

ORDINANCE 557-14

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING THE QUEEN CREEK TOWN CODE, CHAPTER 14 STREETS AND SIDEWALKS - ARTICLE 14-1 SIDEWALKS - SECTION 14-1-1 SIDEWALKS AND MEDIANS TO BE MAINTAINED - SECTION 14-1-2 OBSTRUCTION IN SIDEWALK AND ARTICLE 14-2 STREETS- SECTION 14-2-1 OBSTRUCTIONS IN STREET; RELATING TO GENERAL SAFETY, MAINTENANCE AND PROHIBITED OBSTRUCTIONS WITHIN PUBLIC RIGHT OF WAYS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY.

BE IT ORDAINED by the Mayor and Common Councils of the Town of Queen Creek as follows:

Section 1: In General

That the Queen Creek Town Code of Queen Creek, Arizona, Chapter 14 Streets and Sidewalks Article 14-1 Sidewalks – Section 14-1-1 Sidewalks and Medians to be Maintained – Section 14-1-2 Obstruction in Sidewalk; Article 14-2 Streets – Section 14-2-1 Obstructions in Street, is hereby amended subject to attached “Exhibit A”;

Section 2: Providing for Repeal of Conflicting Ordinances

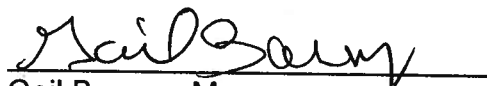
All ordinances or parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section 3: Providing for Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of this Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY the Mayor and Common Council of the Town of Queen Creek, Arizona, this 15th day of October, 2014.

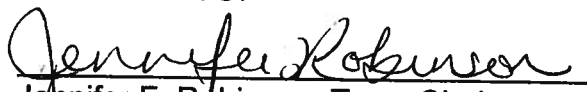
FOR THE TOWN OF QUEEN CREEK:


Gail Barney, Mayor

REVIEWED BY:


John Kross, Town Manager

ATTESTED TO:


Jennifer F. Robinson, Town Clerk

APPROVED AS TO FORM:


Dickinson Wright, PLLC, Attorneys for the Town

“EXHIBIT A”

CHAPTER 14 STREETS AND SIDEWALKS

ARTICLE 14-1

SIDEWALKS¹

- 14-1-1 Sidewalks ~~MAINTENANCE~~ and Medians to be Maintained
- 14-1-2 Obstructions in Sidewalk
- 14-1-3 Penalties

Section 14-1-1

~~Sidewalks and Medians to be Maintained~~ SIDEWALK MAINTENANCE

All persons owning or occupying land or places of business within the town shall keep the sidewalk or public places fronting or bordering their property, including the area between the sidewalk and the curb, free of ~~garbage, junk, obstructions and~~ weeds or grass in excess of ten inches.; ~~provided, however, this section shall not prohibit the temporary storage of such matters in authorized receptacles for collection.~~ Trees, shrubs and other landscaping planted in the area between the sidewalk and the curb shall be maintained by the adjacent landowner or occupant in such a way as not to impede, obstruct or interfere with the passage **AND OR PUBLIC ACCESSIBILITY** of any sidewalk or street including, without limitation, the passage of street sweeping and other street cleaning equipment, and/or personnel. In the event the owner or occupant does not maintain such trees, shrubs, or landscaping in the manner required by this Section, the Town may cut or trim such trees, shrubs or plant growth, or otherwise take measures necessary to eliminate the impediment, obstruction or interference with the passage on the sidewalk or street.

Section 14-1-2

Obstructions in Sidewalk

No owner or occupant of land shall allow or permit ~~trees, shrubs or plant growth on that land to impede, obstruct or interfere with the passage of any sidewalk or street, including, without limitation, the passage of street sweeping and other~~ **OBSTRUCTIONS OF ANY KIND (I.E. GARBAGE, DEBRIS, DECOMPOSED GRANITE OR LANDSCAPE MATERIALS, TREES, SHRUBS OR PLANT GROWTH, ETC.) TO IMPEDE, OBSTRUCT OR INTERFERE WITH THE PASSAGE OF ANY PUBLIC SIDEWALK; PROVIDED HOWEVER, THIS SECTION SHALL NOT PROHIBIT THE TEMPORARY STORAGE OF SUCH MATTERS IN AUTHORIZED RECEPTACLES FOR COLLECTION, OR THE PASSAGE OF SIDEWALK cleaning AND REPAIR** equipment and/or personnel, within the Town. In the event any owner or occupant of land allows trees, shrubs, or plant growth on that land to impede, obstruct or interfere with the passage of any sidewalk ~~or street, including, without limitation, the passage of street sweeping and other~~ **SIDEWALK cleaning AND REPAIR** equipment and/or personnel, the Town may cut or trim such trees, shrubs or plant growth, or otherwise take measures necessary to eliminate the impeding, obstruction, or interference with the passage on the sidewalk ~~or street~~.

Section 14-1-3

Penalties

In addition to any other penalties prescribed by law, any person found violating this Article after 30 days written notice is subject to a civil penalty of \$100 for the first offense, and \$500 for each subsequent offense. Each day shall be considered a separate offense.

ARTICLE 14-2

STREETS¹

14-2-1	Obstructions in Street
14-2-2	Open Junk Storage Prohibited
14-2-3	Draining onto Street Prohibited
14-2-4	Penalties

Section 14-2-1 Obstructions in Street

No owner or occupant of land shall allow **OBSTRUCTIONS OF ANY KIND (I.E. GARBAGE, DEBRIS, DECOMPOSED GRANITE OR LANDSCAPE MATERIALS, TREES, SHRUBS OR PLANT GROWTH, ETC)** ~~or permit trees, shrubs or plant growth on that land~~ to impede, obstruct or interfere with the passage of any street or alley including without limitation, the passage of street sweeping and other street cleaning **AND REPAIR** equipment and/or personnel, within the Town or to diminish the visibility of any traffic control device or signal. In the event any owner or occupant of land allows trees, shrubs or plant growth on that land to impede, obstruct or interfere with the passage of any street or alley, including without limitation, the passage of street ~~sweeping or other street~~ cleaning **AND REPAIR** equipment and/or personnel, the Town may cut or trim such trees, shrubs or plant growth, or otherwise take measures necessary to eliminate the impeding, obstruction, or interference with the passage **OF** ~~the on the sidewalk or street~~ and may charge the cost of such trimming, cutting, or other measures to the owner of the land.

Section 14-2-2 Open Junk Storage Prohibited

No person shall deposit, store or maintain any garbage or junk that is visible from beyond the lot boundaries, except as authorized for collection.

Section 14-2-3 Draining onto Street Prohibited

No person shall deposit in, sweep upon or permit to drain into any public right-of-way or public place of the town any garbage, junk, obstruction or similar matter or any hazardous material which is offensive to sight or smell or impedes passage or is detrimental to public health.

Section 14-2-4 PENALTIES

In addition to any other penalties prescribed by law, any person found violating this Article after 30 days written notice is subject to a civil penalty of \$100 for the first offense, and \$500 for each subsequent offense. Each day shall be considered a separate offense