

ORDINANCE 94-A87
REMOVAL OF TRASH, RUBBISH AND DEBRIS FROM
PRIVATE PROPERTY AND ADJOINING STREETS;
PROVISION OF MUNICIPAL PROPERTY LIEN;
ILLEGAL DUMPING ACTIVITY

AN ORDINANCE OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ADOPTED PURSUANT TO ARS 9-499 (AS AMENDED), PROVIDING FOR THE ABATEMENT AND REMOVAL OF TRASH, RUBBISH, FIRE HAZARDS, DILAPIDATED BUILDINGS, ABANDONED INOPERABLE VEHICLES, AND OTHER ACCUMULATION OF FILTH OR DEBRIS, AND DECLARING CRIMINAL PENALTIES AND ENFORCEMENT OF A MUNICIPAL LIEN ON THE PROPERTY FOR COSTS OF ENFORCEMENT AND REMOVAL:

Section 1: Declaration of Purpose

It is hereby declared to be a public nuisance, fire hazard, and hazard to public health and safety to allow the accumulation of rubbish, trash, filth, debris, abandoned inoperable vehicles, dilapidated buildings and structures, litter, garbage, dead animals, brush, street cleanings, industrial wastes, or other unsanitary matter of any kind on any property, buildings, lots, grounds, tracts of land, and the contiguous sidewalks, streets, and alleys.

Section 2: Notice

Written notice of any violation of Section 1 shall be either personally served or sent to the owner, lessee, or occupant of the property at his last known address by registered or certified mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him at his last known address. The notice shall be dated, signed by the Zoning Inspector, have attached a copy of this ordinance, and be in the following form:

Notice to Compel Property Cleanup

Property Description/Address:

You are the record owner, lessee, or occupant of the above property which was recently inspected by the Town and found to have accumulated trash, and other material in violation of Ordinance 94-A87 (attached). You have thirty (30) days from receipt of this Notice to clean up the property by removing the material or abating the condition which constitutes a hazard to public health and safety, or the Town will cause the removal and abatement at an estimated cost of \$_____ plus an additional 5% (for inspection and incidental costs) of \$_____. This total amount of \$_____ will then be an assessment and, when recorded in Yavapai County, becomes a lien on the property which will be

enforceable and foreclosed as provided under ARS 9-499 (as amended).

The description of the violation is as follows:

You have a right to appeal this notice, and the costs of abatement or assessment, to the Town Council, by making such a written request posted and received within the above 30-day period to the Zoning Inspector at the following address:

**Zoning Inspector
Town of Camp Verde
Post Office Box 710
Camp Verde, AZ 86322**

If the Town Council sustains the notice and assessment, your time for compliance will be ten (10) days from the Council meeting, or the time remaining in the initial 30 days, whichever is greater.

Date of Notice: _____

Signed: _____

Zoning Inspector

Section 3: Abatement and Lien

If a property owner, lessee, or occupant, after receipt of the above notice, does not remove the trash or other material specified herein, or otherwise abate such condition which constitutes a hazard to public health and safety, the Town shall, at the expense of the owner, lessee, or occupant, remove or cause the removal or abatement, and the actual cost, plus an additional amount of 5% for inspection, enforcement, and other incidental costs in connection therewith, shall become an assessment and lien on the property until paid. Such assessment, from the date of recording in the Office of the Yavapai County Recorder, shall be a lien inferior to the lien for general taxes and all prior recorded mortgages or encumbrances, and the Town shall have the right to bring an action to enforce the lien in Superior Court by judgment of foreclosure and sale of the property. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to its recording.

Section 4: Unlawful Dumping

It is unlawful for any person, firm or corporation to place any rubbish, trash, filth or debris upon any private or public property not owned or under the control of that person, firm, or corporation. Violation of this section shall be a Class 3 misdemeanor, punishable as provided by law, and in addition to any fine which may be imposed, a person found guilty shall be required to pay for the cost of removal of said rubbish, trash, filth or debris.

PASSED AND ADOPTED in open meeting by the Town Council, Town of Camp Verde, Arizona,

on this 2nd day of March, 1994, to be effective thirty (30) days thereafter, or when publication and posting, pursuant to ARS 9-813 is completed, whichever is later.

Approved: A Carter Rogers, A. Carter Rogers, Mayor

ATTEST: Dane Bullard
Dane Bullard, Clerk

Approved as to Form:

[Signature], Town Attorney

[Signature]