

ORDINANCE NO. 846-24

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING CHAPTER 9 (OFFENSES), CHAPTER 10 (HEALTH AND SANITATION), AND CHAPTER 14 (STREETS AND SIDEWALKS) PERTAINING TO WEEDS AND MAINTENANCE OF SIDEWALKS AND PREMISES, AS DESCRIBED IN ‘EXHIBIT A’ ATTACHED HERETO.

WHEREAS, Arizona Revised Statutes § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, providing that the adopting ordinance is published in full; and

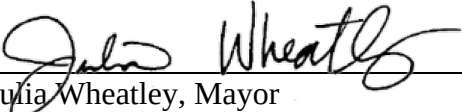
WHEREAS, it is in the best interest of the Town and its residents to adopt the amendments to the Town Code set forth in the attached Exhibit A amending Chapter 9 (Offenses), Chapter 10 (Health And Sanitation), and Chapter 14 (Streets And Sidewalks) pertaining to weeds and maintenance of sidewalks and premises.

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

- Section 1:** The Queen Creek Town Code – amending Chapter 9 (Offenses), Chapter 10 (Health And Sanitation), and Chapter 14 (Streets And Sidewalks) pertaining to weeds and maintenance of sidewalks and premises as set forth and referenced to as “Exhibit A”, and incorporated herein is declared to be a public record.
- Section 2:** The amendments to the Queen Creek Town Code set forth in “Exhibit A” are hereby adopted.
- Section 3:** If any section, subsection, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code are for any reason held invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.
- Section 4:** At least one paper copy and one electronic copy of this Ordinance and “Exhibit A” are to be filed with and are located the office of the Town Clerk.

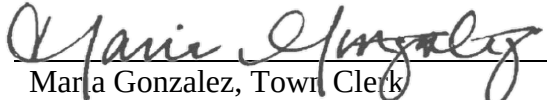
PASSED AND ADOPTED by the Common Council of the Town of Queen Creek, Arizona, this 4th day of September, 2024.

FOR THE TOWN OF QUEEN CREEK:



Julia Wheatley, Mayor

ATTESTED TO:



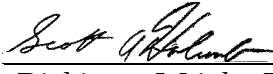
Maria Gonzalez, Town Clerk

REVIEWED BY:



Bruce R Gardner (Sep 5, 2024 09:43 PDT)
Bruce Gardner, Town Manager

APPROVED AS TO FORM:



Dickinson Wright, PLLC
Town Attorneys

Exhibits on file at the Town Clerk's Office

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Exhibit A

9-9-6 (A) Sidewalks:

A. Sidewalk Maintenance. It is unlawful for any owner or occupant of land or places of business within the Town fail to keep the sidewalk or public places fronting or bordering their property, including the area between the sidewalk and the curb free of weeds or unsightly or improperly maintained grass ~~in excess of ten inches~~.

10-2-13 Responsible Party Shall Maintain Premises

Any person who owns, occupies, manages, controls, or has a financial interest in any private property in the Town of Queen Creek shall maintain the premises, including all yards, open spaces, and abutting rights -of-way, free of weeds and unsightly, improperly maintained, or overgrown turf or landscape elements.

10-3-1 Definitions:

~~“Weeds” means a useless and troublesome plant generally accepted as having no value and frequently of uncontrolled growth. Any vegetation which is, or is likely to be, detrimental, destructive or unsightly and difficult to control or eradicate, including but not limited to bull thistle, cocklebur, foxtail, horseweed, lambsquarters, london rocket, mallow, milkweed, pigweed, mustards, prickly lettuce, ragweed, Russian thistle, shepardspurse, sow thistle, white horse nettle, willow weed and those types of plant growth defined as noxious weeds by A.R.S. § 3-201 regardless of whether a particular property owner or occupant who is the subject of enforcement action under this Chapter regards the growth as desirable.~~

"WEEDS" means any undesirable or out of place plant, unintentionally established or growing, which whether living or dead, native or non -native, invasive or non-invasive, noxious or not noxious, may be harmful to people or animals, harbor insects or disease; or otherwise interfere with the Town's objectives for public health, safety, and welfare, regardless whether the subject of the enforcement action claims the plants as desirable.

10-3-2 Public Nuisances ~~Defined~~ Designated:

10-3-2.D Public Nuisances ~~Defined~~ Designated:

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 inches or~~ which present a fire hazard. All exterior property areas shall be kept free from dry vegetation, tumbleweeds, weeds, bushes and ~~tall~~ grass and trees which present a visual blight upon the area, which may harbor insect or rodent infestations and dry vegetation, or which may likely become a fire hazard, or result in a condition which may threaten the health and safety or the economic welfare of adjacent property owners or occupants.

10-3-2.T Public Nuisances ~~Defined~~ Designated:

T. Any landscaping, visible from public property, or the property of another that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or blighted appearance; uncultivated plants, weeds, ~~tall~~ grass, uncultivated shrubs or growth (whether growing or otherwise) ~~higher than six (6) inches~~; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground. Trees that overhang a sidewalk shall be trimmed a minimum of eight (8) feet above the sidewalk to allow for safe passage. Trees that overhang the street shall be trimmed a minimum of 14 feet above street grade to allow for

safe and damage free passage of large public service vehicles (i.e., fire apparatus, solid waste vehicles).

14-1-1 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 weeds or unsightly or improperly maintained grass ~~in excess of ten inches~~. 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.

Ordinance 846-24

Final Audit Report

2024-09-05

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