

ORDINANCE NO. 2019-14

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTERS 1 AND 14 AND 17 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 1-5 PERTAINING TO CODE VIOLATIONS; PENALTIES; GENERALLY; BY AMENDING SECTION 14-107 PERTAINING TO PARKING; MOTOR VEHICLES USED FOR COMMUSED FOR COMMERCIAL PURPOSES; SPECIAL PARKING PROVISIONS; BY AMENDING SECTION 14-110 PERTAINING TO PARKING; RECREATIONAL VEHICLES; UTILITY TRAILERS; PRIVATE PROPERTY PARKING; BY AMENDING SECTION 14-111 PERTAINING TO PARKING; RECREATIONAL VEHICLES; UTILITY TRAILERS; SCREENING; BY AMENDING SECTION 17-3 PERTAINING TO PUBLIC NUISANCES; PROHIBITION; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 1 of the Peoria City Code (1992) is amended by amending Section 1-5 pertaining to Code violations; penalties; generally and which shall read as follows:

Sec. 1-5. Code violations; penalties; generally

(a) In this section "violation of this Code" means any of the following:

- (1) Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
- (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
- (3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

(b) In this section "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this section.

(c) Except as otherwise provided, a person convicted of a violation of this Code shall be guilty of a Class 1 (One) Misdemeanor and punished by a fine not to exceed two thousand five hundred dollars (\$2,500.00) and/or incarceration for a term not to exceed six (6) months, and/or up to three years

probation. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.

(d) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.

(e) Violations of this Code that are continuous with respect to time may be abated by injunctive or other equitable relief. The filing of a complaint alleging a criminal violation of this code shall not preclude a separate action seeking injunctive or other equitable relief.

(f) Habitual Offender. A person who has previously been convicted or found responsible of two or more violations of this Code within a 24-month period may be considered a Habitual Offender. A "Habitual Offender" may be guilty of a criminal misdemeanor punishable by the provisions set forth in subsection (c) of this Section. For purposes of calculating the 24-month period, the dates of offenses are the determining factor.

SECTION 2. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-107 pertaining to parking; motor vehicles used for commercial purposes; special parking provisions and which shall read as follows:

Sec. 14-107. Parking; motor vehicles used for commercial purposes; special parking provisions.

(a) Except when conducting business, it is unlawful to park a motor vehicle, utility trailer, hobby vehicle or any other trailer used for commercial purposes with any motor or engine operating for more than twenty (20) minutes in a twenty-four hour period commencing each day at 12:00 a.m., in any residential zoning district of the city, or within three hundred (300) feet of any occupied residence in a nonresidential area.

(b) Except as otherwise provided in this section, it is unlawful to park any motor vehicle used for commercial purposes upon any lot, parcel or property within the city, except on a lot with proper zoning and site plan approvals from the City for such parking.

(c) No person shall stand or park a commercial motor vehicle as defined in A.R.S. § 28-3001, tractor, semi-trailer, trailer, or bus on a street in a residential zone, or adjoining a residential zone, except during the process of loading or unloading such vehicle.

(d) No person shall stand or park a tractor, semi-trailer, trailer, or bus, on any real property within a residential zoning district within the City.

(e) No person shall stand or park a commercial motor vehicle as defined in A.R.S. § 28-3001 on any real property within a residential zoning district within the City, except during the process of loading or unloading the vehicle, or unless parked or placed within a side or rear yard that shall be

screened by a minimum six foot high block wall, wood fence or gate. All screen walls, fences or gates shall be erected and maintained in conformance with provisions of the zoning ordinance.

(f) It shall be unlawful to park or stand a commercial vehicle for the purposes ~~of or~~ retail sales of food for human consumption from the vehicle on any parcel without permission of the property owner or person in lawful possession of such property, or on any lot designated as a Park and Ride Lot by the City for use by the operators of motor vehicles as a parking area to facilitate carpooling and/or use of mass transit systems.

Sec. 14-110. Parking; recreational vehicles; utility trailers; private property parking.

(a) Recreational vehicles and Utility trailers, as defined in section 14-109 above, shall be allowed to be parked within the garage or carport in the single-family residential zoning districts or within a side or rear yard when located within a single-family residential zoning district and appropriately screened in accordance with the provisions of the zoning ordinance and section 14-111 of this code.

(b) Recreational vehicles located on properties zoned for single-family residential uses may not be utilized for living purposes by any person.

(c) Properties located within a single-family residential zoning district and used primarily for commercial agricultural purposes and boats anchored or docked on water shall be exempt from the regulations contained in sections 14-110 through 14-111 of this code.

(d) Recreational vehicles and Utility trailers used for a non-commercial purpose and located on properties zoned for single-family residential uses may be parked in public view for a period of twenty-four consecutive hours.

(e) Utility trailers used for a commercial purpose shall not be parked in the front yard or upon any public right-of-way, street, alley or easement between the hours of 6:00 p.m. and 8:00 a.m. Notwithstanding the foregoing, such utility trailers that are the property of the state, a political subdivision of this state, the City, a public service corporation regulated by the Arizona Corporation Commission or a telecommunications corporation may be parked upon a public right-of-way, street, alley or easement for the purposes of street and utility repair.

(f) There shall be no limit on the number of Recreational vehicles or Utility trailers lawfully permitted on any parcel of land and where not otherwise prohibited.

~~(g) All Recreational vehicles and Utility trailers shall be maintained in good repair as required by this code and all parking areas shall be maintained in~~

~~accordance with this code; zoning ordinances and the city's subdivision regulations as applicable.~~

(h) (g) The regulations contained within this Chapter are not intended to supersede any lawfully established covenants, conditions and restrictions relating to the parking of Recreational vehicles and Utility trailers nor shall the granting of any special permit supersede any lawfully established covenants, conditions and restrictions applicable to the subject property.

(i) (h) For purposes of sections 14-107 through 14-113 of this code, the terms:

(1) *"Park, parked, parking"* shall include attaching a utility trailer or other trailer to a motor vehicle for the purpose of towing.

(2) *"Single family residential zoning district"* shall include all residential zoning districts that currently or have previously permitted single-family or two-family residential dwelling units.

Sec. 14-111. Parking; recreational vehicles; utility trailers; screening.

(a) All Recreational vehicles and Utility trailers parked within a side or rear yard shall be screened by a minimum six (6) foot high solid block wall, wood fence or gate. All screen walls, fences or gates shall be erected and maintained in conformance with the provisions of the zoning ordinance.

(b) Recreational vehicles and Utility trailers located on parcels or lots zoned for lot sizes in excess of thirty-five thousand (35,000) square feet shall be exempt from the screening requirements set forth in this section

~~(c) All property owners shall have until April 19, 1999 to comply with the screening requirements set forth herein.~~

SECTION 3. Chapter 17 of the Peoria City Code (1992) is amended by amending Section 17-3 pertaining to public nuisances; prohibition, and which shall read as follows:

(a) *"Abandoned or inoperable vehicle"* means any vehicle that is:

(1) Partially or wholly dismantled, discarded, wrecked, on blocks or similar devices, stripped, or scrapped; or

(2) A vehicle with a deflated tire or tires or missing any wheel or tire; or

(3) Any motor vehicle which is inoperable due to mechanical failure or mechanical disassembly. Any motor vehicle missing a windshield, hood, fenders, doors, bumpers, engine, transmission, interior seats or operating controls is deemed to be inoperable; or

(4) Any motor vehicle not displaying on the motor vehicle license plates and/or tags indicating current registration in this state or some other jurisdiction.

(b) "*Bar*" means an area devoted primarily to the serving of alcoholic beverages, to which food service is only incidental or which is the holder of a license issued under A.R.S. § 4-206.01 by the Arizona Department of Liquor Control.

(c) "*Blight*" or "*Blighted*" means unsightly conditions including accumulation of debris; fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting, landscaping that is dead, characterized by uncontrolled growth, lack of maintenance or damage; buildings, structures, whether main or accessory characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence or physical decay, neglect, excessive use or lack of maintenance; other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighborhood.

(d) "*Designated smoking area*" means any area within an enclosed public place where smoking is specifically permitted. Any area in which smoking is permitted shall be located, to the fullest extent possible, in such a manner as to confine smoke to that area.

(e) "*Disturbed surface area*" means any portion of the earth's surface, or materials placed thereon, that has been physically moved, uncovered, destabilized, or otherwise changed from its undisturbed natural condition, thereby increasing the potential for emission of fugitive dust.

(f) "*Dust suppressants*" means water, hygroscopic materials, solution of water and chemical surfactant, foam or non-toxic chemical/organic stabilizers not prohibited for use by any applicable law, rule, or regulation, as a treatment material to reduce fugitive dust emissions.

(g) "*Employee*" means any person who is employed by any employer for direct or indirect monetary wages or profit. For purposes of this Chapter, the designation "independent contractor" shall not prevent a person from being deemed an "employee."

(h) "*Employer*" means any person employing the services of at least one person.

(i) No person shall deposit in, sweep upon, or permit to drain into any public ~~or private open~~ right-of-way, public place, or private right of way open to the public within the City any garbage, junk, obstruction, or similar matter or any hazardous material that impedes passage or is detrimental to public health.

(j) It is the responsibility of the owner, lessee or other person in control of any land abutting a sidewalk, alley, or street responsibility to maintain up to the curb line of the street and 50 percent of the ~~such sidewalk, alley, or street on~~

alley on which such land abuts in a clean condition in such a manner as to be free from all of the following:

- (1) Litter, garbage, debris, rubble.
- (2) Insect and rodent infestation.
- (3) Overgrown vegetation, dead trees, brush and weeds.
- (4) Other conditions that present a health, fire or safety hazard.

(k) "*Firebreak*" means an area of land that has had plants and trees removed to stop the spread of a fire. Cleared area should be 10 feet from the property line adjacent to a vacant lot, or 15 feet from the property line for parcels with a structure.

(l) "*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.

(m) "*Grass*" includes Barnyard grass, Bermuda grass, Bluegrass, Brome grasses, Crab grass, Foxtail, Johnson grass, Ragweed, Rye grass, wild oats, or hybrids thereof.

(n) "*Hazard*" means a condition that may cause personal physical harm.

(o) "*Junk*" includes 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 Peoria Zoning Code in Chapter 21 of this Code, such as an accumulation of the following materials: discarded or scrapped furniture; glass, metal, paper, or machinery parts; inoperable machinery or appliances; building material wastes; litter; discarded or empty containers; automobile parts or mechanical parts. Junk shall also include all types of solid waste described in chapter 22 of this code.

(p) "*Land*" means all land in the City of Peoria, whether unimproved or on which buildings or other structures are located.

(q) "*Legal driveway*" means a short private road from a street to the principal structure's garage or carport. For principal structures without a garage or carport a single location shall be designated connected to principal structure.

(r) "*Occupant*" means the person occupying or having custody of a structure or premises as a lessee or otherwise.

(s) It is unlawful for any person to cause or permit the handling, transporting or disposition of any substance or materials that are likely to be scattered by the air or wind, or is susceptible to being airborne or windborne, or operate or maintain or cause to be operated or maintained, any premise, open area, right-of way, storage pile of materials, vehicle or construction, alteration,

demolition or wrecking operation, or any other enterprise that involves any material or substance likely to be scattered by the wind or air or susceptible to being wind-borne or airborne that would be classified as air pollution or unreasonably interferes with the comfortable enjoyment of life or adjacent property. In addition, that a dust control permit may be required, the City may require reasonable precautions to prevent dust emissions prohibited under this section which may include but are not limited to the following:

(1) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, grading of roads, driveways, and parking lots or the clearing of land.

(2) Application and maintenance of asphalt, road oil, water or suitable chemicals on dirt roads, driveways and parking lots, material stockpiles and other surfaces that can be a source of airborne dust.

(3) Installation of hoods, fans and dust collectors to enclose and vent the handling of dusty materials or the use of water, sprays or other acceptable measures to suppress the dust emission during handling. Adequate containment methods shall be employed during sand blasting or other similar operations.

(t) Decorations shall mean items or objects used to embellish, ornament or enhance any physical features on private property or buildings thereon in celebration of a holiday or occasion. Decorations shall meet the following requirements.

(1) Holiday and Seasonal Decorations. Temporary, non-commercial decorations or displays associated with the celebration of a particular civic, patriotic, or religious holiday or season. Shall be displayed for a maximum of 60 days total during the relevant season, and must be maintained in good condition (e.g. not torn, soiled, or faded). Such decorations shall not be displayed in such a manner as to constitute a hazard to pedestrian or vehicular traffic. Decorations shall not be displayed in such a manner that creates a traffic hazard on city streets, sidewalks, rights-of-way and other public accesses or to create an obstruction to pedestrian or vehicular traffic.

(2) ~~Decorations containing electrical wiring shall be presumed to be hazardous if displayed for more than 45 consecutive days and shall be subject to inspection by the City to determine the condition of the wiring.~~

(u) *"Place of employment"* means any area under the control of a private or public employer, which is intended for occupancy by employees during the course of employment, including, but not limited to, work areas, offices, employee lounges, conference and meeting rooms, employee cafeterias and lunchrooms, classrooms, auditoriums, hallways, stairways, waiting areas and restrooms. A private residence is not a place of employment.

(v) It shall be unlawful for any owner or occupant of any real property to conduct any sale of new or used merchandise on their property, including but not limited to yard sales, craft sales, garage sales or similar sales in violation of this section. For purposes of this section, "garage", "yard", "craft", or similar sale is defined as a sale of new or used personal property located on the property prior to the sale. Sales identified in this Subsection shall not be a violation if they meet the following:

(1) Held for a period of ~~more~~less than sixty (60) consecutive hours. It shall be presumed that the sale started at the time set forth on any advertisement located identifying the proposed sale.

(2) Held fewer than five (5) ~~more than four~~ times in a calendar or consecutive year. For purposes of measurement, a consecutive year begins on the earliest date on any advertisement located identifying the proposed date and runs for a period of 365 days following that date. This four-time limitation shall apply to the location regardless of a change in owners or occupants during the one year period.

(w) *"Premises"* means all land, any dwelling, house, building or other structure, designed or used either wholly or in part for residential, commercial or agricultural 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 such dwelling, house, building or other structures.

(x) *"Private clubs and private recreation facilities"* means an establishment which:

(1) Charge a membership fee that must be paid in advance of arrival to the establishment and are not open to invitees of members or the general public, or

(2) Membership is limited to those persons who have served in the armed forces of the United States or this state.

For purposes of this definition, a charge which is paid at the door upon entry to the establishment is specifically designated not to be a membership fee.

(y) *"Public place"* means any street, sidewalk, boulevard, alley, right-of-way, or other public way and any public park, square, space, ground, or building.

(z) *"Stored"* means parking, leaving, locating, keeping, maintaining, depositing, remaining, or being physically present on public or private property.

(aa) *"Street or highway"* means the entire width between the boundary lines of every right-of-way publicly owned or maintained when any part thereof is open to the use of the public for the purpose of vehicular traffic.

(bb) *"Structure"* means any constructed or erected material or combination of materials the use of which requires location on the ground or attachment to something located on the ground, including inter-alia buildings, stadiums, radio towers, sheds, storage bins and fences.

(cc) *"To smoke or smoking"* means burning or carrying any lighted cigarette, tobacco or other weed or plant or placing any burning tobacco, weed or plant in an ashtray or other receptacle and allowing smoke to diffuse into the air.

(dd) *"Vacant lot"* means a tract, lot, or parcel of improved or unimproved land, residential, industrial, institutional, governmental, or commercial for which there is no approved or permitted building or structures of a temporary or permanent nature.

(ee) *"Vehicle"* means every device by which any person or property is or may be transported or drawn upon a street or highway, excepting devices moved by human power or used exclusively upon stationary rails or tracts.

(ff) *"Weeds"* means for any residential lot of one acre or less, any uncultivated shrubs or uncultivated vegetation higher than 12 inches, lawn grass higher than 6 inches, and any vegetation that is dead. For lots greater than one acre in size, "Weeds" means any uncultivated shrubs or uncultivated vegetation that is permitted to grow in such a manner as to cover the area designated as a firebreak zone by the City between adjacent properties and the subject property, and those types of plant growth defined as noxious weeds in 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.

(gg) *"Wildflower"* a flower that grows in natural places without being planted by people.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance 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 of this Ordinance.

SECTION 5. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 4th day of June, 2019.

Cathy Carlat, Mayor

Dated Signed:

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Vanessa P. Hickman, City Attorney

Published in Peoria Times
Publication Dates: June 13, 2019
Effective Date: