR UPON ANY PRIVATE PROPERTY.

SECTION 10-3-12 MAINTENANCE OF LITTER-FREE PREMISES

THE OWNER OR PERSON IN CONTROL OF ANY PRIVATE PROPERTY SHALL AT ALL TIMES MAINTAIN THE PREMISES FREE OF LITTER; BUT THIS SECTION SHALL NOT PROHIBIT THE STORAGE OF LITTER IN AUTHORIZED PRIVATE RECEPTACLES FOR COLLECTION, OR WITHIN ANY BUILDING WHEN NOT IN VIOLATION OF ANY HEALTH, FIRE, BUILDING OR ANY OTHER REGULATION, ORDINANCE, ORDER OR STATUTE.

SECTION 10-3-13 VACANT LOTS

NO PERSON SHALL THROW OR DEPOSIT LITTER ON ANY OPEN OR VACANT PRIVATE PROPERTY WITHIN THE TOWN WHETHER OWNED BY SUCH PERSON OR NOT.

SECTION 10-3-14 BUSINESS ESTABLISHMENTS - RECEPTACLES

NO PERSON OCCUPYING OR EMPLOYED IN ANY BUSINESS ESTABLISHMENT SHALL DEPOSIT ANY LITTER IN ANY RECEPTACLE, UNLESS SUCH RECEPTACLE SHALL BE PROVIDED WITH A LID OF SUFFICIENT WEIGHT TO PREVENT THE ESCAPE OF ANY LITTER FROM THE RECEPTACLE. THIS PROVISION SHALL NOT APPLY TO BOXES, EITHER POSTBOARD OR WOODEN, GREATER THAN SIX (6) INCHES SQUARE IN SIZE, PROVIDED, HOWEVER, THAT A RECEPTACLE SHALL BE PROVIDED OF SUFFICIENT SIZE TO PREVENT ANY SUCH BOXES FROM BEING CARRIED OR DEPOSITED BY THE ELEMENTS UPON ANY STREET, ALLEY OR OTHER PUBLIC PLACE.

SECTION 10-3-15 UNSIGHTLY PREMISES

EVERY PERSON OWNING, MANAGING, CONTROLLING OR OCCUPYING OF ANY REAL PROPERTY IN THE TOWN SHALL NOT ALLOW ANY PART OF SUCH PROPERTY VISIBLE FROM THE STREET OR ADJOINING PREMISES TO BECOME SO UNSIGHTLY OR UNTIDY AS TO SUBSTANTIALLY DETRACT FROM THE APPEARANCE OF THE IMMEDIATE NEIGHBORHOOD OR TEND TO THREATEN THE SAFETY AND WELFARE OF THE IMMEDIATE NEIGHBORHOOD.

SECTION 10-3-16 ABATEMENT OF NUISANCES

ANY PUBLIC NUISANCE COMMITTED UNDER THIS ARTICLE MAY BE ABATED IN ANY MANNER PROVIDED BY LAW INCLUDING THE METHOD SET FORTH IN ARTICLE 10-2 OF THIS CHAPTER.

SECTION 10-3-17 PENALTIES

ANY PERSON, WHETHER AS PRINCIPAL, OWNER, AGENT, TENANT, EMPLOYEE OR OTHERWISE WHO MAINTAINS A NUISANCE UPON ANY PROPERTY WITHIN THE TOWN OF QUEEN CREEK, VIOLATES ANY PROVISION OF THIS ARTICLE, OR FAILS TO COMPLY WITH ANY PROVISION OF THIS ARTICLE, SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHABLE AS PROVIDED IN ARTICLE 1-8 OF THIS CODE. THE CONVICTION OF ANY PERSON HEREUNDER SHALL NOT RELIEVE SUCH PERSON FROM THE RESPONSIBILITY TO CORRECT SUCH VIOLATION, NOR PREVENT THE ENFORCEMENT, CORRECTION OR REMOVAL THEREOF IN ANY MANNER AUTHORIZED BY LAW. EVERY DAY THAT A NUISANCE IS PERMITTED TO EXIST OR CAUSED TO CONTINUE TO EXIST UNDER THIS ARTICLE SHALL BE DEEMED A SEPARATE VIOLATION.

ARTICLE 10-4 ABANDONED VEHICLES

10-4-1 DEFINITIONS

10-4-2 APPRAISAL

10-4-3 REMOVAL

SECTION 10-4-1 DEFINITIONS

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- A. "ABANDONED VEHICLE" MEANS A VEHICLE, TRAILER OR SEMITRAILER THAT IS OF A TYPE SUBJECT TO REGISTRATION UNDER A.R.S. TITLE 28, WHETHER LOST, STOLEN, ABANDONED OR OTHERWISE UNCLAIMED AND THAT HAS BEEN ABANDONED ON A PUBLIC HIGHWAY, PUBLIC PROPERTY OR ELSEWHERE IN THE TOWN OF QUEEN CREEK, INCLUDING PRIVATE PROPERTY. EVIDENCE THAT A VEHICLE WAS LEFT UNATTENDED FOR A PERIOD OF FORTY-EIGHT (48) HOURS WITHIN THE RIGHT-OF-WAY OF ANY HIGHWAY, ROAD, STREET OR OTHER PUBLIC THOROUGHFARE OR FOR A PERIOD OF SEVENTY-TWO HOURS (72) ON PUBLIC OR PRIVATE PROPERTY OR ELSEWHERE IN THE TOWN OF QUEEN CREEK IS PRIMA FACIE EVIDENCE OF

ABANDONMENT.

- B. FOR THE PURPOSES OF THIS ARTICLE, "JUNK VEHICLE" MEANS A VEHICLE THAT IS IN SUCH A STATE OF DETERIORATION THAT IT CANNOT BE PROFITABLY DISMANTLED OR SALVAGED FOR PARTS AND CANNOT BE PROFITABLY RESTORED.
- C. "OFFICER" MEANS ANY POLICE OFFICER OR OTHER LAW ENFORCEMENT OFFICER.
- D. "VEHICLE REGISTRATION AGENCY" MEANS THE AGENCY OR DEPARTMENT OF ANY STATE THAT HAS CHARGE OF THE RECORDS OF MOTOR VEHICLE REGISTRATION IN THAT STATE.

SECTION 10-4-2 ABANDONMENT PROHIBITED

A PERSON SHALL NOT ABANDON A VEHICLE ON ANY STREET, HIGHWAY OR PRIVATE PROPERTY WITHIN THE TOWN.

SECTION 10-4-3 EXEMPTION

A MOTOR VEHICLE ELIGIBLE FOR LICENSING PURSUANT TO CHAPTER 7, ARTICLE 14 OF A.R.S. TITLE 28 OR A.R.S. § 28-2411 IS NOT AN ABANDONED VEHICLE AND SHALL NOT BE SEIZED PURSUANT TO THIS ARTICLE OR ANY ORDINANCE AUTHORIZED BY THIS ARTICLE WHILE THE VEHICLE IS STORED OR MAINTAINED ON THE VEHICLE OWNER'S PRIVATE PROPERTY.

SECTION 10-4-4 VEHICLE REMOVAL

- A. AN OFFICER WHO HAS REASONABLE GROUNDS TO BELIEVE THAT A VEHICLE HAS BEEN LOST, STOLEN, ABANDONED OR OTHERWISE UNCLAIMED MAY REMOVE OR CAUSE THE REMOVAL OF THE VEHICLE FROM ANY STREET, HIGHWAY OR PRIVATE PROPERTY.
- B. IF A PERSON REMOVES OR CAUSES THE REMOVAL OF AN ABANDONED VEHICLE FROM PRIVATE PROPERTY, THE PERSON SHALL BOTH:
 - 1. OBTAIN WRITTEN AUTHORIZATION FROM THE OWNER OR LESSEE OF THE PROPERTY ON A FORM PRESCRIBED BY THE MARICOPA COUNTY SHERIFF'S DEPARTMENT.
 - 2. SUBMIT THE FORM AND THE VEHICLE IDENTIFICATION FORM TO THE MARICOPA COUNTY SHERIFF'S DEPARTMENT.

- C. AN OFFICER WHO HAS REMOVED AN ABANDONED VEHICLE PURSUANT TO THIS SECTION SHALL INSPECT THE VEHICLE AND SHALL COMPLETE THE VEHICLE IDENTIFICATION FORM PRESCRIBED OR APPROVED BY THE MARICOPA COUNTY SHERIFF'S DEPARTMENT. THE MARICOPA COUNTY SHERIFF'S DEPARTMENT SHALL MAKE AN INQUIRY TO DETERMINE WHETHER THE ABANDONED VEHICLE IS A STOLEN ABANDONED VEHICLE.
- D. A PERSON WHO HAS REMOVED OR CAUSED TO BE REMOVED AN ABANDONED VEHICLE FROM PRIVATE PROPERTY SHALL HAVE THE VEHICLE INSPECTED BY AN OFFICER OR AGENT OF THE MARICOPA COUNTY SHERIFF'S DEPARTMENT. THE OFFICER OR AGENT SHALL MAKE AN INQUIRY TO DETERMINE WHETHER THE ABANDONED VEHICLE IS A STOLEN ABANDONED VEHICLE.

SECTION 10-4-5 PRESUMPTION OF RESPONSIBILITY

THE ABANDONMENT OF A VEHICLE IN A MANNER PROVIDED IN THIS ARTICLE IS A PRESUMPTION THAT THE LAST REGISTERED OWNER OF RECORD IS RESPONSIBLE FOR THE ABANDONMENT AND IS SUBJECT TO THIS ARTICLE, UNLESS EITHER:

- A. AN AFFIDAVIT HAS BEEN FILED THAT THE VEHICLE WAS STOLEN PURSUANT TO SECTION A.R.S. § 28-4844.
- B. A STOLEN REPORT HAS BEEN ACCEPTED BY A LOCAL LAW ENFORCEMENT AGENCY.

SECTION 10-4-6 TOWED VEHICLES; NOTIFICATION; VIOLATION; CLASSIFICATION

- A. EXCEPT IF ACTING UNDER THE DIRECTION OF A PEACE OFFICER, A PERSON WHO MOVES OR TOWS A VEHICLE INTO A PUBLIC GARAGE, PARKING LOT, STORAGE YARD OR AUTOMOTIVE RECYCLING YARD OR ON PRIVATE PROPERTY WITHOUT THE CONSENT OF THE VEHICLE OWNER OR THE OWNER'S AGENT SHALL NOTIFY THE MARICOPA COUNTY SHERIFF'S DEPARTMENT BY TELEPHONE WITHIN ONE HOUR OF THE TIME THE VEHICLE IS MOVED OR TOWED.
- B. A PERSON WHO FAILS TO COMPLY WITH THIS SECTION FORFEITS ALL CLAIMS FOR TOWING AND STORING THE VEHICLE AND IS GUILTY OF A CLASS 1 MISDEMEANOR.

SECTION 10-4-7 TOWING AND STORAGE COSTS

- A. MARICOPA COUNTY SHALL NOT INCUR ANY LIABILITY FOR THE COST OF TOWING OR STORING A VEHICLE REMOVED UNDER THIS ARTICLE WHEN ITS OFFICER HAS REMOVED OR CAUSED THE REMOVAL OF THE VEHICLE UNDER COLOR OF THE OFFICER'S LAWFUL AUTHORITY.
- B. THE OWNER OF A VEHICLE THAT IS REMOVED OR CAUSED TO BE REMOVED UNDER THIS ARTICLE IS LIABLE FOR ANY REASONABLE COSTS INCURRED IN TOWING OR STORING THE VEHICLE.

SECTION 10-4-8 DISPOSITION OF ABANDONED AND JUNK VEHICLES

ANY ABANDONED OR JUNK VEHICLE SEIZED UNDER THIS ARTICLE SHALL BE DISPOSED OF IN ACCORDANCE WITH A.R.S. § 28-4801 ET SEQ.

ARTICLE 10-5 UNATTENDED CONTAINERS

NO PERSON SHALL PLACE, DISPLAY OR MAINTAIN ANY UNATTENDED CONTAINER FOR SOLICITING DEPOSIT OF RECYCLABLE MATERIALS OR DONATED ITEMS IN ANY EXTERIOR LOCATION WITHIN THE TOWN LIMITS, EXCEPT IN CONFORMANCE WITH ALL OF THE FOLLOWING PROVISIONS:

- A. SUCH UNATTENDED CONTAINERS MAY BE LOCATED ONLY WITHIN THE PARKING LOT OF PRIVATE PROPERTY LAWFULLY ZONED, DEVELOPED AND USED FOR COMMERCIAL OR INDUSTRIAL PURPOSES OR AT SCHOOLS, CHURCHES OR CHARITABLE ORGANIZATIONS WHICH HAVE SIMILAR PARKING FACILITIES.
- B. SUCH UNATTENDED CONTAINERS MAY BE LOCATED ONLY WITH THE PERMISSION OF THE PROPERTY OWNER, HIS AGENT OR THE PERSON IN POSSESSION OF THE PROPERTY, AND THE CONTAINER OWNER'S NAME AND CURRENT TELEPHONE NUMBER SHALL BE DISPLAYED THEREON IN A CONSPICUOUS LOCATION.
- C. THE OWNER OF SUCH UNATTENDED CONTAINER AND THE PROPERTY OWNER SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR MAINTAINING ALL EXTERIOR AREAS WITHIN TWENTY-FIVE (25) FEET OF THE CONTAINER AND SHALL KEEP SUCH AREA FREE FROM LITTER AT ALL TIMES.

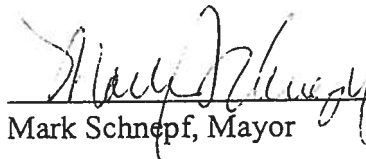
ARTICLE 10-6 ON-SITE REST ROOM FACILITIES

ALL CONSTRUCTION SITES SHALL PROVIDE ON-SITE REST ROOM FACILITIES FOR EMPLOYEES WHILE CONSTRUCTION IS OCCURRING IN CONFORMANCE WITH ALL OF THE FOLLOWING PROVISIONS:

- A. THERE SHALL BE A MINIMUM OF ONE TOILET PROVIDED ON-SITE FOR EVERY SINGLE- FAMILY RESIDENTIAL CONSTRUCTION PROJECT. WHEN THE SAME GENERAL CONTRACTOR HAS TWO SINGLE-FAMILY RESIDENTIAL CONSTRUCTION PROJECTS ON ADJOINING LOTS WITH THE SAME STREET FRONTAGE, ONE TOILET LOCATED AS CLOSE AS POSSIBLE TO THE COMMON PROPERTY LINE SHALL FULFILL THE REQUIREMENTS OF THIS ARTICLE FOR BOTH SITES.
- B. WHEN THERE IS A NON-SINGLE-FAMILY RESIDENTIAL CONSTRUCTION SITE, THERE SHALL BE ONE TOILET FACILITY FOR EVERY FIVE THOUSAND SQUARE FEET OF BUILDING AREA. ANY FRACTION THEREOF SHALL BE ROUNDED UP TO REQUIRE THE ADDITIONAL TOILET FACILITY.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Queen Creek, Arizona, this 18th day of February, 1998.

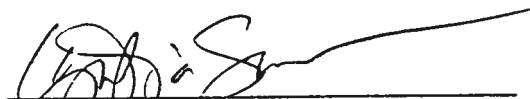
FOR THE TOWN OF QUEEN CREEK:


Mark Schnepf, Mayor

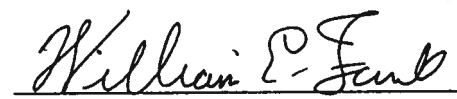
ATTESTED TO:


Sandra L. McGeorge, Town Clerk

REVIEWED BY:


Cynthia Seelhammer, Town Manager

APPROVED AS TO FORM:


William E. Farrell, Town Attorney