

ORDINANCE NO. 1244

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA, DECLARING THE DOCUMENT ENTITLED "TOWN OF WICKENBURG PROPERTY MAINTENANCE CODE, 2025" AS A PUBLIC RECORD; ADOPTING "TOWN OF WICKENBURG PROPERTY MAINTENANCE CODE, 2025" BY REFERENCE; AMENDING THE WICKENBURG TOWN CODE BY AMENDING CHAPTER 8 BUILDING, ARTICLE 8-1 BUILDING CODE, BY REPEALING SECTION 8-1-1(I) ADOPTION OF CODES AND AMENDING SECTION 8-1-1 ADOPTION OF CODES TO RE-LETTER SUBSECTIONS J TO I AND K TO J; AMENDING SECTION 8-1-11 AMENDMENTS TO INTERNATIONAL BUILDING CODES TO REMOVE REFERENCE TO INTERNATIONAL PROPERTY MAINTENANCE CODE; AMENDING CHAPTER 10 OFFENSES, ARTICLE 10-2 REMOVAL OF LITTER, ARTICLE 10-3 INOPERABLE VEHICLES, AND ARTICLE 10-4 ENVIRONMENTAL NUISANCES TO REMOVE REFERENCE TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING A NEW ARTICLE 10-5 PROPERTY MAINTENANCE; AND AMENDING CHAPTER 1 GENERAL, ARTICLE 1-8 PENALTY, ALL AS SET FORTH IN "TOWN OF WICKENBURG PROPERTY MAINTENANCE CODE, 2025" AND ALL RELATING TO PROPERTY MAINTENANCE REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, local governments may regulate property maintenance, environmental nuisances, and conditions of buildings and real property pursuant to the Town's police powers and in accordance with Arizona Revised Statutes, including A.R.S. §§ 9-240 and 9-276;

WHEREAS, the Town deems it necessary to adopt comprehensive regulations regarding the maintenance of property to protect the health, safety, and welfare of Town residents;

WHEREAS, the Town previously had adopted the International Property Maintenance Code, 2012 edition, as adopted, as published by the International Code Council but now seeks to adopt its own local Property Maintenance code;

WHEREAS, the Town desires to preserve the quality and appearance of neighborhoods, promote public safety, and prevent conditions that contribute to blight or nuisances by establishing minimum property maintenance standards, uniform notice and enforcement procedures, abatement processes, and appropriate penalties and fines;

WHEREAS, that certain document entitled "Town of Wickenburg Property Maintenance Code, 2025," three copies of which, or one paper and one electronic copy, are on file in the office of the Town Clerk in compliance with A.R.S. § 9-802, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Wickenburg, Arizona, as follows:

Section I. General.

The Code of Wickenburg, Arizona, is hereby amended to read as set forth in that certain document entitled "Town of Wickenburg Property Maintenance Code, 2025" which document is hereby adopted and incorporated by reference.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and 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 III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the 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.

Section IV. Penalties.

The penalties for violating this Ordinance shall be:

Any person that violates this ordinance shall be subject to a civil penalty of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for a second violation in any twelve (12) month period. The dates of the offenses are the determining factor for calculating the twelve (12) month period. In addition, the court may enter an order requiring the defendant to abate the violation within a prescribed period of time. Any defendant that fails to appear in Wickenburg Municipal Court as directed by a citation issued pursuant to this ordinance, or who fails to appear at the time and place set for hearing of a matter arising under this ordinance, shall be subject to an additional default fee as established by the Wickenburg Municipal Court. Any judgments issued by the Wickenburg Municipal Court shall be subject to all surcharges and fees imposed by state law in addition to the civil fines required by this ordinance.

A person who commits a violation of this Code after previously having been found responsible for committing two (2) or more civil violations of this Code within a twenty-four (24) month period, whether by admission, by payment of the sanction, by default or by judgment after hearing, shall be guilty of a Class One Misdemeanor. For purposes of calculating the 24-month period under this section, the dates of the commission of the offenses are the determining factor. Upon conviction, the court may impose any combination of a jail sentence, not to exceed six (6) months; a base fine not to exceed two-thousand five-hundred dollars (\$2,500.00); a thirty-six (36) month term of probation; and an order to abate the violation within a prescribed period of time.

Section V. Effective Date.

This Ordinance shall be effective thirty (30) days following adoption by Council.

PASSED AND ADOPTED by the Common Council of the Town of Wickenburg, Arizona, this 1st day of December 2025.


BG Bratcher, Mayor

ATTEST:


Amy Brown, Town Clerk

APPROVED AS TO FORM:


Trish Stuhan, Town Attorney
Pierce Coleman PLLC

Number of Councilmembers Present: 7
Number of Votes For: 7
Number of Votes Against: 0
Number of Abstentions: 0

I, Amy Brown, Town Clerk, HEREBY CERTIFY that a true and correct copy of Ordinance No. 1244 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, on this 1st day of December 2025, and that a quorum was present at the meeting.


Amy Brown, MMC
Town Clerk

[Exhibit on File at the Town Clerk's Office, 155 N Tegner St, Wickenburg, AZ 85390]

TOWN OF WICKENBURG PROPERTY MAINTENANCE CODE, 2025

The Code of Wickenburg, Arizona, is hereby amended by amending Chapter 8 Building, Article 8-1 Building Code, to read as follows (additions in ALL CAPS, deletions in ~~strikethrough~~):

Article 8-1. Building Code.

Section 8-1-1 Adoption of Codes.

The Town of Wickenburg adopts the following documents, one paper copy and one electronic copy of which are on file in the office of the town clerk, being marked and identified as provided in this section, as codes of the Town of Wickenburg for regulating and governing the conditions and maintenance of all property, buildings, and structures; providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, penalties, conditions and terms of the codes hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed below.

A. The International Building Code, 2018 edition, is adopted including appendix C Group U-Agricultural Buildings and Appendix I Patio Covers, as published by the International Code Council.

B. The International Residential Code for One-and Two-Family Dwellings, 2018 edition, is adopted including Appendix A Sizing and Capacities of Gas Piping; Appendix B Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category 1 Appliances and Appliances for Use with Type B Vents; Appendix C Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems; Appendix H Patio Covers; Appendix P Sizing of Water Piping System; Appendix Q Tiny Houses; and Appendix T Solar Ready Provisions-Detached One-and Two-Family Dwellings and Townhouses, as published by the International Code Council.

C. The International Mechanical Code, 2018 edition, is adopted as published by the International Code Council.

D. The International Fire Code, 2018 edition, is adopted including Appendix B Fire-Flow Requirements for Buildings, Appendix C Fire Hydrant Locations and Distribution, Appendix D Fire Apparatus Access Roads, Appendix E Hazard Categories, Appendix F Hazard Ranking, Appendix G Cryogenic Fluids, Weight, and Volume Equivalents, Appendix H Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions,

ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

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SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

[A] 116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary, or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or which constitute a fire hazard, or shock hazard or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

In addition to the provisions of this Code, all buildings, structures, and property shall be maintained in compliance with the provisions of the ~~International Property Maintenance Code, as amended~~, ARTICLE 10-5 PROPERTY MAINTENANCE and all unsafe buildings or structures shall be subject to the abatement and enforcement provisions of that code.

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116.8.2 Imminent unsafe conditions. If a building, structure, or any building service equipment is determined to be in an imminent unsafe condition, the building official shall serve a written notice of violation on the person or persons occupying or having control of the building, structure or building service equipment and on the person or persons having recorded interest in the property. The notice of violation shall declare the imminent unsafe condition to be a nuisance and shall order its immediate abatement in accordance with the provisions of this section.

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7. Abatement by the Town. If the owner of any unsafe building, structure or building service equipment fails to abate an imminent unsafe condition within the time specified in the Notice of Violation, the Town may abate any such imminent unsafe condition by repair, removal, or demolition in accordance with the provisions of the ~~International Property Maintenance Code, as amended~~, ARTICLE 10-5 PROPERTY MAINTENANCE. The costs of any Town abatement, including emergency abatement or temporary repairs, shall be paid by the property owner as set forth by Town Council.

2. THE INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, IS AMENDED AS FOLLOWS (DELETIONS IN STRIKETHROUGH; ADDITIONS IN UNDERLINE): Ord. 1231/2-23

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R102.7 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, ~~the International Property Maintenance Code, as amended,~~ ARTICLE 10-5 PROPERTY MAINTENANCE, or the *Wickenburg Fire Code*, as amended by the Town of Wickenburg, or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

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~~9. THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION, IS AMENDED AS FOLLOWS (DELETIONS IN STRIKETHROUGH; ADDITIONS IN UNDERLINE): (Ord. 1231/2-23)~~

~~1. That certain code entitled, "International Property Maintenance Code," 2012 edition, with all appendices thereto, is hereby adopted as the Property Maintenance Code of the Town of Wickenburg. At least three (3) copies of said code shall be on file in the office of the Town Clerk and shall be kept available for public use and inspection.~~

~~2. The following sections of the International Property Maintenance Code, 2012 edition, are hereby revised:~~

~~a. Section 101.1. Insert: Town of Wickenburg.~~

~~b. Section 103.1. Delete in its entirety.~~

~~c. Section 103.5. Delete in its entirety and replace with "The fees for activities and services performed under this code shall be adopted by Resolution of the Town Council of the Town of Wickenburg."~~

~~d. Section 106. Delete in its entirety and replace with "Violations of this code are subject to penalties pursuant to Section 1-8 of the Town Code."~~

~~e. Section 107. Delete in its entirety and replace with:~~

~~**107.1 Notice to owner and tenant.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, and prior to taking any action to abate the violation, notice shall be given in the manner prescribed in Section 107.2.1 and 107.3 to the owner and tenant, as applicable, for the violation as specified in this code. If abatement of the existing violation(s) is necessary, a notice of abatement shall be given in the manner prescribed in Sections 107.2.2 and 107.3.~~

~~**107.2 Notification Forms.**~~

~~**107.2.1 Notice of violation.** Such notice of violation prescribed in Section 107.1 shall be in accordance with all of the following:~~

~~1. Be in writing.~~

~~2. Include a description of the real estate sufficient for identification of the property.~~

3. Include a statement of the violation(s) and why the notice is being issued.
4. Include a correction order giving at least thirty (30) days to make the repairs and improvements required to bring the premises, residential and non-residential structures, accessory structures or dwelling unit into compliance with this code.
5. Inform responsible party that, if the correction order is not complied with, the Town may choose to remove, abate, enjoin or cause the removal of the violations existing on the property and lien the property with the cost of such abatement in accordance with state law. Such abatement notice shall be given in the manner prescribed in Section 107.2.2.

107.2.2 Notice of abatement. A notice of abatement shall be in accordance with all of the following:

1. Be in writing.
 2. Include a description of the real estate sufficient for identification of the property.
 3. Include a statement of the violation(s) and why the notice is being issued.
 4. Include an abatement order giving the owner at least thirty (30) days to make the repairs and improvements required to bring the premises, residential and non-residential structures, accessory structures or dwelling unit into compliance with the provisions of this code, and such notice shall include cost of such abatement in accordance with state law.
 5. Inform the responsible party if the violation is not abated within the time set forth in the notice, the Town will abate the violation and lien the cost of such abatement against the property.
 6. Re-inspection date and time.
 7. Inform the owner, owner's authorized agent or owner's statutory agent and the tenant of the right to appeal the notice to abate or assessment in the manner prescribed by Section 111.1, unless the removal or abatement is ordered by a court.
- 107.3 Method of service.** Notice shall be deemed to be properly served if a copy thereof is either: 1. Given by personal service to the: (a) owner, owner's authorized agent or owner's statutory agent; and (b) to the tenant (as applicable).

107.3 Method of service. Notice shall be deemed to be properly served if a copy thereof is either:

1. Given by personal service to the:
 - a. owner, owner's authorized agent or owner's statutory agent; and
 - b. to the tenant (as applicable).
2. Sent by certified mail, return receipt requested addressed to the:
 - a. owner's last known address, the owner's authorized agent or the owner's statutory agent; and
 - b. to the address to which the tax bill for the property was last mailed. If the notice is returned showing that the certified mail, return receipt requested letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice and the Town may record the notice in the County Recorder's office as provided by state law.

107.4 Unauthorized Tampering. Signs, tags, or seals posted or affixed by the code official shall not be mutated, destroyed or tampered with without authorization of the code official.

f. Section 111. Delete in its entirety and replace with the following:

111.1 Appeal. Any person directly affected by a decision, notice or order issued by the code official, including a notice of assessment or assessment, may appeal such decision, notice or order pursuant to this section. The Town Council shall appoint a Board of Appeals to preside over any such appeal. The Board of Appeals shall consist of three officers who are qualified by experience and training to evaluate matters pertaining to property maintenance and who are not employee of the Town. The Town Council has sole discretion in making appointment to the Board of Appeals and judging the qualifications for service. The right to appeal under this subsection shall not be available to citations, which shall be adjudicated by the Town of Wickenburg Municipal Court pursuant to Town Code and State Law requirements, including any right of appeal to such court decisions as may be applicable by law.

111.2 Process Upon Appeal: Waiver. A written application for appeal shall be filed with the Town Clerk within 30 days after the day the decision, notice or order was served. Failure to timely file an appeal shall constitute a waiver of the right to a hearing of the appeal and such person shall be stopped to deny the validity of any decision, notice, or order which could have been timely appealed.

111.3 Grounds for Appeal. The application for appeal shall set forth the person's reasons for believing that he or she is not in violation of the code; that the provisions of this code do not fully apply; that the rules legally adopted have been incorrectly applied; or other legal error in the decision, notice, or order.

111.4. Procedure on Appeal. Any party may be represented by an attorney and any person whose interests are affected shall be given an opportunity to be heard at the hearing. The Board of Appeals shall conduct the hearing, rule on any procedural matters and objections, and issue a final decision after the hearing. The final decision shall contain findings and conclusions and be provided to the parties within 30 days of the hearing.

g. Section 112.4. Delete in its entirety and replace with "Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as set by the Town Council of the Town of Wickenburg.

h. Section 302.4. Insert: "18".

i. Section 303.2. Delete in its entirety.

j. Section 304.14. Delete in its entirety.

k. Section 404. Delete in its entirety and replace with "Refer to Adopted Building Code for Minimal Sizes."

l. Section 602. Amend by adding "and cooling" after "heating".

m. Section 602.3. Insert: (October 1) (March 31).

n. Section 602.3. Add new subparagraph 602.3.1 to read as follows: "Cooling. In addition to the requirements of Section 602.3, Facilities shall be capable of maintaining a temperature of not greater than 80 degrees."

o. Section 602.4. Insert: (October 1) (March 31).

p. Amend Chapter 8, referenced standards by (A) deleting the reference to the International Zoning Code and (B) adding a new standard as follows: All references to the International Zoning Code shall be deleted and replaced with "The Town of Wickenburg Zoning Code."

3. The following section is hereby added to the International Property Maintenance Code, 2012 edition:

a. Section 405. Nuisance Lights

1. **Purpose, Intent, and Applicability.**

(A) The purpose of this section is to minimize light pollution and light trespass with the intent of maintaining the integrity of and enjoyable use of property and the night environment by the citizens of the Town of Wickenburg; and

(B) Benefiting astronomical research and observations; and

(C) Conserving energy while increasing nighttime visibility, utility, and security.

(D) This section shall apply to all new construction in all single-family residential zoning districts and shall include any new outdoor lights installed or constructed after the effective date of this ordinance, or existing lights determined to constitute a nuisance.

2. **Standards for Outdoor Residential Lighting.**

(A) Outdoor lighting shall refer to all sources of light either temporary or permanent that intentionally or incidentally illuminate any area beyond the exterior walls of enclosed structures.

(B) All outdoor light fixtures shall be situated or shielded to prevent the light source from being directly visible from a public street, adjacent residence, or adjacent residential zoning district. Shielded shall mean that fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

(C) All lighting fixtures shall be so constructed and arranged to reflect light away from any residence or residential zoning district while minimizing to the extent possible, any illumination beyond the boundaries of the site on which the lighting is located.

(D) All light fixtures shall have a full cutoff to mitigate light pollution. Full cutoff shall mean that the light fixture is shielded or constructed so that the light rays emitted by the fixture are projected below a horizontal plane passing through the lowest point on the fixture from which light is emitted. Drop or sag lens type fixtures are prohibited.

(E) The use of mercury vapor lights is prohibited and shall be deemed illegal. Existing mercury vapor lights are considered a nuisance and shall be removed or replaced as of January 1, 2004.

(F) Exemptions. This section shall not apply to:

1) Portable or temporary lighting used by law enforcement, emergency services personnel or public utilities to protect life or property, or permanent lighting that is deemed necessary in the interest of public safety by the Chief of Police, the Fire Chief, or the Fire Marshal.

2) Field sports lighting in public or semi-public facilities such as municipal parks, public school athletic fields, and rodeo or equestrian arenas.

3) Temporary special event lighting such as Christmas lights, lighting in conjunction with approved carnivals or circuses.

4) Airport lighting.

The Code of Wickenburg, Arizona, is hereby amended by amending Chapter 10 Offenses, Article 10-2 Removal of Litter, to read as follows (additions in ALL CAPS, deletions in ~~strikethrough~~):

Article 10-2. Removal of Litter.

Article 10-2 Removal of Litter (~~Removed per Ordinance 1190— see 2012 International Property Maintenance Code~~ ARTICLE 10-5 PROPERTY MAINTENANCE)

The Code of Wickenburg, Arizona, is hereby amended by amending Chapter 10 Offenses, Article 10-3 Inoperable Vehicles, to read as follows (additions in ALL CAPS, deletions in ~~strikethrough~~):

Article 10-3. Inoperable Vehicles.

Article 10-3 Inoperable Vehicles (~~Removed per Ordinance 1190— see 2012 International Property Maintenance Code~~ ARTICLE 10-5 PROPERTY MAINTENANCE)

The Code of Wickenburg, Arizona, is hereby amended by amending Chapter 10 Offenses, Article 10-4 Environmental Nuisances, to read as follows (additions in ALL CAPS, deletions in ~~strikethrough~~):

Article 10-4. Environmental Nuisances.

Article 10-4 Environmental Nuisances (~~Removed per Ordinance 1190— see 2012 International Property Maintenance Code~~ ARTICLE 10-5 PROPERTY MAINTENANCE)

The Code of Wickenburg, Arizona, is hereby amended by amending Chapter 10 Offenses, by adopting a new Article 10-5 Property Maintenance, to read as follows:

Article 10-5. Property Maintenance

- Sec. 10-5-1 Title.
- Sec. 10-5-2 Scope and Intent.
- Sec. 10-5-3 Conflict of Ordinances and Effect of Repeal of Prior Ordinance.
- Sec. 10-5-4 Severability.
- Sec. 10-5-5 Definitions.
- Sec. 10-5-6 Enforcement - General.
- Sec. 10-5-7 Owner of Record.
- Sec. 10-5-8 Notice of Violation.
- Sec. 10-5-9 Civil Citations.
- Sec. 10-5-10 Civil Procedures.
- Sec. 10-5-11 Civil Penalties.

- Sec. 10-5-12 Recidivist Offenders.
- Sec. 10-5-13 Criminal Complaints.
- Sec. 10-5-14 Inspection Warrants.
- Sec. 10-5-15 Buildings and Structures.
- Sec. 10-5-16 Land Maintenance.
- Sec. 10-5-17 Vehicles.
- Sec. 10-5-18 Public Nuisance Conditions.
- Sec. 10-5-19 Vacant Structures; Unsafe Structures and Equipment; Occupancy Prohibited.
- Sec. 10-5-20 Abatement or Demolition.

10-5-1 Title.

This ordinance shall be known as the “Property Maintenance Ordinance of the Town of Wickenburg, Arizona.” Within this ordinance, the following terms shall be synonymous with the Property Maintenance Ordinance of the Town of Wickenburg: *this ordinance*, *Wickenburg Property Maintenance Ordinance*, and *the property maintenance ordinance*.

10-5-2 Scope and Intent.

A. This ordinance shall apply to all buildings, structures, and lands within the Town without regard to use, date of construction, improvement, or alteration.

B. This ordinance shall be construed to secure its expressed intent, which is to ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises, unless specifically exempted in subsection 10-5-2(C) below. Existing structures and premises that do not comply with the provisions of this ordinance shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to, and changes of occupancy in existing buildings shall comply with Town codes, ordinances, and regulations.

C. This ordinance shall not require changes in existing buildings and utilities when alterations were installed and have been maintained in accordance with the Town codes in effect at the time of construction or alteration of the subject building or utilities. This subsection does not apply when the building has been determined to be an imminent danger, unsafe, unhealthy, blighted, or deteriorated.

10-5-3 Conflict of Ordinances and Effect of Repeal of Prior Ordinance.

A. In any case where a provision of this Article conflicts with a provision of any other ordinance or code of the Town, the provision that establishes the highest standard for the promotion and protection of public health and safety shall prevail.

B. In cases where two (2) or more provisions of this Article conflict, the most stringent or restrictive provision shall prevail.

C. Nothing in this ordinance shall be construed to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this ordinance, or with private restrictions placed upon property by covenant, deed, or other private agreement.

10-5-4 Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect. To this end, the provisions of this ordinance are hereby declared to be severable.

10-5-5 Definitions.

The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. Abandoned or inoperable vehicle: Any vehicle that is partially or wholly dismantled, discarded, wrecked; on blocks, stands, or similar devices; stripped or scrapped; inoperable due to mechanical disassembly; with a deflated tire or tires; physically incapable of operation; or incapable of operation for other reasons, including an expired license plate (more than one month) or the absence of a license affixed or assigned thereto.

B. Abate: To correct that which causes or constitutes a public nuisance by removal, rehabilitation, repair, relocation, stoppage, elimination, demolition, or destruction.

C. Adopted codes: Any provisions of the building code, mechanical code, electrical code, plumbing code, residential code, fuel gas code, or energy conservation code, as amended and adopted by the Town.

D. Animal waste: Household pet waste; waste from stables, kennels, pet pens, chicken coops, veterinary establishments; and any other domesticated or undomesticated animal feces.

E. Blight, blighted, or blighting: Any unsightly, deteriorated, dilapidated, withered, or decayed condition of a building, structure, accessory building, fence, landscaping, or property characterized by neglect, lack of maintenance, damage, or any similar condition. Examples include, but are not limited to: accumulation of debris; wood (unless used for cooking or heating); scrap iron or other metal; boxes; paper; vehicle parts; tires; abandoned or inoperable equipment or vehicles; discarded appliances; items that may harbor insect or vermin infestation or create a fire hazard; landscaping that is overgrown, dead, or damaged; fences that are broken, rotted, damaged, or leaning; buildings or structures exhibiting general disrepair or dilapidation, including but not limited to deteriorated shingles, peeling or chipping paint, broken doors or windows, or any other evidence of neglect or lack of maintenance.

F. *Building*: Any structure, either temporary or permanent, having a roof and used or built for the shelter and enclosure of persons, animals, chattels, or property of any kind. This includes tents, awnings, or vehicles situated on private property and used for purposes of a building.

G. *Code official*: The executive official in charge of enforcing violations of this ordinance. The Code Official shall be the Town Manager or his/her authorized designee.

H. *Construction materials*: Any material commonly used in construction or landscaping, including but not limited to asphalt, concrete, plaster, tile, rocks, bricks, sand, dirt, lumber, blocks, or other similar materials.

I. *Debris*: Substance or material of little or no apparent value, including but not limited to deteriorated lumber, old newspapers, cardboard material, scrap metal, vehicle parts, discarded furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, abandoned, broken, or neglected equipment, or the scattered remains of items.

J. *Deteriorate, deteriorated, deterioration*: A lowering in quality of the condition of a building, structure, or parts thereof, including but not limited to holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, neglect, or lack of maintenance.

K. *Driveway*: An unobstructed area directly connecting a public or private street with vehicle parking, loading, or maneuvering areas.

L. *Exterior property*: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

M. *Fence* (includes screen walls or retaining walls): A self-standing structure constructed of wood, chain link, metal, masonry, or similar materials designed for and commonly used to provide semi-privacy, security, screening, or bank retention between grade separations.

N. *Graffiti*: The writing, drawing, inscribing, etching, spray painting, sketching, or otherwise applied message, initials, designs, drawing, slogan, sign, symbol, or mark of any type that is made on any public or private building, structure, or surface without the express permission of the building, structure, or surface owner.

O. *Imminent danger*: An unsafe condition that poses immediate and substantial risk of injury or property damage if corrective action is not taken.

P. *Inspection warrant*: An order in writing, signed by a judge of a court of competent jurisdiction, authorizing entry into private property to inspect for violations of the Wickenburg Town Code or other relevant laws and regulations.

Q. *Judge*: A Town of Wickenburg Municipal Court Judge.

R. *Municipal court*: Town of Wickenburg Municipal Court.

S. *Occupant*: Any individual living or sleeping on premises, in a building or structure, or having possession or custody of a space on or within a premises, building, or structure.

T. *Owner*: Any individual, association, corporation, limited liability company, partnership, limited partnership, trust, or real estate investment trust.

U. *Person*: An individual, proprietorship, partnership, corporation, or other legal entity.

V. *Private property*: Land owned by any person other than the United States, the State of Arizona, a county, a town, a school district, or a special district.

W. *Premises*: A lot, plot, or parcel of land, including any buildings thereon.

X. *Potential danger*: A condition that can cause an unreasonable risk of death, serious personal injury, or serious damage to property, and which can become an imminent danger if further deterioration occurs.

Y. *Responsible party*: Any person, agent, operator, firm, or corporation having a legal or equitable interest in a property, or otherwise having charge, care, or control of a property, including but not limited to an owner, tenant, executor, administrator, trustee, or guardian of the estate of the owner.

Z. *Sound condition*: Free from decay or defects and capable of performing the task for which it was designed, in the manner it was intended.

AA. *Structure*: Any piece of work artificially built up or composed of parts joined together in some definite manner.

BB. *Trash*: All non-putrescible wastes consisting of both combustible and noncombustible solid waste material, excluding ashes.

CC. *Unsafe equipment*: Any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that it is a hazard to life, health, property, or safety of the public or occupants of the premises or structure.

DD. *Unsafe structure*: A structure that is dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible.

EE. *Unsheltered*: Any area on a premises located outside a garage or other building or structure in such a manner as to be visible to a person standing upon any public street, sidewalk, or at ground level upon any adjoining piece of property.

FF. *Vehicle*: Every device by which any person or property is or may be transported or drawn, including but not limited to automobiles, all-terrain vehicles, recreational vehicles, motor homes, travel trailers, utility trailers, horse trailers, watercraft, and watercraft trailers. Devices moved by human power or used exclusively upon stationary rails or tracks are exempt.

GG. *Vehicle parts*: Any part(s), component(s), or accessory of a vehicle.

HH. *Vehicle repair*: The service, repair, or routine maintenance of a vehicle, including but not limited to lubrication, minor repair and tune-up of engines, tire rotation, engine or transmission overhaul or replacement, body or frame repair or replacement work, or other repair, replacement, restoration, or similar activities.

II. *Weed*: Any valueless, undesirable, invasive, or troublesome plant growing wild or where it is not wanted, including but not limited to vegetation which bears seeds of a downy or wingy nature; tumbleweed, sagebrush, chaparral, and any other brush or vegetation of uncontrolled growth which may provide harborage for insects or other infestations or which is likely to become a fire hazard when dry; vegetation that is otherwise noxious or dangerous; or dry grass, stubble, brush, or other flammable material which may endanger public health or safety.

JJ. *Yard, front*: A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

KK. *Yard, rear*: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

LL. *Yard, side*: A yard lying between the side lot line of the lot and the line drawn through the nearest point of a principal building, extending from the front yard to the rear yard, or in the absence of either of said yards, from the front to the rear lot lines respectively.

MM. *Zoning ordinance*: Land Use and Zoning Ordinance of the Town of Wickenburg, Arizona.

10-5-6 Enforcement; General.

A. The Community Development Department shall be charged with the administration of this ordinance. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Code Official or designee shall have the authority to appoint deputy Code Officials, code inspectors, and other related technical officers and employees.

B. The Code Official or designee shall have authority, as necessary in the interest of public health, safety, and general welfare, to adopt and promulgate rules and procedures, interpret and implement the provisions of this ordinance, and secure the intent thereof.

C. The Town may proceed either civilly or criminally against any person who is responsible for aiding or abetting, causing, permitting, or facilitating any violation of any provision of this ordinance or for failing to perform any act or duty required by this ordinance. A written notice

of violation shall be issued to the alleged violator in accordance with the provisions of Section 10-5. If the violation is not remedied within the time frame specified in the notice of violation, a citation may be issued.

D. Each day a violation of any provision of this ordinance, or the failure to perform any act or duty required by this ordinance, continues shall constitute a separate violation or offense.

E. It shall be unlawful for any responsible party who has received a notice of violation to sell, transfer, mortgage, lease, or otherwise dispose of such property until the provisions of this ordinance have been complied with, or until such responsible party first furnishes the grantee, transferee, mortgagee, or lessee a true copy of any notice issued by the Code Official or his/her authorized designee and furnishes to the Code Official or his/her authorized designee a signed and notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging receipt of such notice and fully accepting responsibility, without condition, for making the corrections or repairs required by such notice.

F. The owner, occupant, or person in lawful control of the property may be held jointly and severally responsible for compliance with this ordinance.

G. Violations of this ordinance are in addition to any other violation enumerated within the Town Code and in no way limit the penalties, actions, or procedures which may be taken by the Town for any violation of this ordinance that is also a violation of any other provision of the Town Code or any other applicable law. The remedies specified herein are cumulative, and the Town may proceed under these or any other remedies authorized by law.

H. Any responsible party failing to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor for those offenses deemed criminal under this ordinance or responsible for a civil violation for all other offenses.

I. Notice shall be personally served on the responsible party by a code enforcement officer, police officer, or a vendor who provides such services, or mailed by certified mail to the owner or person controlling the property at his or her last known address, and if the notice is a Notice of Abatement, to the address to which the tax bill for the property was last mailed. If the owner does not reside on the property, a duplicate Notice of Violation shall be sent to him or her by certified or registered mail at his or her last known address. In the event that the post office address of the owner or person controlling the property is unknown or if the owner or person controlling the property cannot be reached by mail, a Notice of Violation may be posted at or on the property in a conspicuous place, and that posting shall have the same effect and force as if personally served upon the owner or user of the property.

10-5-7 Owner of Record.

The owner(s) of record, as recorded in the Maricopa County or Yavapai County Recorder's Office or as stated on the County Assessor's Office tax bill, may be presumed to have lawful control over any building or parcel of land.

10-5-8 Notice of Violation.

The Code Official or designee shall seek voluntary compliance with the provisions of this ordinance before issuing a civil citation or criminal complaint, as applicable. This shall include a written notice of violation served on the responsible person or persons.

A. A notice of violation may be issued by the Code Official or designee, any code inspector, police officer, or other Town agent or employee duly authorized by the Town Manager.

B. A notice of violation shall include:

1. Identification of the property or location of the violation;
2. A statement of the violation(s) in sufficient detail to allow a responsible party to identify and correct the problem;
3. A re-inspection date;
4. A statement that the Town may abate the violation if the responsible party does not correct the violation prior to reinspection, as per A.R.S. § 9-499; and
5. The name and contact information of the person at the Town for further inquiries.

C. A notice of violation shall be deemed effective on the date when the written notice is either:

1. Hand-delivered in person to the owner, occupant, manager, or agent of the premises where the violation has occurred, or to the person responsible for the violation;
2. Mailed by certified or first-class mail, postage prepaid, addressed to the owner, occupant, agent, manager, or responsible person at the last known mailing address, return receipt requested;
3. Served on the owner, occupant, agent, manager, or responsible person in the same manner as provided in the Arizona Rules of Civil Procedure; or
4. In the event that the post office address of the owner or person controlling the property is unknown or if the owner or person controlling the property cannot be reached by mail, a Notice of Violation may be posted at or on the property in a conspicuous place, and that posting shall have the same effect and force as if personally served upon the owner or user of the property.

D. Failure of the responsible party, property owner, occupant, manager, or authorized agent of the property owner to receive a notice of violation shall not preclude the subsequent issuance of a civil citation or criminal complaint, as applicable.

E. Nothing in this section shall prevent the Town from taking immediate action to protect the public from an imminent danger to health or safety as otherwise provided by law.

10-5-9 Civil Citations.

A. Unless otherwise designated as a criminal offense in this ordinance, if a violation continues past the time provided for voluntary compliance in the notice of violation, a civil citation may be issued to the person responsible for the violation.

B. A civil citation may be issued by the Code Official or designee, any code inspector, police officer, or other Town agent or employee duly authorized by the Town Manager.

C. The citation shall include:

1. The date of the violation;
2. The location of the property; and
3. Reference(s) to the section(s) of this ordinance violated.

D. The citation shall direct the defendant to appear in Wickenburg Municipal Court no more than thirty (30) calendar days from the issuance of the citation, or as otherwise directed by the Court.

E. The citation shall provide notice that if the defendant fails to appear in Wickenburg Municipal Court as directed, a default judgment will be entered for the violation. In addition, a default fee may be imposed for failure to appear as set forth in Section 10-5-11 of this ordinance.

F. Service of the citation may be accomplished and will be deemed proper and complete by any of the following means:

1. Hand-delivering the citation to the defendant;
2. Mailing a copy of the citation by certified or registered mail, return receipt requested, to the defendant's last known address.
3. Any method authorized by the Arizona Rules of Civil Procedure.

10-5-10 Civil Procedure.

A. The defendant shall appear in Wickenburg Municipal Court on the date indicated in the citation to admit or deny the allegations contained in the citation. The defendant may appear in person or through an attorney. If the defendant admits the allegations, the court shall immediately enter a judgment against the defendant in the amount of the fine for the violation charged. If the defendant denies the allegations, the court shall set a hearing date for the matter.

B. If the defendant fails to appear in Wickenburg Municipal Court as directed by the citation, the court shall enter a default judgment and impose the fine and default fee required by Section 10-5-11 of this ordinance.

C. If the defendant fails to appear at the time and place set for the hearing by the court, the court shall enter a default judgment and impose the fine and default fee required by Section 10-5-11 of this ordinance.

10-5-11 Civil Penalties.

A. Any person that violates this ordinance shall be subject to a civil penalty of two hundred fifty

dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for a second violation within any twelve (12) month period. The dates of the offenses shall determine the twelve (12) month period. In addition, the court may enter an order requiring the defendant to abate the violation within a prescribed period of time.

B. Any defendant that fails to appear in Wickenburg Municipal Court as directed by a citation issued pursuant to this ordinance, or who fails to appear at the time and place set for a hearing of a matter arising under this ordinance, shall be subject to an additional default fee as established by the Wickenburg Municipal Court.

C. Any judgments issued by the Wickenburg Municipal Court shall be subject to all surcharges and fees imposed by state law in addition to the civil fines required by this ordinance.

D. Judgments shall be collected in the same manner as any other civil judgment as provided by law.

10-5-12 Recidivist Offenders.

A. Any person deemed to be a recidivist offender shall be penalized and fined subject to the provisions of Section 1-8(D) of the Town Code.

B. The recidivist process is designed to provide relief through an expedited enforcement process for persons or entities who repeatedly violate any provision of this ordinance or other Town ordinances and who have demonstrated an inability or unwillingness to comply with this chapter.

C. Any violation of this Article, whether initially deemed civil or criminal in nature, committed by a person deemed a recidivist as set forth in this section, shall be deemed a Class 1 Misdemeanor and shall be addressed as provided in Section 1-8(D).

D. A person shall be deemed a "recidivist" if such person has been issued a notice of violation, civil citation, or criminal charges two (2) or more times within the last twenty-four (24) month period relating to violations of the same provisions of this ordinance.

E. To address frequently occurring violations on recidivist parties or properties, the Town Manager or authorized designee may initiate non-complaint-based inspections or code compliance checks on recidivist parties or properties after case resolution to check for recurrence of the same violation(s).

F. Cases involving persons designated as recidivist may be submitted to the Town Prosecutor for further action consistent with this chapter.

10-5-13 Criminal Complaints.

The Code Official or designee, or any other Town agent or employee duly authorized by the Town Manager, may seek the issuance of a complaint by a police officer or the Wickenburg Town

Prosecutor for criminal prosecution of any person who commits a criminal offense as set forth in this ordinance.

A. Every criminal action and proceeding under this ordinance shall be designated a Class 1 misdemeanor and commenced and prosecuted in accordance with the laws of the State of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.

B. Upon conviction of a person for a criminal offense, the court may impose any combination of the following:

1. A sentence of incarceration not to exceed six (6) months in jail;
2. A base fine not to exceed two thousand five hundred dollars (\$2,500.00), exclusive of penalty assessments prescribed by law;
3. A term of probation;
4. An order requiring the defendant to abate the violation within a prescribed period of time; and
5. Notwithstanding the elective penalties above, a recidivist offender shall be subject to the penalties set forth in Article 1-8 of the Town Code.

10-5-14 Inspection Warrants.

A. The Code Official or designee may seek the issuance of an inspection warrant by a judge if access to any property, building, or structure that the Code Official has authority to inspect is denied. The supporting affidavit shall establish that there is probable cause that a violation of this ordinance or the Town Code exists and that the proposed inspection is reasonable and necessary. Probable cause may be established based on any of the following:

1. Previous inspections have shown violations, and the present inspection is necessary to determine whether those violations have been abated.
2. Complaints have been received by the Community Development Department from persons who, by status or position, have personal knowledge of Town Code violations occurring on the subject property, building, or structure.

B. The inspection of the premises in question is to be made pursuant to an administrative plan containing neutral criteria supporting the need for the inspection.

1. In executing an inspection warrant on an occupied property, the code inspector shall, before entry, make a reasonable effort to present credentials, authority, and purpose to the owner, occupant, agent, manager, or person in possession of the property and produce the warrant or a copy thereof upon request. A copy of the warrant shall be left with the owner, occupant, agent, manager, or person in possession of the property.
2. In executing an inspection warrant on an unoccupied property, the code inspector authorized to execute the warrant need not inform anyone of authority and purpose but may promptly enter the designated property if it is unoccupied or reasonably believed

to be in such condition. In such case, a copy of the inspection warrant shall be conspicuously posted on the property.

C. Any person who willfully refuses to permit an inspection lawfully authorized by a warrant issued pursuant to this section is guilty of a Class 1 misdemeanor.

D. An inspection warrant shall be executed within five (5) calendar days from its issuance. The warrant shall be returned to the judge within three (3) court business days after execution.

10-5-15 Buildings and Structures.

A. All buildings, structures, accessory structures, detached garages, fences, walls, and storage structures shall be maintained in a structurally sound condition, free from blight, and in good repair, and must not be erected, altered, or occupied contrary to applicable law.

B. Upon issuance of a stop work order by the Code Official, no person shall continue any work on any building, structure, accessory structure, detached garage, fence, wall, or storage structure that has been erected, altered, or occupied contrary to applicable law.

C. All exterior surfaces of any buildings or structures, including but not limited to appurtenances, fences, walls, roofs, windows, window frames, screens, doors, garage doors, door frames, canopies, awnings, cornices, porches, stairways, railings, or similar items, shall be properly maintained and shall not present a blighted or deteriorated appearance.

D. All exterior doors, garage doors, door frames, skylights, windows, and window frames shall be maintained in sound condition, securely fit in their frames, and be substantially weather-tight. They shall not present a deteriorated or blighted appearance. Window screens, if present, shall be free from excessive tears or holes or bent or broken frames. All glazing materials shall be maintained free from cracks and holes. Boarded window or door openings on an occupied structure are prohibited, except for temporary boarding prior to repairs.

E. All fences, screen walls, and retaining walls on the property shall be maintained in a safe and structurally sound condition and shall not present a deteriorated or blighted appearance. This includes, but is not limited to, leaning or damaged fences, use of tarps, fences missing slats or blocks, deterioration of paint or materials, or any other materials that are broken, damaged, or rotting in such amounts as to present a deteriorated or blighted appearance. All materials shall be of typical fence type, uniform, compatible in color and structure, and consistent with the design thereof.

F. All exterior surfaces exposed to weather, except decorative brick, stone, or decay-resistant woods, shall be protected with paint or other protective covering. All exterior painted surfaces shall be maintained in sound condition. Painted surfaces that present a blighted or deteriorated appearance, including but not limited to substantial fading, excessive peeling, flaking, chipping, or cracking, shall be eliminated and surfaces repainted. This subsection applies to any exterior surfaces of any buildings or structures, including

fences, walls, or appurtenances such as rooflines, fascia, windows, window frames, window screens, doors, garage doors, doorframes, canopies, awnings, cornices, porches, stairways, railings, or similar items in public view.

G. Roofs and all appurtenances shall be structurally sound and maintained in a safe condition. Roof coverings shall be substantially free from broken, rotted, split, or curled materials and shall not present a deteriorated or blighted appearance. All materials shall be uniform, compatible, and consistent.

H. All overhang extensions, including but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts, shall be maintained in good repair and properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

I. All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained free from deteriorated or blighted appearance or hazardous conditions.

J. Buildings shall have approved premises identification address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be numerals or alphabet letters. Numbers shall be a minimum of four (4) inches high with a minimum stroke width of one-half (½) inch.

10-5-16 Land Maintenance.

A. No person shall place any personal property, materials, goods, wares, merchandise, or similar items of any kind in or upon any public street, sidewalk, alleyway, or right-of-way. Items placed by or approved by the Town are exempt from this subsection.

B. No person shall place, deposit, or leave in or upon any public or private property, public street, alleyway, sidewalk, rights-of-way, park, or other Town building or property any waste materials, trash, weeds, bottles, glass, cans, pieces of scrap metal, metal articles, paper, or other accumulation of debris or items, except for placement of refuse for collection in accordance with Article 10 of the Town Code.

C. No person shall allow the accumulation of rubbish, debris, trash, garbage, refuse, or other wastes, except that which is deposited in proper containers for sanitation collection, in unsheltered areas of private property. This includes items such as, but not limited to, cardboard, bottles, glass, cans, pieces of scrap wood, metal, metal articles, paper, plastic, boxes, tires, vehicle parts, or other materials that constitute a hazard to the health and safety of the occupants, the neighborhood, or the public, or that create a blighted condition.

D. No person shall place or store furniture (except furniture designed and placed for outdoor use), household or personal items, equipment, appliances, vehicle parts, landscape material,

construction material (except as allowed in subsection E), cardboard, plastic, tarps, canvases, debris, or similar materials in public view or any unsheltered area of any property.

E. No person shall store construction materials or similar materials in public view or any unsheltered area of any property. This section shall not apply to construction materials when active construction activities and a valid building permit exist for the property, and the materials are intended to be incorporated into the permitted project.

F. No owner or occupant of any property shall allow or permit any trees, shrubs, or other plant growth on the property to impede, obstruct, or interfere with free passage upon any public street, sidewalk, or alleyway; obstruct the visibility of drivers; or interfere with any traffic control device, sign, or street lighting. Tree limbs must be maintained to hang no lower than fifteen (15) feet above any public street or alleyway and eight (8) feet above any public sidewalk. Trees below eight (8) feet, shrubs, or other plant growth must be maintained away from any public sidewalk.

G. No person owning or occupying any property fronting on any street, alleyway, or public place in the Town shall allow grass or weeds characterized as uncontrolled, unmaintained, or overgrown, including those areas between the property line and the street, when such conditions create a blighted condition, may harbor infestations, or are likely to become a hazard to public health or safety.

H. No person shall allow or permit any exterior property condition that presents a blighted or deteriorated appearance, including but not limited to yards, ground covers, trees, shrubs, or other landscaping vegetation that is substantially dead or damaged, characterized by uncontrolled growth or lack of maintenance, or any other similar conditions.

I. No person shall allow any palm tree to have an excessive accumulation of dead or dry fronds that descend downward from the base of the lowest living frond, which may result in insect or other infestations or create conditions likely to become a hazard to public health or safety.

J. No person shall allow graffiti on any sidewalk, wall, building, fence, sign, or any other structure or surface owned by such person. The owner shall keep such property free from graffiti when the graffiti is visible from the street or other public way, or any other public or private property. Any surface that has been defaced with graffiti must be restored to its original state by the owner.

K. No person shall attach or place any sign, placard, poster, banner, or any other advertising device to any tree, public utility structure, traffic control device, streetlight standard, or any other device upon public streets, alleyways, sidewalks, or rights-of-way unless pursuant to a permit, license, or other approval from the Town.

10-5-17 Vehicles.

A. No person shall park or permit to be parked any vehicle displayed for sale upon any public street or private property, including vacant property, except where the sale of a vehicle is

customary and incidental to the principal use of the property and in accordance with the zoning ordinance, except as follows:

1. The display of one (1) vehicle for sale is permitted at a residence when the vehicle is titled to the owner or occupant of the property, is parked on an improved parking surface on the property and is not being sold in connection with an automobile sales business.
2. No more than three (3) vehicles may be displayed for sale at the same residence within a calendar year.
3. No more than one (1) vehicle shall be displayed for sale at any time.

B. No person shall park or permit any vehicle to be parked on any property or vacant property except where the parking of such vehicles is customary and incidental to the principal use of the property and in accordance with zoning ordinances.

C. A vehicle cover placed on any vehicle that is visible from any public street or sidewalk must be properly maintained and made exclusively for covering vehicles. A proper cover does not include bed linen, paper, cardboard, plastic sheeting, tarps, or any other item or material not manufactured specifically as a vehicle cover. The use of a vehicle cover on any abandoned or inoperable vehicle as defined in this ordinance is limited to a vehicle that is stored in a carport.

D. No person shall store an abandoned or inoperable vehicle, including any vehicle being repaired or restored, that is visible from any public street or sidewalk except where the storage, repair, or restoration is customary and incidental to the principal use of the property and in accordance with the zoning ordinance. An abandoned or inoperable vehicle, including any vehicle being repaired or restored, may be stored in a carport if the vehicle is covered with a properly maintained vehicle cover made exclusively for covering vehicles as described in subsection 10-5-17(C) above.

E. Within any residentially zoned district, no person shall perform any vehicle repairs except as follows:

1. All vehicle repairs performed must be customary and incidental to the principal use of the property.
2. Any vehicle undergoing repair must be titled to the owner or occupant of the property.
3. Vehicle repairs shall not exceed ten (10) calendar days unless removed from public view.
4. The painting of vehicles in any residential district is prohibited.

F. No person shall leave, place, or park any abandoned vehicle or inoperable vehicle upon any public street, alleyway, public or private parking lot, or Town property.

10-5-18 Public Nuisance Conditions.

A. No person shall erect, maintain, use, place, deposit, cause, allow, leave, or permit to remain in or upon any private lot, building, structure, or property, or in or upon any public street, alleyway, sidewalk, right-of-way, or other public or private place, any condition, thing, or act that is injurious to health or safety; an obstruction to the free use of property; or that interferes with the

comfortable enjoyment of life or property by an entire community or neighborhood, or by a considerable number of persons; or that unlawfully obstructs the free passage or use, in the customary manner, of any stream, public park, square, street, or highway. Such conditions constitute a public nuisance and are no less a nuisance because the extent of annoyance or damage inflicted is unequal. In addition, any violation of this Town Code that is continuous with respect to time is a public nuisance.

B. No person shall abandon, discard, store, or keep in any place accessible to children a refrigerator or any other self-latching container of a capacity greater than one and one-half (1½) cubic feet that is outside of any dwelling unit or within any unoccupied or abandoned building or structure without removing the doors, lids, hinges, latches, or securing it to prevent access.

C. All property shall be maintained to prevent the erosion of soil and the accumulation of stagnant water (except in approved retention areas and reservoirs) that may cause a hazardous or unhealthy condition or breed insects.

D. No person shall allow any swimming pool, architectural pool, hot tub, spa, or pond to remain or be maintained in a condition that breeds insects, may result in insect or other infestations, is polluted or stagnant, or creates a blighted condition.

E. No person shall fail to maintain a swimming pool area enclosure as required in the Town Zoning Code.

F. No person shall permit or cause the discharge of water from any swimming pool, architectural pool, or spa into any public street, alleyway, right-of-way, or any abutting or adjacent public or private property.

G. No person who keeps or controls any animal shall cause, allow, or permit any manure of such animal to be unloaded, left, or dumped in or upon any ditch, street, alleyway, sidewalk, wash, vacant lot, or adjacent public or private property within the Town.

H. Within residential and commercial zoned properties, animal waste such as manure or droppings shall be removed from pens, kennels, stables, yards, and other enclosures at least twice weekly, or more frequently if conditions so necessitate, and from the property at least once each week.

I. It shall be unlawful for any person to deposit, or permit to be deposited, in an unsanitary manner upon public or private property within the Town, or in any area under the jurisdiction of the Town, any human or animal excrement, sewage, household or industrial wastes, or other polluted water or objectionable waste.

J. No person shall cause, allow, leave, or permit to remain in or upon any private lot, building, structure, or property any vector, vermin, or other noxious pest infestation of any kind, including but not limited to insects, bees, wasps, pigeons, rats, or rodents. All premises shall be kept free from the presence or apparent evidence of vector, vermin, or other noxious pest infestation,

including nesting places, or any other unsightly or unsanitary condition that could harbor infestations.

10-5-19 Vacant Structures; Unsafe Structures and Equipment; Occupancy Prohibited.

A. All vacant structures and premises thereof, or vacant land, shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause blight or adversely affect public health or safety.

1. All vacant premises, including those areas between the property line and the street, shall be maintained to prevent grass, weeds, and other vegetation characterized as uncontrolled, unmaintained, or overgrown when such conditions create a blighted condition, may harbor infestations, or are likely to become a hazard to public health or safety. Parcels with existing undisturbed natural desert vegetation are exempt from this subsection when the Code Official or designee determines there is sufficient separation between the vegetation and adjacent property lines.
2. All unsecured vacant or abandoned buildings or structures must be permanently secured to prevent entry by unauthorized persons pursuant to approved board-up specifications. Any wood or similar material used to secure a building or structure must be painted a color compatible with the building or structure. A copy of board-up specifications may be obtained from the Community Development Department.
3. Unsecured vacant structures and land that have been subject to dumping on more than one occasion shall have signs stating "No Dumping" erected thereon in accordance with applicable laws and shall be secured to prevent future occurrences of dumping by installing permanent fencing, ditches, or berms, or by placing four (4) foot high posts at four (4) foot intervals, or any other equally effective method approved by the Code Official or designee or adopted codes.

B. When a structure or equipment is found by the Code Official or designee to be (1) a potential or imminent danger, (2) an unsafe structure, (3) unsafe equipment, or (4) unfit for human use or occupancy, the Code Official or designee is authorized to secure the building and declare it an unsafe structure or equipment pursuant to the provisions of this subsection.

1. When the Code Official or designee has declared a premises, building, structure, or equipment unsafe, the Code Official shall post a notice bearing the words "Unsafe Structure – Occupancy Prohibited" or similar, and a statement of the penalties provided for occupying the premises, building, or structure, operating the equipment, or removing the notice. The notice shall be served to the owner or the person responsible for the property in accordance with Section 10-5-8 of this ordinance.
2. No person shall occupy any building or structure that has been declared unsafe by the Code Official or designee.
3. No person shall operate any equipment that has been declared unsafe by the Code Official or designee.
4. No owner or responsible party of any property or premises shall allow anyone to occupy any building or structure declared unsafe by the Code Official or designee.

5. No person shall deface or remove a notice of unsafe premises, building, structure or equipment without the approval of the Code Official or designee.
6. Notwithstanding other provisions of this ordinance, whenever, in the opinion of the Code Official or designee, there is imminent danger posing the risk of immediate substantial risk of injury or property damage if corrective action is not taken due to an unsafe condition of an unsecured vacant or abandoned building or structure, the Code Official shall order the necessary work to be done, including the boarding up of openings to render such structure temporarily safe, whether or not the legal procedures herein described have been instituted; and shall cause such other action to be taken as deemed necessary to meet such emergency. For purposes of this subsection, a vacant or abandoned building or structure shall also include any building or structure that has sustained fire, water, or other substantial damage and is currently unoccupied due to such damage.

10-5-20 Abatement or Demolition.

A. The Code Official or designee shall order the owner or responsible party of any premises upon which is located any condition, violation, building, or structure that in the Code Official's judgment constitutes a hazard to public health or safety, or is so dilapidated or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair, to remove or abate such condition or violation, or to demolish and remove such structure. If the structure or condition is capable of being made safe by repairs or abatement, the owner may repair or abate to make safe and sanitary, or demolish and remove at the owner's option.

B. The Code Official or designee may require the owner or responsible party to abate, remove, or demolish the hazardous condition, violation, building, or structure within thirty (30) days after written notice has been served by the Town. The Notice of Abatement shall be in conformance with A.R.S. § 9-499, and must be served either by personal service or certified mail, return receipt requested. If served by certified mail, the notice shall be mailed to the last known address of the owner, the owner's authorized agent, or statutory agent, as well as to the address to which the tax bill for the property was last mailed. The notice shall include:

1. The legal description of the property;
2. Appeal rights pursuant to this section; and
3. The estimated cost of abatement, removal, or demolition to the Town if the owner or responsible party does not comply.

Notwithstanding the above, the Town Attorney is authorized to bring an action in the Superior Court of the County where the property is located to abate, enjoin, and prevent the nuisance activity.

C. If the owner or responsible party fails to comply within the time frame provided, the Town may, at the expense of the owner or responsible party, abate, remove, or demolish the hazardous condition, violation, building, or structure, and the owner or responsible party shall be liable for all costs incurred.

D. When the Town has effected abatement, removal, or demolition, the actual cost of such work, including a twenty-five percent (25%) surcharge for other incidental costs in connection therewith, shall become an assessment upon the property from which the condition, violation, building, or structure was abated or removed. The owner of record shall be liable for payment. If the actual cost, including surcharge, has not been paid within thirty (30) days of billing, such assessment shall be recorded in the Office of the County Recorder in which the property is located. From the date of recording, it shall be a lien on such property until paid. Such liens shall be prior and superior to all other liens, obligations, mortgages, or other encumbrances, except liens for general taxes.

E. A prior assessment against the property shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same property may be enforced in the same action.

F. A Notice of Abatement or the assessment may be appealed to the Town Manager, or designee, for an administrative hearing for review of such notice or assessment. A request for an administrative hearing shall be made within the time frame prescribed for compliance.

The Code of Wickenburg, Arizona, is hereby amended by amending Chapter 1 General, Article 1-8 Penalty, to read as follows (additions in ALL CAPS, deletions in ~~strike through~~):

Article 1-8. Penalty

A. Except as provided in Paragraph B (below), any person found guilty of violating any provisions of this Code shall be guilty of a Class One Misdemeanor, and upon conviction thereof shall be punished pursuant to the terms set forth in the Arizona Revised Statutes §13-707, §13-802, and §13-902. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

B. Any violation of or failure or refusal to do or perform any act required by Chapter 12 of this Code constitutes a civil traffic violation. Civil traffic violations are subject to the provisions of Title 28, Chapter 5, Articles 3 and 4, Arizona Revised Statutes and amendments thereto.

C. Violations of this Code for which a civil sanction is imposed shall be treated as a civil offense and hearings and appeals shall be conducted in accordance with the rules of procedure in civil traffic violation cases as set forth in the Arizona Revised Statutes, Rules of Procedure in Civil Traffic Cases.

D. A person who commits a violation of this Code after previously having been found responsible for committing ~~three (3)~~ TWO (2) or more civil violations of this Code within ~~an eighteen (18)~~ A TWENTY-FOUR (24) month period, whether by admission, by payment of the sanction, by default or by judgment after hearing, shall be guilty of a Class One Misdemeanor. For purposes of calculating the ~~18-month~~ 24-MONTH period under this subsection, the dates of the commission of the offenses are the determining factor.

E. A Building Inspector, CODE OFFICIAL, or any law enforcement officer authorized to act on behalf of the town shall have the authority to enforce the provisions of this code on private property and to issue citations for violations thereof, except that the building inspector OR CODE OFFICIAL shall not issue citations for violations of Sections 10-1-3, 10-1-6, 10-1-8, 10-1-10, 10-1-12, 10-1-16, 10-1-20 and 10-1-21 of this Code; traffic violations pursuant to Chapter 12 of this Code or Title 28, Chapter 6, Articles 20 and 21, Arizona Revised Statutes.