

ORDINANCE G-7203

AN ORDINANCE AMENDING THE PHOENIX CITY CODE,
CHAPTER 39, ARTICLE I, SECTION 3 BY ADDING
DEFINITIONS AND ADDING CHAPTER 39, ARTICLE IX,
SECTIONS 49 THROUGH 55.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as

follows:

SECTION 1. Chapter 39, Phoenix City Code, Section 3 is amended as

follows:

Sec. 39-3. Definitions.

Acceptable evidence of majority: "Acceptable evidence of majority" means:

1. An unexpired driver's license issued by any state, provided such license includes a picture of the licensee;
2. An identification license issued pursuant to A.R.S. § 28-3165, as and if amended;
3. An armed forces identification card; or
4. A valid unexpired passport which is issued by a government, and which contains a photograph of the person and the date of birth.

Accumulation of inoperable vehicles: Two or more inoperable vehicles upon a residential lot, or upon a commercial or industrial lot where the primary business does not involve the service of vehicles or the storage of inoperable vehicles.

Agent: A natural person residing within Maricopa County authorized to make or order repairs, service to units and receive notices.

Architectural pool: A constructed or excavated exterior area designed to contain a regular supply of water, other than a swimming pool.

Blight or blighted: 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 or lack of maintenance, or is damaged; any other similar conditions of disrepair and deterioration; and the exterior visible use or display of tarps, plastic sheeting, or other similar materials as flexible or inflexible screening, fencing, or wall covering upon a residential lot; regardless of the condition of other properties in the neighborhood.

Broad-tipped indelible marker: Any felt-tip marker, or similar implement, which contains a fluid which is not water soluble and which has a flat or angled writing surface one-half inch or greater.

Building: Any structure designed for occupancy including mobile homes, manufactured homes, factory-built buildings, and like property for which taxes may be assessed.

Curb line: The edge of a roadway whether marked by a curb or not.

Debris: Substance of little or no apparent economic value, which may be present in accumulations in excess of six inches in height and ten inches in diameter, including but not limited to, deteriorated lumber, old newspapers, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, car parts, abandoned, broken or neglected equipment, or the scattered remains of items.

Deterioration: A lowering in quality of the condition or appearance of a building, structure or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay or neglect or excessive use or lack of maintenance.

Dustproof: A lot or area maintained by paving with one of the following methods: asphaltic concrete, cement concrete, penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate, or the equivalent as approved by the Zoning Administrator. A lot or area that encompasses all or part of a residential lot which contains one single family or duplex residential unit is also dustproof if covered by a smooth layer of crushed rock or gravel no smaller than one-quarter-inch and no longer than three-quarters-inch maintained to a minimum depth of two inches and contained within a permanent border or by an alternative surface treatment as approved by the Zoning Administrator that will equal or exceed the dustproof characteristics of the above listed alternatives.

Dwelling: Any building or a portion thereof which is intended, or designated to be built, used, rented, leased, let, or hired out for human occupancy, or which is occupied by a human being.

Dwelling unit: A dwelling unit is:

1. A single unit providing independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
2. One or more rooms within a building arranged, designed, or used for residential purposes for one family and containing independent sanitary and cooking facilities. The presence of cooking facilities conclusively establishes the intent to use for residential purposes.

Etch: To permanently alter a surface by use of an etching solution or implement.

Etching implement: Tool, instrument, product, solution or substance capable of being used to etch a surface.

Etching solution: Any product or compound manufactured for the purpose of permanently altering a glass or other surface.

Excavation: A swimming pool, architectural pool, pond, shaft, test hole, well, pit, trench, or other condition resulting from the removal or absence of earthen material resulting in a cavity or opening that is more than four inches (102 mm) in any lateral dimension and more than three feet (914 mm) in depth, excluding active sand or gravel mines being operated in compliance with City and State laws.

Exterior opening: An open or closed window, door, or passage between interior and exterior spaces.

Facilities/building service and equipment: Plumbing, piping and or fixtures that convey or dispose of liquid or waste, electric wiring, components or fixtures, mechanical heat cooling equipment, ductwork or fixtures.

Fences, screen walls and/or retaining walls: Self-standing structures, including gates and other structures designed to provide privacy, semi-privacy, security or bank retention between grade separations.

Final inspection: An inspection of a property conducted pursuant to this chapter where all violations of this chapter previously identified to the owner or responsible party have been corrected, as determined by the City.

Garbage: Swill, offal, and any accumulation of spoiled, partially or fully decomposed, rotting or discarded animal, vegetable or other matter that attends the preparation, handling, consumption, storage or decay of plant and animal matter including meats, fish, fowl, buds, fruits, vegetable or dairy products and their waste wrappers or containers.

Graffiti: Initials, slogans, designs or drawings, written, spray-painted, etched or sketched or otherwise applied on a sidewalk, wall, building, fence, sign, or any other structure or surface without consent of the owner and visible from a public right-of-way.

Hazard: Any condition that presents a risk to the safety of any person or adversely affects or jeopardizes the health or well-being of any person or endangers property. Such conditions include, but are not limited to, occupancy without adequate water or sanitation facilities, accumulation of human or animal waste, presence of medical or biological waste, sharps, gaseous or combustible materials, radioactive waste, dangerous or corrosive chemicals or liquids, flammable or explosive materials, friable asbestos, offal or decay matter.

Hazardous waste: Any chemical, compound, mixture, substance or article which is identified or listed by the United States Environmental Protection Agency or appropriate agency of the State to be "hazardous waste" as defined in 40 Code of Federal Regulations Sections 261.1 through 261.33, as and if amended, except that, for purposes of this ordinance hazardous waste shall include household waste as defined in 40 Code of Federal Regulations Section 261.4.B.1.

Heated water: Water at a temperature of not less than 110°F (43°C).

Imminent hazard: A hazard on or condition of real property that creates an immediate or unreasonable risk of death or injury to any person or an immediate or unreasonable risk of loss of or damage to property.

Incipient hazard: A hazard on or condition of real property that may become an imminent hazard upon further deterioration or worsening of the hazard or condition, and such deterioration or worsening is probable.

Infestation: The apparent presence of unpleasant, damaging, or unhealthful insects, rodents, reptiles or pests.

Initial inspection: The first inspection of a specific property conducted pursuant to this chapter, other than inspections requested by the owner or responsible party.

Inoperable vehicle: A vehicle physically incapable of operation or a vehicle which exhibits one or more of the following conditions: wrecked, partially or fully dismantled, abandoned, stripped, substantially damaged, inoperative, scrapped, having the status of a hulk or shell, discarded, tires that cause the rim of the

wheel to rest on the tire tread or the ground, rotted, deteriorated or unable to hold air, or unable to be safely operated.

Litter: Decaying or non-decaying solid and semi-solid wastes, including but not limited to both combustible and noncombustible wastes, such as paper, trash, cardboard, waste material, cans, yard clippings, wood, glass, bedding, debris, scrap paving material, discarded appliances, discarded furniture, dry vegetation, weeds, dead trees and branches, vegetation and trees which may harbor insect or rodent infestations or may become a fire hazard, piles of earth mixed with any of the above or any foreign objects, including inoperable vehicles.

Major appliances: Any stove, cooktop, range, oven, refrigerator, clothing washer, clothing dryer, dishwasher, swimming pool filter, or any device which is designed to utilize natural gas from a public utility or to utilize a two hundred twenty-volt electrical circuit.

Occupant: A person, persons or legal entity that, through rights of ownership or tenancy, has possession or the use and enjoyment of the subject real property.

Owner: A person, persons or legal entity listed as current title holder as recorded in the official records of Maricopa County Recorder's office.

Owner's agent: A statutory agent designated pursuant to A.R.S. § 33-1902 as and if amended.

Physical force: Force used upon or directed toward the body of another person and may include confinement.

Pond: An in-ground body of water that is at least eighteen inches deep and eight feet or greater in any dimension. This does not apply to City-approved retention basins or other like conditions.

RESIDENTIAL: SINGLE AND MULTIPLE DWELLINGS, SUCH AS HOTELS, MOTELS, DORMITORIES, AND MOBILE HOMES.

Residential rental property: Property that is used solely as leased or rented property for residential purposes. If the property is a space rental mobile home park, residential rental property includes the rental space that is leased or rented by the owner of that rental space but does not include the mobile home or recreational vehicle that serves as the actual dwelling if the dwelling is owned and occupied by the tenant of the rental space and not by the owner of the rental space.

Responsible party: An occupant, lessor, lessee, manager, licensee, or other person having control over a structure or parcel of land; and in the case where the demolition of a structure is proposed as a means of abatement, any

lienholder whose lien interest is recorded in the official records of the Maricopa County Recorder's Office.

Rubble: Broken solid surface fragments usually resulting from the decay or deterioration of a building; miscellaneous mass of broken or apparently worthless materials.

Screened area—Exterior: An area separated by a permanent non-flexible device to completely conceal one element of a property from other elements or from adjacent or contiguous property. Examples include but are not limited to fencing six feet in height that is made from solid wood, brick or chain link with opaque slats.

Single room occupancy: A unit for occupancy by a single individual capable of independent living which does not contain installed sanitary facilities or food preparation capabilities.

Smoke detector: An approved detector which senses visible or invisible particles of combustion. The detector shall bear a label or other identification issued by an approved testing agency having a service for inspection of workmanship and material at the factory during fabrication and assembly.

Solidified paint marker: A device that contains paint or other substance in a solid or semi-solid form and releases the paint or other substance in a manner capable of marking surfaces.

Sound condition: Able to support itself under reasonable loading or weather conditions, free from decay or defect.

Structure: That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

Swimming pool: Artificial basin, chamber, or tank constructed and used, or designed to be used, for swimming, diving or bathing or wading.

UNIMPROVED LAND: LAND THAT HAS EITHER NEVER BEEN DEVELOPED OR WAS FORMERLY DEVELOPED BUT HAS NOW BEEN CLEARED OF ALL BUILDINGS OR STRUCTURES.

Unsecured structure: Any structure that is vacant with a damaged or open door, window, or other opening not secured in accordance with City standards to prevent unauthorized entry.

VACANT: UNOCCUPIED OR ILLEGALLY OCCUPIED.

Vacant structure: An unoccupied or an illegally occupied structure or an occupied structure without adequate facilities/utilities.

Vegetation: Plant life of any kind.

Weeds: A useless and troublesome plant generally accepted as having no value and frequently of uncontrolled growth.

Yard: A space on any lot, unoccupied by a fully enclosed structure including but not limited to carports and porches.

SECTION 2. Chapter 39, Phoenix City Code, is amended by adding new Article IX, sections 49 through 55, to read as follows:

ARTICLE IX. VACANT PROPERTY REGISTRY

39-49. ADMINISTRATION AND ENFORCEMENT

THIS ARTICLE WILL BE ADMINISTERED AND ENFORCED PURSUANT TO CHAPTER 39, ARTICLE III OF THE PHOENIX CITY CODE.

39-50. PROPERTIES REQUIRED TO BE REGISTERED

- A. AN OWNER SHALL REGISTER THE FOLLOWING PROPERTIES ON THE VACANT PROPERTY REGISTRY IF THE PROPERTIES ARE VACANT FOR THIRTY OR MORE DAYS:
 - 1. NON-RESIDENTIAL PROPERTIES;
 - 2. RESIDENTIAL PROPERTIES WITH 50 OR MORE DWELLING UNITS THAT ARE 100% UNOCCUPIED BY THE OWNER OR LEGAL OCCUPANT; OR,
 - 3. UNIMPROVED LAND THAT IS 10,000 OR MORE SQUARE FEET IN SIZE.
- B. FAILURE BY AN OWNER TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION IS A VIOLATION OF THIS ARTICLE.

39-51. VACANT PROPERTY REGISTRY INFORMATION

- A. THE OWNER OF A VACANT PROPERTY SHALL REGISTER THE VACANT PROPERTY WITH THE VACANT PROPERTY REGISTRY ESTABLISHED BY THE PHOENIX NEIGHBORHOOD SERVICES DEPARTMENT.
- B. THE OWNER OF A VACANT PROPERTY SHALL PROVIDE THE FOLLOWING INFORMATION IN THE VACANT PROPERTY REGISTRY:
 - 1. THE STREET ADDRESS AND MARICOPA COUNTY ASSESSOR'S PARCEL NUMBER FOR THE VACANT PROPERTY;

2. IF THE VACANT PROPERTY IS OWNED BY A PERSON, THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER OF THE VACANT PROPERTY OWNER;
3. IF THE VACANT PROPERTY IS OWNED BY AN ENTITY OTHER THAN A PERSON, THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER FOR THE CURRENT STATUTORY AGENT AND THE FOLLOWING INFORMATION AS APPLICABLE:
 - a. FOR A CORPORATION, A CORPORATE OFFICER;
 - b. FOR A PARTNERSHIP, A GENERAL PARTNER;
 - c. FOR A LIMITED LIABILITY COMPANY, THE MANAGING OR ADMINISTRATIVE MEMBER;
 - d. FOR A LIMITED PARTNERSHIP, A GENERAL PARTNER;
 - e. FOR A TRUST, A TRUSTEE;
 - f. FOR A REAL ESTATE INVESTMENT TRUST, A GENERAL PARTNER OR AN OFFICER; OR,
 - g. FOR ANY OTHER ENTITY, A PERSON WITH THE AUTHORITY TO ACT ON BEHALF OF THE ENTITY.
4. THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER FOR THE AGENT DESIGNATED BY THE OWNER ACCORDING TO SECTION 39-52.
5. THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER OF ANY ENTITY OR PERSON RESPONSIBLE FOR MANAGING OR MAINTAINING THE VACANT PROPERTY.
6. THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER OF AN EMERGENCY CONTACT FOR THE VACANT PROPERTY.

39-52. OWNER'S RESPONSIBILITIES; DESIGNATION OF AGENT

- A. AN OWNER OF A REGISTERED PROPERTY SHALL:
 1. ACT AS A POINT OF CONTACT FOR CITY OFFICIALS, INCLUDING POLICE OFFICERS, FIREFIGHTERS, AND CODE ENFORCEMENT OFFICERS; AND,
 2. BE AT THE VACANT PROPERTY, OR BE AVAILABLE BY PHONE OR TEXT, WITHIN 30 MINUTES AFTER RECEIVING A REQUEST FROM POLICE OFFICERS, FIREFIGHTERS, OR CODE ENFORCEMENT OFFICERS.
- B. IF AN OWNER OF A REGISTERED PROPERTY LIVES IN THIS STATE THE OWNER MAY APPOINT A DESIGNEE OR AGENT THAT WILL ABIDE BY THE OBLIGATIONS AND RESPONSIBILITIES OF THIS SECTION.
- C. IF AN OWNER OF A REGISTERED PROPERTY LIVES OUTSIDE THIS STATE OR IS AN IN-STATE CORPORATE ENTITY IT SHALL DESIGNATE A LOCAL AGENT THAT LIVES IN THIS STATE. THE OWNER SHALL REQUIRE THE LOCAL AGENT TO ABIDE BY THE OBLIGATIONS AND RESPONSIBILITIES OF THIS SECTION.

D. FAILURE BY AN OWNER TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION IS A VIOLATION OF THIS ARTICLE.

39-53. OBLIGATION TO KEEP REGISTRY INFORMATION CURRENT; ANNUAL VERIFICATION REQUIREMENT

- A. AN OWNER OF A REGISTERED PROPERTY SHALL UPDATE ANY INFORMATION REQUIRED BY THIS ARTICLE WITHIN TEN DAYS OF ANY CHANGE TO THAT INFORMATION.
- B. AN OWNER OF A REGISTERED PROPERTY SHALL VERIFY THE INFORMATION IN THE VACANT PROPERTY REGISTRY EVERY TWELVE MONTHS FROM EITHER:
 - 1. THE DATE OF THEIR INITIAL REGISTRATION IF NO CHANGES OR UPDATES HAVE BEEN MADE WITHIN THE LAST TWELVE MONTHS; OR,
 - 2. THE DATE OF THE MOST RECENT CHANGE OR UPDATE MADE TO THE INFORMATION IN THE VACANT PROPERTY REGISTRY.
- C. FAILURE BY AN OWNER TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION IS A VIOLATION OF THIS ARTICLE.

39-54. REMOVAL OF VACANT PROPERTY FROM VACANT PROPERTY REGISTRY

TO REMOVE A REGISTERED PROPERTY FROM THE VACANT PROPERTY REGISTRY, THE OWNER OF A REGISTERED PROPERTY MUST REQUEST DEACTIVATION FROM THE VACANT PROPERTY REGISTRY AND ATTEST THAT THE PROPERTY IS NO LONGER VACANT ACCORDING TO THIS ARTICLE.

39-55. PENALTIES

- A. THE REMEDIES HEREIN ARE CUMULATIVE, AND THE CITY MAY PROCEED UNDER ONE OR MORE SUCH REMEDIES.
- B. NOTWITHSTANDING SECTION 39-16, THE PENALTIES FOR VIOLATIONS OF THIS SECTION ARE AS FOLLOWS:
 - 1. ANY OWNER WHO CAUSES, PERMITS, FACILITATES, OR AIDS OR ABETS ANY VIOLATION OF ANY PROVISION OF THIS ARTICLE OR WHO FAILS TO PERFORM ANY ACT OR DUTY REQUIRED BY THIS ARTICLE IS SUBJECT TO A CIVIL SANCTION OF NOT LESS THAN FIVE HUNDRED DOLLARS. ANY OWNER WHO COMMITS A SECOND VIOLATION OF THIS ARTICLE WITHIN THIRTY-SIX MONTHS OF THE COMMISSION OF A PRIOR VIOLATION OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL SANCTION OF NOT LESS THAN SEVEN

HUNDRED FIFTY DOLLARS. ANY OWNER WHO COMMITS A THIRD OR SUBSEQUENT VIOLATION OF THIS ARTICLE WITHIN THIRTY-SIX MONTHS OF THE COMMISSION OF A VIOLATION OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL SANCTION OF NOT LESS THAN ONE THOUSAND DOLLARS.

2. THE THIRTY-SIX-MONTH PERIOD PROVISION OF SUBSECTION B(1) OF THIS SECTION SHALL BE CALCULATED BY THE DATES THE VIOLATIONS WERE COMMITTED.
- C. EACH DAY ANY VIOLATION OF ANY PROVISION OF THIS ARTICLE OR THE FAILURE TO PERFORM ANY ACT OR DUTY REQUIRED BY THIS ARTICLE EXISTS SHALL CONSTITUTE A SEPARATE VIOLATION OR OFFENSE.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and words of this code are severable and if any word, clause, sentence, paragraph, or section of this code shall be declared unconstitutional or invalid for any reason by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this code, since the same would have been enacted by the city council without the incorporation in this code of any such unconstitutional or invalid word, clause, sentence, paragraph, or section.

PASSED by the Council of the City of Phoenix this 13th day of December, 2023.




MAYOR

12/15/2023

Date

ATTEST:


Denise Archibald, City Clerk

Ordinance G-7203

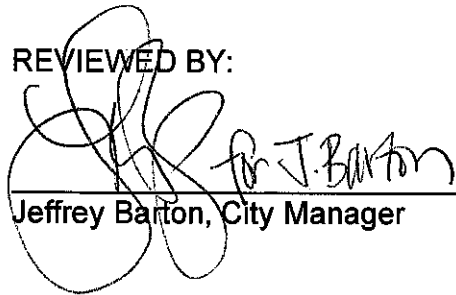
APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

BY: Ellen Van Riper

Ellen Van Riper, Chief Counsel



REVIEWED BY:


Jeffrey Barton, City Manager

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