

Keep Arizona Beautiful Illegal Dumping Regulations Guide



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What is illegal dumping?

Illegal dumping may go by many other names such as wildcat dumping, open dumping, fly by dumping, or midnight dumping, but it simply means that waste has been disposed of in an unregulated manner at an unregulated location. Illegal dumping differs from littering in types and amounts of discarded materials. Waste found at illegal dump sites in Arizona typically include household trash, tires, appliances, mattresses, and construction materials. There are federal, state, and local laws to ensure the safe disposal of different types of waste. Unfortunately, there are some people who choose to flaunt these laws and endanger the public by discarding their trash haphazardly along the side of a road, in the open desert, or in some other unauthorized location. Arizona Department of Environmental Quality permits and annually inspects landfills and waste transfer stations, these sites are the only authorized waste disposal locations in the State of Arizona.

Within City/Town Limits

If the waste is found within city or town limits, then many cities have their own specific ordinances to deal with illegal dumping. Each city or town has been authorized by the Arizona Legislature to create its own rule regarding how it would like to deal with illegal dumping.¹ The same is true for the counties.² The cities, towns, and counties are authorized to set up ordinances that can force those who dumped the waste to have to pay to remove it or pay back the property owner or local government if they were the ones to remove the waste.³ But, the statute only authorizes local governments create this ordinance, and that does not mean that every city or town has one. If your town or city is not listed here, and you come across an illegal dump site, please contact your local solid waste office, environmental enforcement office, code enforcement office or local law enforcement agency⁴. If you see someone dumping waste illegally, please do NOT endanger your safety by approaching the violator yourself. Contact your local law enforcement office instead with the following information:

- Date, time and location of incident;
- Description of vehicle and license plate number;
- Description of person(s) dumping;
- What items/materials were being dumped;
- Your name and phone number (optional).

The cities/towns focused on in this guide are Coolidge (page 5), Phoenix (page 6), Scottsdale (page 21), and Tucson (page 35).

Important State law below to see what the requirements are for local governments to have ordinances to fight illegal dumping:

¹ A.R.S. § 9-499.

² A.R.S. § 11-268.

³ A.R.S. §§ 9-499(D), 11-268(D).

⁴ Waste Programs Division: Illegal Dumping: Frequently Asked Questions (FAQ), Arizona Department of Economic Quality, <http://www.azdeq.gov/enviro/waste/dumping/faqs.html>

A.R.S. § 9-499. Removal of rubbish, trash, weeds, filth, debris and dilapidated buildings; removal by city; costs assessed; collection; priority of assessment; definitions

A. The governing body of a city or town, by ordinance, shall compel the owner, lessee or occupant of property to remove from the property and its contiguous sidewalks, streets and alleys any rubbish, trash, weeds or other accumulation of filth, debris or dilapidated buildings that constitute a hazard to public health and safety. An ordinance shall require:

1. Written notice to the owner, the owner's authorized agent or the owner's statutory agent and to the occupant or lessee. The notice shall be served either by personal service or by certified mail. If notice is served by certified mail, the notice shall be mailed to the last known address of the owner, the owner's authorized agent or the owner's statutory agent and to the address to which the tax bill for the property was last mailed. The notice shall be given not less than thirty days before the day set for compliance and shall include the legal description of the property and the cost of such removal to the city or town if the owner, occupant or lessee does not comply. The owner shall be given not less than thirty days to comply. The city or town may record the notice in the county recorder's office in the county in which the property is located. If the notice is recorded and compliance with the notice is subsequently satisfied, the city or town shall record a release of the notice.
2. Provisions for appeal on both the notice and the assessments, unless the removal or abatement is ordered by a court.
3. That any person that recklessly places or causes to be placed any rubbish, trash, filth or debris on any property not owned or under the control of that person:
 - (a) Is guilty of a class 1 misdemeanor or a civil violation unless that person immediately removes or causes to be removed the rubbish, trash, filth or debris from that property. One hundred per cent of any assessed fine or civil penalty shall be deposited in the general fund of the city or town in which the fine or civil penalty was assessed. At least fifty per cent of the fine or civil penalty shall be used by the city or town for the purposes of illegal dumping cleanup.
 - (b) In addition to any fine or penalty imposed for a violation of this section, is liable for all costs that may be assessed pursuant to this section for removing, abating or enjoining the rubbish, trash, filth or debris and for all costs incurred by the owner, lessee, occupant or lienholder of the property in the removal and disposal of the rubbish, trash, filth or debris.
 - (c) If required to remove any rubbish, trash, filth or debris pursuant to this section, shall provide the city or town with a receipt from a disposal facility or other documentation evidencing lawful disposal of the rubbish, trash, filth or debris.

B. Any person that places or causes to be placed any rubbish, trash, filth or debris on any property that is more than forty acres in size and that is not owned or under the control of that person retains ownership of the rubbish, trash, filth or debris until the person lawfully disposes of the rubbish, trash, filth or debris.

C. The ordinance may provide that if any person with an interest in the property, including an owner, lienholder, lessee or occupant, after notice as required by subsection A, paragraph 1 of this section does not remove or cause to be removed the rubbish, trash, weeds, filth, debris or dilapidated buildings and abate the condition that constitutes a hazard to public health and safety, the city or town may remove, abate, enjoin or cause their removal.

D. The governing body of the city or town may prescribe by ordinance a procedure for the removal or abatement, and for making the actual cost of the removal or abatement, including the actual costs of any additional inspection and other incidental connected costs, an assessment on the property from which the rubbish, trash, weeds, structures or other accumulations are removed or abated.

E. The ordinance may provide that the cost of removal, abatement or injunction of the rubbish, trash, weeds, filth, debris or dilapidated buildings from any property, and associated legal costs for abatement or injunctions, shall be assessed on the property from which the rubbish, trash, weeds, accumulations or dilapidated buildings are removed, abated or enjoined. The city or town may record the assessment in the county recorder's office in the county in which the property is located, including the date and amount of the assessment, the legal description of the property and the name of the city or town imposing the assessment. Any assessment recorded after July 15, 1996 is prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes. A sale of the property to satisfy an assessment obtained under this section shall be made on judgment of foreclosure and order of sale. A city or town shall have the right to bring an action to enforce the assessment in the superior court in the county in which the property is located at any time after the recording of the assessment, but failure to enforce the assessment by such action shall not affect its validity. The recorded assessment is prima facie evidence of the truth of all matters recited in the assessment and of the regularity of all proceedings before the recording of the assessment. The assessment provided for in this subsection shall not be levied against state or federal property.

F. Assessments that are imposed under this section run against the property until paid and are due and payable in equal annual installments as follows:

1. Assessments of less than five hundred dollars shall be paid within one year after the assessment is recorded.
2. Assessments of five hundred dollars or more but less than one thousand dollars shall be paid within two years after the assessment is recorded.
3. Assessments of one thousand dollars or more but less than five thousand dollars shall be paid within three years after the assessment is recorded.
4. Assessments of five thousand dollars or more but less than ten thousand dollars shall be paid within six years after the assessment is recorded.
5. Assessments of ten thousand dollars or more shall be paid within ten years after the assessment is recorded.

G. An assessment that is past due accrues interest at the rate prescribed by § 44-1201.

H. A prior assessment for the purposes provided in this section shall not be a bar to a subsequent assessment or assessments for these purposes, and any number of assessments on the same property may be enforced in the same action.

I. This section applies to all cities and towns organized and operating under the general law of this state, and cities and towns organized and operating under a special act or charter.

J. For the purposes of this section:

1. "Dilapidated building" means any real property structure that is likely to burn or collapse and its condition endangers the life, health, safety or property of the public.
2. Owner does not include a state or federal landowner.
3. "Property" includes real property and structures on the real property.

Coolidge

Solid waste in Coolidge consists of all wastes and materials discarded. It includes, but is not limited to food, papers, cans, bottles, food boxes, building materials, tree and bush trimmings, furniture, appliances, boxes and crates, concrete wood, building blocks or brick, plumbing and electrical materials, dry wall, insulation, roofing, and dangerous or hazardous waste.⁵

It is illegal in Coolidge for any person to place or cause to be placed any solid waste upon any public or private property within the City.⁶ Please call the Coolidge Police Department at 520-723-5311 to report any suspected illegal dumping.

If the person who dumped the solid waste is found guilty, then the violator may face jail time and heavy monetary penalties, in addition to having to pay for the clean-up of the dumped trash.

There are no local programs to help remove the solid waste. There is also no specific ordinance that requires the violator to pick up the trash, or to pay the costs to the landowner if the landowner had already paid someone to remove the waste. There are, however, a couple programs to help assist landowners in cleaning up their own land.

Free transport of large amount of trash to the Public Works yard:

Residents who are current on their sewer and trash bill and have a large amount of trash (but not construction debris⁷) can contact the Coolidge Public Works Department at (520) 723-4882. They will provide a truck for you to dump your trash in or it can be taken directly to the Public Works yard. This is a free service.

⁵ Coolidge City Code § 21-1-1(H) (2013).

⁶ Coolidge City Code § 21-3-4 Dumping Solid Waste. There are a few exceptions.

⁷ Per the Coolidge City Code § 21-2-1(c): "All owners, contractors, and builders of structures shall gather up and haul away, at their sole cost and expense, all refuse which has resulted from the building or remodeling of such structure including all lumber scraps, shingles, plaster, brick, stone, concrete, and other building materials."

Tree Trimming and Green Waste Removal:

The City also has a wood chipper available to assist residents in removing large tree branches and fallen trees. Public Works Department recommends that you coordinate and pre-schedule the removal or trimming of your trees with them so that they can schedule employees accordingly. Also remember that if you contract with an outside company for removal or trimming of your trees, City Code requires that your contractor remove your green waste and tree trimmings at their expense.⁸ For more information on tree trimming and green waste removal please contact the Public Works Department at (520) 723-4882.

Important local and state laws are below:

Coolidge City Code § 21-3-4: Dumping Solid Waste

“It is unlawful for any person to place or cause to be placed any solid waste upon any public or private property within the City, except as specifically permitted in this chapter.”

Phoenix

Solid waste in Phoenix is defined as any garbage, bulk trash, yard waste and other materials or products, but not including hazardous waste or human body parts.⁹ According to the Phoenix Solid Waste Ordinance, it is illegal for any person to dump any solid waste upon any street, alley, right-of-way, or public or private property within the City, except as expressly allowed in the ordinance.¹⁰ If dumping is in progress, call the Police Department at 911 or Crime Stop at (602) 262-6151. Otherwise, contact the City of Phoenix at (602) 262-7251 or email at pwserve@phoenix.gov. All of your information is confidential.

If the waste you notice is on someone else’s land, then you can report the property by visiting <http://phoenix.gov/nsd/reportblight/index.html> and filling out the requested information. This is meant for properties that are an eyesore due to trash/ litter, inoperable vehicles, graffiti (on personal property), fences in disrepair, vacant structures that can be opened from the outside, and vegetation (weeds and grass).

All of the possible recourses and ordinances are for the city to use against the violator, and not for the property owner or any other private party. Additionally, the person who owns the property is assumed to be the violator and is responsible for all waste on the property. This means that if the waste is on your land, even if someone else put it there, you are responsible for making sure that all of the waste gets removed from your property.

Violators of this section are punished in a number of ways.¹¹ First, they are fined an amount between \$100 to \$2500. They will also be guilty of a Class 1 misdemeanor. Also, if the violators fail to correct the violation within a certain period of time, then the City has the right to correct all

⁸ http://www.coolidgeaz.com/index.asp?Type=B_BASIC&SEC=%7BAECD9574-5880-4E47-867F-17742AF27799%7D

⁹ Phoenix City Code § 27-5 Definitions.

¹⁰ Phoenix City Code § 27-10 Illegal dumping of solid waste; penalty.

¹¹ Phoenix City Code § 27-35 Violations and penalties.

issues and the violators will have to pay back the City all of its costs.¹² If the violation involves a vehicle, the person or persons in whose name the vehicle is registered may be presumed responsible for such violation.

There are no local programs where the city or anyone else would help you clean up your neighborhood, but there are still some additional resources that would make cleaning up your property or neighborhood easier.

The City of Phoenix will let you borrow tools for free that you can use to clean up the property. This service is also available for any neighborhood group who would like to set up a neighborhood-wide cleaning project. Visit <http://phoenix.gov/nsd/programs/toollend/index.html> for more details. You can also call the tool lending program at (602) 495-0323, or you can email them at nsd@phoenix.gov.

The City also allows you, as a resident of Phoenix, to take up to five (5) automobile tires to a City of Phoenix disposal facility. The tires are collected in a separate bin and are not allowed to be disposed of in city landfills by state law. Maricopa County collects the tires from the city for proper disposal or recycling. For more information, call Solid Waste Customer Service at 602-262-7251.

Keep Phoenix Beautiful is a non-profit affiliate of Keep America Beautiful. Its service program provides Phoenix residents with roll off bins for community cleanups, cardboard trash boxes for special events, an ink jet and toner cartridge recycling program and landfill passes for special situations. Visit <http://keepphxbeautiful.org/> for more information. You can also call them at (602) 262-4820 or email them at info@keepphxbeautiful.org

The important City of Phoenix Code provisions are below:

Phoenix City Code § 27-10 Illegal dumping of solid waste; penalty.

- A. It is a violation for any person to dump, dispose, or release, or cause to be dumped, disposed or released, any solid waste or hazardous waste upon any street, alley, right-of-way, or public or private property within the City except as specifically permitted in this chapter or at a disposal site authorized by the Maricopa County Health Department, Arizona Department of Health Services, or Arizona Department of Environmental Quality.
- B. Penalty. Violation of subsection A of this section is punishable pursuant to Section 27-35.
- C. In addition to the penalty imposed pursuant to subsection B of this section, a person in violation of subsection A of this section must make restitution to the City for all cleanup and disposal costs incurred by the City.
- D. If a violation of this section involves a vehicle, the person or persons in whose name such vehicle is registered may be presumed responsible for such violation.

¹² Phoenix City Code § 27-37 Abatement; appeal.

Phoenix 27-33 Issuance of citation or notice of violation.

A. If the City finds a violation of this chapter, the City may notify the owner or responsible party through the issuance of a notice of violation.

B. Any authorized person may issue a notice of violation to any person violating any provisions of this chapter. If the violation has not been corrected within the specified period, a civil citation or criminal complaint may be issued, or any police officer may issue a citation for any violation of this chapter. A notice of violation of this chapter will include:

1. Identification of the property in violation.
2. Statement of violations in sufficient detail to allow an owner or responsible party to identify and correct the problem.
3. Re-inspection date.
4. Address and phone number of a City representative to contact.
5. A cost estimate to correct the violations, if the City intends to abate the violation pursuant to Section 27-37.
6. Appeal procedures.

C. Any notice given for any purpose under this chapter will be deemed effective on the date when written notice is delivered or mailed to the property owner or responsible party. If the City intends to abate the violation, any mailed service must be certified, return receipt requested. Nothing herein will preclude the City from giving additional verbal or written notice at its discretion. If the City does elect to give any additional notice in any instance, it will not thereby become obligated to give such additional notice thereafter in the same or other situations.

D. Nothing in this section requires the issuance of a notice of violation prior to issuing a civil citation or criminal complaint.

E. Any notice of violation can be appealed to the Director for an administrative conference for review. A request for an administrative conference must be made in writing within the period set to correct the violation, as specified in the notice of violation. The timely filing of a request for an administrative conference will act as an automatic stay of enforcement of the notice of violation until the matter is finally determined by the Director.

27-35 Violations and penalties.

A. Any responsible party who causes, permits, facilitates, or aids or abets any violation of this chapter or who fails to perform any act or duty required by this chapter is subject to a civil sanction of not less than \$100.00 nor more than \$2,500.00.

B. Any responsible party who causes, permits, facilitates, or aids or abets any violation of this chapter or who fails to perform any act or duty required by this chapter is guilty of a Class 1 misdemeanor.

C. Each day any violation of this chapter exists will constitute a separate violation or offense.

D. The owner of record, as recorded in the Maricopa County Recorder's Office records of the property at which a violation of this chapter exists, may be presumed to be a person having lawful control over any building, structure or parcel of land. If more than one person is recorded as the owner of the property, said persons may be jointly and severally presumed to be persons having lawful control over the building, structure or parcel of land.

E. If a responsible party served with a notice of violation or citation by the City fails to correct the violation within the period specified, the City may correct or abate the condition as described in the notice and, in addition to any fine that may be imposed for a violation of this chapter, the responsible party will be liable for all costs that may be assessed pursuant to this chapter for the correction or abatement of the condition.

F. If in the opinion of the Director the condition constitutes an imminent health or safety hazard, the Director may immediately abate the hazard without notice. Such abatement of an imminent health or safety hazard will be limited to the minimum work necessary to remove the hazard.

27-36 Jurisdiction of court.

A. Jurisdiction of all proceedings to enforce this chapter will be in the Municipal Court of the City of Phoenix.

B. Civil actions to enforce this chapter may be adjudicated by a judge or a court hearing officer.

C. Any civil action to enforce this chapter will be commenced and summons will be issued in accordance with the procedures set forth in the Arizona Revised Statutes, City ordinances or as provided in the Local Rules of Practice and Procedure, City Court, City of Phoenix.

D. A person served with a civil citation must appear at the time and place stated in the citation or summons, or may appear prior to the time and admit or deny the allegations of the citation. Allegations not denied at the time of appearance are deemed admitted.

E. If the allegations are admitted, the Municipal Court will enter judgment for the City and impose a civil sanction.

F. If the person denies the allegations, the Court may set the matter for hearing. Civil hearings are informal and held without a jury. The City is required to prove the violation charged by a preponderance of the evidence. Technical rules of evidence do not apply, except for statutory provisions relating to privileged communications. If the person elects to be represented by counsel, the person must so notify the Municipal Court at least ten days prior to the hearing date. Hearings may be recorded. If the Municipal Court finds in favor of the person, the Municipal Court will enter an order dismissing the citation. If the Municipal Court finds in favor of the City, the Municipal Court will enter judgment for the City and impose a civil sanction.

G. If the person served with a civil citation fails to appear on or before the time directed to appear or at the time set for hearing by the Municipal Court, the allegations will be deemed admitted and the Municipal Court will enter a judgment for the City and impose a civil sanction.

H. Any party may appeal the judgment of the Municipal Court to the Superior Court. Appeals from civil proceedings will be in accordance with the Superior Court Rules of Appellate Procedure—Civil. Appeals from criminal proceedings will be in accordance with the Superior Court Rules of Appellate Procedure—Criminal. Execution of any judgment will be stayed pending appeal when the defendant posts an appeal bond in accordance with the order of the Municipal Court, or when no bond is fixed and a notice of appeal has been filed. +1

27-37 Abatement; appeal.

A. If a responsible party fails to correct a violation, the City may correct or abate the condition. The abatement will be limited to the minimum work necessary to correct or remove the violation or hazard.

B. The City will determine the cost of the work performed, including actual costs of any additional inspection and other incidental connected costs.

C. An invoice for the abatement cost incurred will be prepared by the Fiscal Section of the Department and mailed to the responsible parties.

D. Failure to pay the invoice may be cause for the City to assess the property for the cost of work performed, including actual costs of any additional inspection and associated legal costs for abatement and pursue any or all means for recovery of cost if the assessment is not paid. The City has the right to enforce the assessment in the Superior Court of Maricopa County, at any time after recording, but failure to enforce the assessment will not affect its validity. The assessment is prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes. Any liens or assessments filed with the County Recorder pursuant to previous provisions of this chapter or any similar ordinance will remain in effect under the same terms and conditions that existed at the time of the recording.

E. The abatement costs incurred may be appealed to the Director for an administrative conference for review of such abatement and costs. A request for an administrative conference must be made in writing to the Director within 30 days of the abatement action. The timely filing of a request for an administrative conference will act as an automatic stay of collection of said costs until the matter is finally determined by the Director.

39-2 Purpose and scope.

A. The purpose of this ordinance is to promote the health, safety and welfare of the citizens of Phoenix, Arizona, and to protect neighborhoods against hazardous, blighting and deteriorating influences or conditions that contribute to the downgrading of neighborhood property values by establishing minimum standards for the condition of the interior of residential buildings and by establishing requirements for maintenance of all residential and nonresidential buildings, structures of whatever kind, and vacant and improved land.

B. The ordinance shall apply to all buildings, structures and lands within the City of Phoenix without regard to the use, the date of construction, improvement or alteration.

C. The ordinance shall be fairly, sensibly, and reasonably applied to promote the maintenance of all existing buildings and land in the City of Phoenix. The intent is to insure that individuals and families do not suffer undue hardship.

D. The ordinance shall not require changes in existing buildings and utilities when alterations were installed and have been maintained in accordance with the City of Phoenix Construction Code 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 hazard, unsafe, unhealthy, blighted or deteriorated, when the building has been moved to another location, or in connection with the requirements of Section 39-5, subsections B, C, and D.

E. Interior inspections will be done with approval of the owner or responsible party, or by a court order.

39-6 Building and structure exteriors.

A. **Exterior surfaces.** All exposed exterior surfaces, windows and doors shall be maintained so as to be free of deterioration that is a threat to health and safety, impervious to moisture and weather elements, or shall not otherwise present a deteriorated or blighted appearance. Windows, doors, locks on doors, and hinges must be present and installed properly. These items must be free from deterioration or blighting conditions. Any temporary boarding of vacant structures must be done in accordance with City specifications.

Examples of such deterioration and blight include but are not limited to:

1. Improperly anchored canopies, metal awnings, stairways, exhaust ducts, and overhead extensions;
2. Chimneys that are structurally unsafe;
3. Exterior windows and doors that are not fitted securely in their frames and are not substantially weathertight or have inoperable locks;
4. Paint that is deteriorated, indicated by peeling, flaking, cracked, blistering or mildew, resulting in exposed, bare unprotected surfaces;
5. Window screening, if present, shall be maintained in good condition;
6. Boarded window or door openings on an occupied structure;
7. Boarded window or door openings on an unoccupied structure for more than one hundred eighty days in any two-year period.

B. **Fences, screen walls, and retaining walls.** All fences, screen walls, and retaining walls on the premises shall be safe, structurally sound and uniform or compatible in color and structure; they shall be maintained so that they do not constitute a hazard, blight or condition of disrepair. Examples of hazards, blight or conditions of disrepair include but are not limited to, leaning fences or walls, fences or walls that are missing slats or blocks, that exhibit rot, damage, graffiti, peeling paint, or deterioration of paint or materials.

C. **Exterior insect, rodent and animal control.** All premises shall be kept free from insect and rodent infestation and other noxious pests. This provision shall not require action to disturb the natural or cultivated activity of bees, rabbits, or other insects and animals where such activity is not a danger or nuisance to any resident or residents of the area, and where other applicable legal requirements are met.

D. **Drainage.** All premises shall be maintained so as to prevent the accumulation of stagnant water when such water causes a hazardous or unhealthy condition, becomes a breeding area for insects, or which is causing soil erosion or damage to foundation walls. This does not apply to City-approved retention basins or other similar conditions. This exemption is not operable when actual and probable danger exists due to neglect.

E. **Foundations, walls and roofs.** Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in structurally sound and weathertight condition. The foundation elements shall adequately support the building at all points and shall also be free from deterioration.

1. Foundation. The building foundation shall be maintained in a safe condition and be capable of supporting the load which normal use may place thereon.
2. Exterior walls. The exterior walls shall be substantially weathertight, weatherproof, free from dry rot and mildew, and shall be maintained in sound condition and good repair so as to prevent infestation. All exterior surfaces, other than decay-resistant materials, shall be protected from the elements by painting or other protective covering according to manufacturer's specifications. No lead-based paint shall be used on any surface of any structure.
3. Roofs. Roofs shall be maintained in a safe condition and have no defects which might admit rain or cause dampness in the walls or interior portion of the building. Roofs shall be free from conditions that contribute to the deterioration of the structure or otherwise present a deteriorated or blighted appearance.
4. Coolers and their apparatus. Coolers and their mounting apparatus shall be maintained in a condition free from excessive accumulation of scale, rust, corrosion or mineral deposits. Cooler stands or mounts shall be structurally sound. Unused, deteriorating and unattached evaporative coolers are to be removed from the structure.

F. **Outdoor stairs, porches, railings.** All outdoor stairs, porches, and hand railings shall be adequate for safety. Every, stair and porch, shall be maintained so as to be safe and in structurally sound condition. The support for railings, stairs, and porches shall be structurally sound and adequate. Every stairway, stair, porch and any appendage thereto shall be maintained in safe condition and capable of supporting a load that normal use may place thereon. Required protective railing shall be located in the manner prescribed by the City of Phoenix Construction Code. Such handrails (or protective railings) shall be maintained in good condition and be capable of bearing normally imposed loads.

39-7 Exterior premises and vacant land.

A. **General.** All land including exterior premises and vacant land, whether improved or unimproved, shall be maintained free from any hazard or accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, waste material, or blight, which includes, but is not limited to, graffiti on walls, fences, mail boxes, etc., bottles, papers, glass, cans, organic or inorganic material, 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, an accumulation of inoperable vehicles, discarded, broken, or inoperable appliances, discarded or broken furniture, broken glass, discarded, broken or inoperable equipment, discarded or broken bicycles, an accumulation of vehicle, bicycle or appliance parts, piles of mixed materials, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing straw, packing hay or other packing material, lumber not neatly piled, lumber stored in front yards, scrap iron, tin and other metal not neatly piled or anything whatsoever in which insects, rodents, snakes or other harmful pests may live, breed or multiply or which may otherwise create a fire hazard. A single inoperable vehicle in combination with any of the above described conditions shall be deemed a violation of this subsection. It is an affirmative defense to a violation of this subsection based on the presence of an inoperable vehicle that the vehicle was registered to a resident of the property, that the vehicle was undergoing repair, and that the total period during which the vehicle was inoperable did not exceed fifteen days. This affirmative defense may not be raised more than three times in any combination of civil or criminal proceedings in any one calendar year.

B. **Streets, alleys and sidewalks abutting land.** The owner and any responsible party in control of any land abutting a sidewalk, alley or street shall maintain the sidewalk, alley or street in the same manner as provided in Subsections A and D of this section. The areas required to be maintained pursuant to this subsection are as follows:

1. Any portion of a street, which has been opened for public use, between the curbline and the abutting property line including sidewalks; provided that the owner, lessee, or other person in control of any land utilized for single-family or multifamily dwelling(s) shall only be required to maintain areas not within major streets as shown on the minimum right-of-way standards map and which are within twenty-five feet of the abutting property line.
2. One-half of the width of abutting alleys from the property line to the centerline of the alley.
3. Any portion of a street abutting the boundaries of a parcel of land, which street has not been opened for public use, shall be maintained by those persons who dedicated the street or their successors in interest, including lessees and other persons in control of the land abutting the street; provided, that if the abutting land on either side of such street is owned by different persons and each person has an obligation to maintain the street hereunder, then the owner, lessee or other person in control of the land shall only be required to maintain one-half of the width of the street abutting their land.

C. **Maintenance of swimming and architectural pools.** All swimming and architectural pools and spas shall be properly maintained so as not to create a safety hazard or harbor insect infestation, or create a visible deteriorated or blighted appearance. Water shall not be allowed to stagnate, or to become stale or foul through lack of circulation. The bottom and sides of the pool

or spa shall be maintained reasonably free of sediment, dirt, slime and algae. The water shall be sufficiently clear so that the main drain outlet is clearly visible to an adult standing on the pool deck, or sufficiently clear so that a 200 mm in diameter secchi disk placed at the bottom of the deepest point of the pool is clearly visible to an adult standing on the pool deck. Fencing or other barriers required for swimming pool and spa enclosures shall be maintained as outlined in the Phoenix Construction Code. The premises shall be free from hazards, including but not limited to, lack of security, water stagnation, or abandoned pools, regardless of whether or not there is water in the pools. All pools will also be free from visible deterioration or blighted appearance.

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

The premises shall be free from visual blight; potential fire hazards; dead trees and branches; dead palm fronds within ten feet of the ground, a structure, a fence or wall, or of any combustible other than the tree from which the fronds have grown; lawn grass higher than six inches; tumbleweeds; or weeds higher than six inches tall.

E. Dumping. Vacant lots or lands which have been subject to dumping on more than one occasion shall be secured to prevent future occurrences of dumping. Methods of securing vacant lots or lands may include the following: permanent fencing; ditch and berm; placing four-foot-high posts at four-foot intervals; and other equally effective methods. Signs stating "no dumping" shall be erected in accordance with applicable laws on vacant lots or lands which have been subject to dumping on more than one occasion.

F. Excavations. Excavations and other like or similar conditions must be filled with clean fill. On a temporary basis, excavations shall be maintained in a secure manner so as to prevent a hazard. An excavation is considered secure when:

1. The excavation is protected by a permanent and complete five-foot minimum height enclosure that surrounds the excavation or property.
2. The excavation is completely and permanently covered, fenced securely or protected in an equivalent manner.

G. Parking areas. Motor vehicles or trailers shall not be parked, maneuvered or stored upon a lot or area within the City that is not dustproof.

1. This subsection shall not be applicable to vehicles or trailers parked in the rear yard of a residential lot that contains one single family or duplex residential unit.
2. It shall be an affirmative defense to a violation of this subsection that the condition of the lot was in compliance with a stipulation made by the Zoning Administrator permitting temporary parking for civic events and that the vehicle was parked by or on behalf of an attendee of such event.

H. The following outdoor storage on residential properties, which is visible from beyond the boundaries of the lot, is prohibited:

1. Any building or landscaping materials.
2. Any machinery, appliances or parts.
3. Any inoperable vehicle visible from beyond the boundary of the property unless:
 - a. The vehicle is undergoing repair,
 - b. The total period during which the vehicle is inoperable does not exceed fifteen days, and
 - c. No more than three incidences of inoperability of any vehicle may occur in any twelve-month period.
4. Any storage within the yard of personal property, including but not limited to any household goods, boxes, or furniture which is not placed for outdoor use, which is visible beyond the boundaries of the property. For purposes of this subsection only, yard does not include that portion of the yard behind the primary structure.

39-8 Buildings, structures, excavations constituting a nuisance; violation; abatement.

A. There are or may in the future be buildings, structures or excavations that are so deteriorated, damaged, in such need of repair or left vacant or unsecured so as to present a threat to the health, safety and welfare of the community and constitute a nuisance.

B. All buildings, structures and excavations are to be maintained so as not to pose a hazard. The maintenance of a building, structure or excavation that meets any of the following is a nuisance and constitutes a violation of this ordinance, and subjects the building, structure or excavation to demolition or other abatement measures upon expiration of required notice:

1. The building's or structure's interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
2. The building or structure, exclusive of the foundation, has thirty-three percent or more damage or deterioration to the supporting member or members or structural assembly, or fifty percent damage or deterioration to the nonsupporting enclosing or outside walls or covering.
3. The building or structure is infested by rodents, insects or other noxious pests, rendering it uninhabitable.
4. The building, structure or excavation exhibits conditions that present actual hazards or dangers.
5. The building or structure has been vacant and unsecured for more than forty-eight hours on more than one occasion during a twelve-month period.
6. The excavation has been unsecured for more than forty-eight hours on more than one occasion during a twelve-month period.
7. The building, structure or excavation or their contents represents an imminent hazard.

C. A building or structure or excavation in good repair or secured or which is actively being offered for sale or rent or is involved in legal proceedings prohibiting repair, sale or lease may

be exempted by the City Manager or designee if the property owner demonstrates that the building or structure or excavation does not pose a threat to the health or safety of any person.

39-11 Authority to enforce standards.

A. The City Manager or designee shall enforce the provisions of this ordinance. In addition, the City Manager or designee is authorized to make safe any structure, in whole or part, which in the opinion of the City Manager or designee, is an imminent threat to the health or safety of any person or persons due to the conditions of such structure.

B. No person shall, by threat or use of violence or physical force, or by threatening to do or doing any other act that can be reasonably anticipated to cause physical harm to any person including the perpetrator, intentionally obstruct, impede, or interfere with any officer, employee, contractor or authorized representative of the City who is lawfully and constitutionally engaged in the enforcement or execution of the provisions of this chapter.

39-13.1 Notice of violation

A. Upon inspection, if the City finds a violation of this ordinance, the City may notify the owner, owner's agent, or responsible party through the issuance of a notice of violation. If a notice of violation is issued, it shall include:

1. Identification of property in violation;
2. Statement of violations in sufficient detail to allow an owner or responsible party to identify and correct the problem;
3. Reinspection date;
4. Address and phone number of a City representative to contact;
5. If the notice is issued pursuant to Article IV, a cost estimate to correct the violations;
6. Availability, if any, of financial assistance for hardship;
7. City's authority to abate should owner or responsible party not correct the violation within thirty days, and to assess a lien against the property for the costs of abatement; and
8. Appeal procedures.

B. Any notice given for any purpose under this ordinance shall be deemed effective on the date when written notice is hand-delivered or mailed certified mail return receipt requested, addressed to the property owner, owner's agent, or responsible party. If personal service or mailed service is not practicable, service of notice shall also be deemed effective upon notification through one-time public notice published in a newspaper of general circulation and by posting the property for a period of thirty days. Nothing herein shall preclude the City from giving additional verbal or written notice at its discretion. If the City does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situations.

C. Nothing in this section shall require the issuance of a notice of violation prior to the commencement of civil or criminal violation proceedings.

D. Thirty calendar days after service of the notice as provided herein, the owner or responsible party shall be jointly and severally liable for any and all reasonable charges incurred by reason of the Fire Department being required to respond to the property not abated as required by the notice. When incurred, such charges shall be treated in the same manner and be subject to the same rights of appeal as charges incurred in bringing the property into compliance.

39-13.2 Recording a notice of violation

The City may record a notice of violation with the Office of the County Recorder. A recorded notice of violation shall run with the land and shall constitute notice, for all purposes of this ordinance, to all persons or entities thereafter acquiring an interest in the property. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, if a notice of violation was recorded, a satisfaction of notice of violation shall be recorded.

39-16 Violations and penalties.

A. The remedies herein are cumulative and the City may proceed under one or more such remedies.

B. (1) Any owner or responsible party, who causes, permits, facilitates, or aids or abets any violation of any provision of the Ordinance or who fails to perform any act or duty required by the Ordinance is subject to a civil sanction of not less than one hundred dollars or more than two thousand five hundred dollars. Any owner or responsible party who commits a second violation of the Ordinance within thirty-six months of the commission of a prior violation of the Ordinance shall be subject to a civil sanction of not less than two hundred fifty dollars. Any owner or responsible party who commits a third violation of the Ordinance within thirty-six months of the commission of a violation of the Ordinance shall be subject to a civil sanction of not less than five hundred 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. The owner or responsible party shall receive the enhanced civil sanction upon a finding of responsibility for any violation of the Ordinance which was committed within thirty-six months of the commission of another violation for which the owner or responsible party was convicted or found responsible, irrespective of the order in which the violations occurred or whether the prior violation was civil or criminal.

C. (1) Any owner, responsible party, or other person having control over a structure or parcel of land who causes, permits, facilitates, or aids or abets any violation of any provision of the Ordinance or who fails to perform any act or duty required by the Ordinance is guilty of a Class 1 misdemeanor.

(2) Any person convicted of a violation of the Ordinance shall be sentenced to a fine of not less than one hundred dollars. Any person who is convicted of a second violation of the Ordinance committed within thirty-six months of a prior violation of the Ordinance shall be subject to a fine of not less than two hundred fifty dollars. Any person who is convicted of a third or subsequent

violation of the Ordinance committed within thirty-six months of a prior violation of the Ordinance shall be subject to a fine of not less than five hundred dollars.

(3) The thirty-six-month period provision of subsection C.(2) of this section shall be calculated by the dates the violations were committed. The owner or responsible party shall receive the enhanced fine upon a conviction of any violation of the Ordinance which was committed within thirty-six months of the commission of another violation for which the owner or responsible party was found responsible or convicted, irrespective of the order in which the violations occurred or whether the prior violation was civil or criminal.

D. Each day any violation of any provision of the Ordinance or the failure to perform any act or duty required by the Ordinance exists shall constitute a separate violation or offense.

E. The owner of record, as recorded in the Maricopa County Recorder's Office records, of the property upon which a violation of this Ordinance exists may be presumed to be a person having lawful control over any building, structure or parcel of land. If more than one person shall be recorded as the owner of the property, said persons may be jointly and severally presumed to be persons having lawful control over the building, structure or parcel of land. This presumption shall not prevent enforcement of the provisions of this Ordinance against any person specified in subsection C of this section.

F. In addition to any other sanction or penalty authorized under subsections B and C of this section, the court may issue an order permitting the City to abate the condition giving rise to the violation. The reasonable costs of any such abatement shall be the responsibility of the person found responsible or guilty of the violation and may be collected as provided in Section 39-22

G. It is an affirmative defense for an owner of record that any violation of this Ordinance was caused by an act or acts of a lessee or tenant who was a resident of the property on the date of violation alleged in the complaint and that the owner has no legal authority to compel the lessee or tenant to correct the violation. No defense shall be asserted pursuant to this provision unless notice thereof is filed with the Phoenix Municipal Court and provided to the Office of Phoenix City Prosecutor at least twenty days in advance of the date set for trial.

H. Notwithstanding subsection C of this section, a violation of Section 39-9 shall not be considered a Class 1 misdemeanor but instead shall be considered a petty offense punishable by a fine not to exceed two hundred fifty dollars.

I. If any owner or responsible party is adjudged guilty or responsible for a violation of this Ordinance which caused or contributed to the necessity of an order to vacate a dwelling or dwelling unit being issued pursuant to Section 39-24, the court shall impose a fine or penalty, exclusive of surcharges, no less than the greater of fifty dollars or the amount paid by any governmental agency to re-establish a household for any individuals or families residing in the dwelling or dwelling units ordered to be vacated. In no event shall the maximum fine or penalty for a single offense or violation exceed two thousand five hundred dollars, exclusive of surcharges. In no case shall an owner or responsible party who falls within the provisions of this subsection be eligible for suspension or commutation of a sentence or penalty except in the

case of a criminal offense such owner or responsible party is placed on probation with the condition that the minimum mandatory fine be paid.

39-17 Jurisdiction of court.

A. Jurisdiction of all proceedings to enforce the provisions of this ordinance shall be in the Municipal Court of the City of Phoenix.

B. Civil actions to enforce this ordinance may be adjudicated by a judge or a court hearing officer.

C. The Municipal Court of the City of Phoenix shall have jurisdiction to issue orders permitting the City to abate conditions that constitute a violation of the provisions of this ordinance.

39-18 Commencement of civil action.

Any civil action to enforce the provisions of the ordinance shall be commenced, and summons shall be issued in accordance with the procedures set forth in Arizona Revised Statutes, City ordinance or as provided in the Local Rules of Practice and Procedure—City Court—City of Phoenix.

39-19 Admission or denial of allegation; hearing; findings of court; civil sanction.

A. A person served with a civil citation or complaint shall appear at the time and place stated in the citation or summons, or may appear prior to the time and admit or deny the allegations of the complaint. Allegations not denied at the time of appearance are deemed admitted.

B. If the allegations are admitted, the court shall enter judgment for the City and impose a civil sanction.

C. If the person denies the allegations, the court shall set the matter for hearing. Civil hearings are informal and held without a jury, and the City is required to prove the violation charged by a preponderance of the evidence. Technical rules of evidence do not apply, except for statutory provisions relating to privileged communications. If the person elects to be represented by counsel, the person shall so notify the court at least ten days prior to the hearing date. Hearings may be recorded. If the court finds in favor of the person, the court shall enter an order dismissing the citation or complaint. If the court finds in favor of the City, the court shall enter judgment for the City and impose a civil sanction.

D. If the person served with a civil citation or complaint fails to appear on or before the time directed to appear or at the time set for hearing by the court, the allegations shall be deemed admitted and the court shall enter judgment for the City and impose a civil sanction.

39-20 Court-ordered abatement.

A. In addition to any other abatement procedure provided in this chapter, the Director, the Director's designee or the City Prosecutor, in the name of the City of Phoenix, may apply to the

Municipal Court for an order permitting the City to abate any condition that constitutes a violation of this ordinance.

B. After notice to the owner and any responsible party, the judge or court hearing officer shall conduct a hearing. The hearing shall be informal and open to the public. Evidence may be taken from any interested party and considered in determining whether a condition in violation of this ordinance exists and what, if any, abatement action should be permitted. Any person who fails to appear after notice of the hearing may be deemed to have waived any right to introduce evidence. The court's determination shall be based on the preponderance of evidence.

C. Upon finding that abatement is appropriate, the court may order demolition, board-up, cleanup or any other action the court deems reasonably necessary to correct the violation. A demolition shall only be permitted as provided in Section 39-8

D. The reasonable costs of any abatement permitted by the court's order shall be the responsibility of the owner and may be collected as provided in Section 39-22

39-22 Abatement.

A. If a property owner or responsible party is served a notice of violation pursuant to this ordinance and fails to comply with such notice within thirty days, the City may correct or abate the condition as described in the notice. The City shall pay the cost and expense of such abatement from any appropriation made available for that purpose and shall certify a statement of account to the City Treasurer who shall collect the amount due, together with interest at the rate established by law.

B. Upon commencement of action on the property or after mailing the statement of account to the owner or responsible party, the City shall assess the property for the cost of work performed, including actual costs of any additional inspection and other incidental connected costs, and for associated legal costs for abatement or injunction and pursue any or all means for recovery of cost if the assessment is not paid. If the assessment is paid, the City shall remove the assessment. In the event it is necessary to enforce the assessment by sale, the sale shall be made from a judgment of foreclosure and order of sale. The City shall have the right to enforce the assessment in the Superior Court of Maricopa County at any time after recording, but failure to enforce the assessment shall not affect its validity. 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 the recording. Prior assessments or liens for the purposes provided for in the ordinance shall not be a bar to a subsequent assessments or liens and any number of liens or assessments on the same parcel may be enforced in the same action.

C. The assessment is prior and superior to all other liens, obligations, mortgages, or other encumbrances, except liens for general taxes.

D. Any liens or assessments filed with the County Recorder pursuant to previous provisions of this ordinance or any similar ordinance shall remain in effect under the same terms and conditions that existed at the time of recording.

E. The City may dispose of any property or material removed from real property as a result of abatement in any manner, including but not limited to destruction.

Scottsdale

Unlike the other cities in this guide, Scottsdale does not define solid waste nor does it have a specific ordinance against dumping. Instead, Scottsdale focuses on littering and the property owner's responsibility to maintain his or her land. There are also no specific ordinances that would enable a private property owner to compel a violator to pay back the property owner for any costs or expenses associated with cleaning up. But, even without these specific illegal dumping ordinances, the City's litter and public nuisance ordinances can still be used to fight illegal dumping. Like in Phoenix, all of the Scottsdale's local laws regarding illegal dumping are for the City to use against the violators, and not for the residents to use against violators.

Report all illegal dumping to Scottsdale's Solid Waste Management (making sure to not down a vehicle description and license # when possible) by calling them at: 480-312-5600.

For private land, the City disallows a number of unsightly practices including, but not limited to, animal manure, storing more than three cars, litter/trash, abandoned buildings, weeds, graffiti, etc.¹³

It is illegal to put litter or debris on any land if it is not in a secure receptacle with a tight lid for collection so that the trash doesn't get blown away.¹⁴

Abandoned or vehicles in need of major repair or restoration need to be in an enclosed space (like a garage but not a vehicle cover) so that the vehicle is not visible from off the property.¹⁵

If found guilty of having public nuisances on your land or a second littering violation in two years¹⁶, the violation will be a Class 1 misdemeanor, punishable by up to six months in the county jail, and/or a fine of not more than 2,500.00.¹⁷ Also, the City may additionally punish the violator by requiring that the violator pay back any expenses incurred from cleaning up the property or taking the violator to civil court.¹⁸ The City may also require restitution.¹⁹

Similar to other cities, in Scottsdale as the landowner you are responsible for making sure your property is up to code and clean. This means that even if someone else put trash on your property, the City would still hold you responsible for the state of your land.²⁰

¹³ Scottsdale Code of Ordinances § 18-5. Public nuisance.

¹⁴ Scottsdale Code of Ordinances § 18-6. Litter control.

¹⁵ Scottsdale Code of Ordinances § 18-7. Vehicles and watercraft.

¹⁶ Scottsdale Code of Ordinances § 18-18. Misdemeanor violations

¹⁷ Scottsdale Code of Ordinances § 24-52. Violations.

¹⁸ Scottsdale Code of Ordinances § 18-17. Enforcement options.

¹⁹ Id.

²⁰ Scottsdale Code of Ordinances § 18-16. Presumptions

There are no city-sponsored programs that will clean up your property for you, but there are some that will help you clean up your property or neighborhood through Scottsdale's Neighborhood Revitalization Program. As part of this program, the City provides two free programs:

Scottsdale Tool Lending Center (TLC) Program:

A trailer loaded with landscape tools is available for loan to assist Scottsdale residents and community volunteer groups with removing accumulated debris in their neighborhood. (minimum of 5 organized households or volunteer groups). Some program requirements do apply, so please visit <http://www.scottsdaleaz.gov/reinvestment/nhd> for more details.

Scottsdale Roll-off Program:

A 30-yard roll-off (refuse bin) is available to assist Scottsdale residents with accumulated debris in their neighborhood. (minimum of 5 organized households)

Important Scottsdale Code of Ordinances sections are below:

Sec. 18-5. Public nuisances.

Except as otherwise permitted by law, each of the following conditions is a public nuisance on any land or in any building in the city and is unlawful, when the condition is or may be (i) discomforting or offensive to a reasonable person of normal sensitivity, or (ii) detrimental to the life, health or safety of individuals or the public:

- (1) Animal manure that is neither used for fertilizing lawns or gardens nor securely protected from insects and the elements.
- (2) Putrid, unsound or unwholesome bones, meat, hides, skins, or other animal parts; dead animals, fish or fowl; butcher's trimmings and offal; waste vegetation; liquid waste; animal matter, garbage, human or animal excreta, sewage and other similar offensive substances.
- (3) A dumping ground or other land or building for depositing litter or debris, or wrecking, disassembling, rebuilding, repair, storage or accumulation of three (3) or more vehicles, or of machinery, or parts of vehicles or machinery.
- (4) Noxious exhalations and other airborne irritations, including, but not limited to, smoke, soot, dust, fumes or other gases, offensive odors, or other annoyances.
- (5) Burning litter, debris, sawdust or other material resulting in smoke, gases, ashes, soot, cinders, sawdust or other material being transported to or deposited on land or buildings.
- (6) Disposing of litter, debris, sawdust or other material in a manner that results in its unauthorized deposit on land or buildings.
- (7) An unsecured or abandoned excavation, pit, well, other hole or pool.
- (8) A privy, vault, cesspool, sump, pit, pool, accumulated water or similar condition that is foul, malodorous, or subject to infestation, pollution or stagnation.

- (9) An unsecured building that is vacant, abandoned, dilapidated, structurally unsound, partially destroyed or left partially constructed under a lapsed building permit for more than forty-eight (48) consecutive hours.
- (10) An abandoned, unattended or discarded icebox, refrigerator or other container that has an attached airtight door or lid, snaplock or other locking device that may not be released from the inside.
- (11) Plant growth or any other condition, sign, structure, vehicle or watercraft that obstructs or interferes with or renders dangerous the use or passage of any public place, stream or water course.
- (12) Plant growth or any other condition, sign, structure, vehicle or watercraft that obstructs or interferes with sight distance or the visibility of any traffic control device or sign.
- (13) Plant growth or any other condition that constitutes a fire hazard or encourages infestation or noxious pests.
- (14) Infestation.
- (15) Slum property.
- (16) A building or land regularly used in the commission of a crime.
- (17) Blight.
- (18) Attractive nuisances.
- (19) Graffiti.

Sec. 18-6. Litter control.

- (a) No person shall throw, deposit or dump any litter or debris on any land.
- (b) A person may store litter and debris in a secure receptacle with a tight lid for collection if the receptacle is maintained so that litter and debris are prevented from being blown or deposited on any public place or adjacent land.
- (c) Only as permitted by law, a person may store litter and debris within any building.

Sec. 18-7. Vehicles and watercraft.

- (a) An owner and/or occupant of land where an abandoned or junked vehicle, or a vehicle or watercraft being restored or undergoing major repair, is located, shall store the vehicle and watercraft in an enclosed area so that the vehicle and watercraft are not visible from any point outside the land. A vehicle or watercraft cover is not an enclosed area.
- (b) Except as otherwise permitted by law, an owner and/or occupant of land where a vehicle or watercraft is located shall park or store the vehicle and watercraft only on a dust free surface.
- (c) Except as otherwise permitted by law, no person shall display a vehicle or watercraft for sale on land.
- (d) No person shall park a vehicle or watercraft on any street or public place for the principal purpose of:

- (1) Displaying advertising or commercial exhibits, or
- (2) Washing, greasing or repairing the vehicle or watercraft, except repairs necessitated by an emergency.

Sec. 18-8. Buildings, structures and accessory improvements.

(a) The owner and/or occupant of a building shall maintain all exterior building surfaces to be free of blight and graffiti.

(b) The owner and/or occupant of land where a structure and/or an accessory improvement is located shall maintain the accessory improvement free of blight and graffiti.

Sec. 18-9. Land.

(a) The owner and/or occupant of land shall maintain the land free of:

- (1) Blight, garbage, litter or debris;
- (2) Noxious exhalations and other airborne irritations, including, but not limited to, smoke, soot, dust, fumes or other gases, offensive odors, or other annoyances;
- (3) Plant growth, infestation and any other condition that encourages infestation or otherwise adversely affects the aesthetic or general welfare of individuals or the public.
- (4) Grass higher than six (6) inches, poison oak, poison ivy, and weeds; or plant growth that is dead, dry, uncultivated or overgrown.

(b) In addition to the requirements of subsection 18-9(a) above, the owner and/or occupant of land shall also maintain the following areas free of grass higher than six (6) inches, poison oak, poison ivy, weeds, blight, garbage, litter and debris: adjacent rights-of-way from the back of the curb or edge of paving in the street, through the owner's and/or occupant's land, to the centerline of any adjacent alley or right-of-way.

(c) In addition to the requirements of subsection 18-9(b) above, the owner and/or occupant of a business shall maintain the parking lot and landscaped areas adjacent to or surrounding the business free of grass higher than six (6) inches, weeds, garbage, litter and debris.

(d) The owner and/or occupant of land that has been subject to dumping shall take measures to secure the land to prevent future dumping. The measures may include erecting a fence, constructing a ditch and berm, or placing four (4) foot high posts at four (4) foot intervals. Any measures under this subsection shall be taken only in conformance with required permits.

(e) Except as otherwise permitted by law and by the landowner in writing, no person shall place clean fill or fill dirt on land of another.

(f) The owner and/or occupant of land where a pool is located shall maintain the pool to avoid health or safety hazards, infestation, pollution, stagnation and blight.

(g) No person shall attach any sign to any public utility structure, traffic control device, streetlight standard, or similar structure in the street, right-of-way or public place.

(h) Except as otherwise permitted by law, no person shall place any structure or sign in the street, right-of-way or public place.

Sec. 18-15. Authority.

(a) The city manager or designee, city attorney, code inspectors and Scottsdale police officers shall enforce this chapter.

(b) The city manager or designee shall designate slum property.

Sec. 18-16. Presumptions.

(a) The owner of land, as recorded in the Maricopa County Recorder's Office, is presumed to have control over the land and buildings and accessory improvements on the land. If more than one (1) person is recorded as the owner of land, all persons on record are presumed to have joint and several control over the land and buildings and accessory improvements on the land. The occupant residing or operating a business on land or in a building is presumed to have control over the building and land on which it is located. These presumptions shall not prevent the enforcement of this chapter against persons other than record owners.

(b) Under the state statutes regarding criminal nuisance, the owner, leaseholder or person with legal privilege to control land, shall be deemed to have notice of the criminal nuisance as set forth in the state statutes.

(c) A sign or structure is presumed to be owned by or under the control of:

- (1) The person whose name, address, e-mail address or phone number appears on it, and/or
- (2) The person whose business, product or service appears on it,
- (3) The person whose business benefits by it,
- (4) The person who owns or controls the land upon which the sign or structure is placed, and/or
- (5) The person who installed or placed it.

(c) All presumptions are rebuttable.

Sec. 18-17. Enforcement options.

(a) The city, its officers and employees may enforce this chapter by one (1) or more lawful means, including but not limited to, voluntary compliance, administrative and civil consent orders, civil enforcement, including injunctive action, criminal enforcement, abatement by administrative procedure, emergency abatement, abatement regarding criminal activity, and designation of slum property. The city may also require restitution. In addition, the city may immediately remove any structure or sign from any street or public place. One (1) type of enforcement neither limits nor precludes the city from pursuing any other type of enforcement.

(b) A violation of this chapter is in addition to any other violation of the City Code. Enforcement of a violation of this chapter in no way limits enforcement of any other violation of the City Code or of state statutes.

Sec. 18-18. Misdemeanor violations.

Notwithstanding the provisions of section 18-17, a violation of this chapter may only be deemed a class one misdemeanor if the violation is:

- (a) A public nuisance as defined in section 18-5, or
- (b) The second or subsequent violation of any other section within two (2) years of the first violation.

Sec. 18-50. Civil complaints.

(a) The city manager or designee, code inspectors, the city attorney and Scottsdale police officers may bring civil complaints under this chapter.

(b) The complaint shall include a written description and statutory designation of the violation(s).

(c) The city shall attempt to hand deliver the civil citation to the person accused of violating this Code. If the city is unable to hand deliver the civil citation, the city may serve it by certified or registered mail, return receipt requested, or by any means allowed by the Arizona Rules of Civil Procedure. If the city sends a citation via certified or registered mail, an additional copy must also be sent by regular mail.

(d) The citation is deemed served on the date it is hand delivered or, if mailed, on the date it is deposited in the United States Mail.

Sec. 18-51. Civil complaints—Court appearance or failure to appear.

(a) On or before the date specified in the complaint, the defendant shall appear in city court in person or through an attorney. The defendant shall admit or deny the allegations in the complaint. If the defendant admits the allegations, the court shall enter judgement against the defendant and impose the civil penalties set forth in section 18-65 below, and require restitution. If the defendant denies the allegations, the court shall set the matter for hearing.

(b) If a defendant served with a complaint fails to appear on or before the date specified in the complaint, or fails to appear at the hearing set by the court, the allegations in the complaint are deemed admitted. The court shall enter judgment against the defendant and impose the civil penalties set forth in section 18-65 below, and require restitution.

Sec. 18-55. Authority to issue criminal complaints.

A Scottsdale police officer or the city attorney may bring criminal complaints under this chapter.

Sec. 18-60. Jurisdiction and procedure of city court.

(a) The city court has jurisdiction over all civil complaints, city petitions for abatements including emergency abatements and all criminal citations to enforce this chapter. A judge or court hearing officer may adjudicate civil complaints and city petitions for abatement.

(b) The city court shall follow the Arizona Rules of Court for Civil Traffic Violation Cases for civil complaints to enforce this chapter, except as modified or where inconsistent with this chapter, local rules of the city court, or rules of the Arizona Supreme Court.

(c) The city court shall follow the Arizona Rules of Criminal Procedure for criminal actions to enforce this chapter.

(d) The city court may order abatements to enforce this chapter either upon petition from the city attorney or incidental to a hearing on a civil or criminal violation of this chapter when requested by the city.

Sec. 18-61. Procedure for abatement petitions filed in city court.

(a) After notice to the owner and any responsible party, the judge or hearing officer shall conduct a hearing. Both the city and defendant(s) shall have an opportunity to be heard and present evidence. The rules of evidence shall not apply to these hearings but the judge or hearing officer may make rulings on the conduct of these hearings to ensure that they proceed in an orderly and efficient manner. The judge or hearing officer shall determine whether a violation of this chapter exists and order an abatement of the violation as appropriate in accordance with subsection (b). The court's determination shall be based on a preponderance of the evidence. If a defendant fails to appear for a hearing, the court shall hold the hearing in the defendant's absence. If the city fails to appear for a hearing, the court shall dismiss the petition without prejudice.

(b) Upon finding that abatement is appropriate, the court may order demolition, board-up, cleanup, inspection or any other action the court deems reasonably necessary to abate the violation.

(c) Demolition of a structure shall only be ordered following issuance of notice as required by subsection (a) to the owner and any responsible parties with an interest in the property that is recorded in the office of the county recorder and in accordance with section 18-111 of this chapter. Notice to the interested parties may be recorded against the property.

(d) The reasonable costs of any abatement permitted by the court's order shall be the responsibility of the owner and may be assessed and recorded as provided in sections 18-74 and 18-75.

(e) The notice required in subsection (a) shall generally comply with rule 4 of the Arizona Rules of Civil Procedure, except that upon petition by the city attorney the court may, upon a finding of good cause, deem the notice requirement satisfied by notice being posted in a conspicuous location on the subject property.

(f) The provisions of article VI of this chapter do not apply to abatements brought under this section.

Sec. 18-62. Procedure for emergency abatement petitions filed in city court.

(a) If a violation of this chapter presents an imminent hazard to life, health or public safety, the court may immediately consider and grant emergency abatement orders brought on behalf of the city by the city attorney.

(b) Notice of the abatement petition and order shall be posted on the property in accordance with section 18-80(b)(3).

(c) The provisions of article VI of this chapter and section 18-80(e) do not apply to abatements brought under this section.

Sec. 18-65. Civil penalties.

(a) If the violation concerns land used for residential purposes, the fine shall be as follows: The fine for a defendant's first citation under this chapter shall be two hundred fifty dollars (\$250.00) per violation. The fine for a defendant's second violation under this chapter within two (2) years of the date of the first violation shall be five hundred dollars (\$500.00) per violation. The fine for a defendant's third or subsequent violation under this chapter within two (2) years of the date of the first violation shall be seven hundred fifty dollars (\$750.00) per violation. The court shall also impose all other fees and surcharges applicable under state statutes and chapter 9 of the City Code.

(b) If the violation concerns land used for non-residential purposes, the fine shall be as follows: The fine for a defendant's first citation under this chapter shall be seven hundred fifty dollars (\$750.00) per violation. The fine for a defendant's second violation under this chapter within two (2) years of the date of the first violation shall be one thousand five hundred dollars (\$1,500.00) per violation. The fine for a defendant's third or subsequent violation under this chapter within two (2) years of the date of the first violation shall be two thousand dollars (\$2,000.00) per violation. The court shall also impose all other fees and surcharges applicable under state statutes and chapter 9 of the City Code.

(c) However, on proper evidence that the violation(s) has been corrected and the defendant is in compliance with this chapter at the time of the hearing, in addition to all other fees and surcharges applicable under state statutes and chapter 9 of the City Code:

- (1) For a first violation, the court shall impose a minimum fine of at least one hundred dollars (\$100.00) per violation for land used for residential purposes and at least two hundred fifty dollars (\$250.00) per violation for land used for non-residential purposes.
- (2) For a second or subsequent violation under this chapter within two (2) years after the date of the first violation, the court shall impose a minimum fine of at least two hundred dollars (\$200.00) per violation for land used for residential purposes and at least five hundred dollars (\$500.00) per violation for land used for non-residential purposes.

Sec. 18-66. Criminal penalties.

(a) A criminal violation of this chapter is a class one misdemeanor. For a first conviction under this chapter, for land used for residential purposes, the court shall impose a criminal fine of at least five hundred dollars (\$500.00) per violation. For a first conviction under this chapter, for land used for non-residential purposes, the court shall impose a criminal fine of at least one thousand dollars (\$1,000.00) per violation. In addition, the court shall impose all other fees and surcharges applicable under state statutes and chapter 9 of the City Code.

(b) However, on proper evidence that the violation(s) has been corrected and the defendant is in compliance with this chapter at the time of the hearing, in addition to all other fees and surcharges applicable under state statutes and chapter 9 of the City Code:

(1) For a first violation, the court shall impose a minimum fine of at least two hundred fifty dollars (\$250.00) per violation for land used for residential purposes and at least five hundred dollars (\$500.00) per violation for land used for non-residential purposes.

(2) For a second or subsequent violation under this chapter within two (2) years of the date of the first violation, the court shall impose a minimum fine of at least five hundred dollars (\$500.00) per violation for land used for residential purposes and at least one thousand dollars (\$1,000.00) per violation for land used for non-residential purposes.

(c) The court may impose additional penalties in conformance with section 1-8 of the City Code.

Sec. 18-67. Restitution.

In addition to the penalties of sections 18-65 and 18-66, the court shall impose restitution as part of its sentence, to compensate the city for its costs to enforce this chapter and bring a building or land into compliance with this chapter. Restitution shall include all costs of abatement, including inspection fees and prosecution of the case.

Sec. 18-70. Notice to abate.

(a) If, after an inspection, the city finds one (1) or more violations of this chapter, the city may require correction of the violation(s). If the city requires correction, the city may issue a notice to abate to the owner, the owner's authorized agent or the owner's statutory agent, and the occupant or lessee.

(b) The notice to abate shall be in writing and shall set forth:

(1) The identification of the land where the violation is located, by legal description, including the street address, if known, or by book, map and parcel number, if the street address is unknown.

(2) A statement of the violation(s) in sufficient detail to allow a reasonable person to identify and correct the violation(s).

(3) The date by which the owner, the owner's authorized agent, the owner's statutory agent, the occupant or lessee shall correct the violation, which date shall not be less than thirty (30) days from service of the notice.

- (4) The name and phone number of the inspector who sent the notice.
- (5) The estimated cost of abatement to the city.
- (6) If the violation(s) is not corrected by the date specified for abatement, the city may abate the violation(s), assess the owner, occupant and/or the lessee the cost of abatement, and record a lien on the land for the assessment.
- (7) The appeal procedures, if any.

Sec. 18-71. Service of notice to abate.

A notice to abate shall be served by any of the following methods:

- (1) By hand delivering a copy of the notice to abate to the owner, the owner's authorized agent or the owner's statutory agent, and the occupant or lessee.
- (2) By mailing a copy of the notice to abate, by certified mail, to the owner, the owner's authorized agent or the owner's statutory agent, and the occupant or lessee at the last known address and at the address to which the tax bill for the land was last mailed.
- (3) The notice to abate is deemed served on the date it is hand delivered or, if mailed, on the date it is deposited in the United States mail.

Sec. 18-72. Effect of notice to abate.

(a) A notice to abate is effective upon any person served in conformance with section 18-71 or section 18-80 and any person with actual notice.

(b) A notice to abate runs with the land.

(c) The city may record a notice to abate in the Maricopa County Recorder's Office.

Sec. 18-73. City may abate.

If the owner, occupant or lessee subject to the notice to abate fails to correct the violation(s), the city may:

- (1) Abate the violation(s),
- (2) Assess the owner, occupant and/or the lessee the cost of abatement, and
- (3) Record a lien on the land for the assessment.

Sec. 18-74. City assessment for abatement.

(a) Following abatement, the city shall prepare a statement of the cost of abating the violation of this chapter, plus five (5) percent incidental cost of abating the violation.

(b) The statement shall be mailed to the owner, the owner's statutory agent, the occupant and lessee at the address used to serve the notice to abate.

(c) The statement shall set forth:

- (1) The statement of cost is an assessment upon the land from which the city abated the violation.

- (2) The payment of the statement of cost shall be made by the date specified in the statement of cost.
- (3) If payment is not made by the date specified in the statement of cost, the city shall place a lien on the land in the amount of the statement.
- (4) The appeal procedures, if any.

Sec. 18-75. Assessment lien.

(a) The city's statement of cost under section 18-74 above shall be:

- (1) An assessment on the land from which the city abated the violation(s), and
- (2) Collected at the same time and in the same manner as other city assessments are collected.

(b) The city shall record the assessment in the Maricopa County Recorder's Office. From the date of its recording, the assessment shall be a lien on the land.

(c) The lien shall be inferior only to general tax liens.

(d) After recording the lien, the city may institute an action to enforce the lien in the superior court for Maricopa County. The recorded assessment is prima facie evidence of the truth of all matters recited in the assessment and the regularity of all proceedings before the recordation. Upon judgement (sic) of foreclosure and order of sale, the city shall sell the land to satisfy the lien.

(e) A prior assessment under this section is not a bar to a later assessment. Any number of liens on the same land may be enforced in the same action.

(f) Failure to enforce the lien shall not affect its validity.

Sec. 18-80. Emergency abatement.

(a) If a violation of this chapter presents an imminent hazard to life, health or public safety, the city may notify the owner, the owner's authorized agent, the owner's statutory agent, occupant or person responsible for the violation to correct the violation immediately or the city may abate the violation.

(b) A notice for emergency abatement may be written, oral or electronic. A written notice shall be served by any of the following methods:

- (1) By hand delivering a copy of the notice to the owner, the owner's authorized agent, the owner's statutory agent, occupant, lessee and/or person responsible for the violation, or
- (2) By mailing a copy of the notice to the owner, the owner's authorized agent, the owner's statutory agent, occupant, lessee and/or person responsible for the violation at the last known address, or
- (3) By prominently posting a copy of the notice on the building, accessory improvement, land or vehicle in violation.

(c) Written notice is deemed served on the date it is hand delivered, or if mailed, on the date it is deposited in the United States mail, or the date it is posted.

(d) Whether or not notice is served, the city may abate the violation.

(e) Upon request, the owner, the owner's authorized agent, the owner's statutory agent, occupant, lessee or person responsible for a violation that presents an imminent hazard to life, health or public safety, shall be granted a hearing before an administrative hearing officer appointed pursuant to article VI of this chapter, but the appeal shall not stay the city's abatement of the violation.

(f) The effect of a notice for emergency abatement under this section shall be as set forth for a notice of abate in section 18-72 above.

(g) The city may assess the owner, occupant or person responsible for a violation for the cost of any emergency abatement by any means authorized by law.

Sec. 18-91. Notice to abate; abatement regarding criminal activity.

(a) If the city finds that a building or land is regularly used in the commission of a crime, the city shall issue a notice to abate to the owner, the owner's managing agent, the occupant and any other person responsible for the use of the building or land for criminal activity.

(b) The notice to abate shall be in substantial conformance with the state statutes. The notice to abate may contain the date by which the owner, the owner's managing agent, the occupant, and other person responsible for the use of the building or land for criminal activity, shall correct the violation, which date shall not be less than ten (10) days from the service of the notice.

(c) The service of the notice to abate shall be in conformance with the state statutes.

(d) The notice to abate is deemed served on the date it is hand delivered or, if mailed, on the date it is deposited in the United States mail.

Sec. 18-92. City may abate or bring action; abatement regarding criminal activity.

(a) If the owner, the owner's managing agent or any other person responsible for the use of the building or land for criminal activity fails to correct the nuisance, the city may:

- (1) Abate the use of the building or land for criminal activity.
- (2) Bring an action in superior court to abate the use of the building or land for criminal activity.

(b) If the court enters a temporary restraining order, the city shall serve upon the defendant(s), any applicable statutory agent, and any legal occupant the city believes may claim an interest in the building or land:

- (1) Notice of the entry of the temporary restraining order,
- (2) Copies of the temporary restraining order and the complaint, and

- (3) Notice of the possibility for a hearing, which shall be in substantial conformance with the state statutes.

The service of the documents set forth in subsection 18-92(b) above shall be in conformance with state statutes.

Sec. 18-93. City recordation of action.

(a) If the city brings an action to abate the use of a building or land for criminal activity, the city shall file a notice of the action in the Maricopa County Recorder's Office.

(b) The notice shall be in conformance with state statutes.

Sec. 18-94. Assessment for abatement regarding criminal activity.

(a) The court may assess the owner for the cost of abating the nuisance.

(b) The city shall record the assessment in the Maricopa County Recorder's Office. From the date of its recording, the assessment shall be a lien on the land.

(c) The lien shall be inferior only to general tax liens, child support liens, restitution liens and prior recorded mortgages.

(d) The city may enforce the lien as set forth in subsections (d), (e) and (f) of section 18-75.

Sec. 24-44. Littering.

No person shall place or cause to be placed any refuse upon any public or private property not owned by him or under his control.

Sec. 24-49. Hazardous waste.

No person, business, contractor or licensee shall knowingly collect, place or cause to be placed or collected any hazardous waste or similar materials from or in any container or from or upon any public or private property, except as specifically permitted by the Arizona Department of Environmental Quality or the Federal Environmental Protection Agency.

Sec. 24-52. Violations.

(a) The offenses enumerated in this article are in addition to other acts or omissions which are violations under the provisions of this Code.

(b) A violation of any provision of this chapter shall be deemed a class one (1) misdemeanor, punishable by up to six (6) months in the county jail, a fine of not more than two thousand five hundred dollars (\$2,500.00), or both. When a violation does not consist of a discrete act or acts, but is, in fact, continuing in nature, each day such violation continues shall constitute a separate offense.

Sec. 24-56. Civil citation, authority to issue.

The city manager or designee, or any peace officer, may issue a civil citation pursuant to this chapter. Designee shall mean an individual employed by the city who has been authorized by the city manager, in writing, to have the authority to issue civil code violations, such authorization shall be filed with the city clerk.

Sec. 24-57. Civil violation; commencement of action.

- (a) A civil enforcement action may be commenced by issuance of a citation or by complaint.
- (b) The citation will be substantially in the same form as the Arizona traffic ticket and complaint and shall direct the defendant to appear in city court within ten (10) days after issuance of the citation.
- (c) The citation will further notify the defendant that if he fails to appear on or before the date specified in the complaint, a judgment by default will be entered against him, and the court may, in its discretion, impose a civil sanction not to exceed two hundred fifty dollars (\$250.00).
- (d) Service of the citation may be accomplished and will be deemed proper and complete by any of the following methods:
 - (1) By having the defendant sign the citation with a promise to appear in court within ten (10) days of the issuance of the citation.
 - (2) By hand delivering a copy of the citation to the defendant.
 - (3) By mailing a copy of the citation to the person charged by certified or registered mail, return receipt requested, to the person's last known address.
 - (4) In the event service cannot be accomplished as set forth in (d)(1), (2) or (3), the defendant may be served by any means allowed by the Arizona Rules of Civil Procedure for the superior court.

Tucson

Tucson has a Code Enforcement Division that is in charge of enforcing property maintenance codes throughout Tucson. If you notice any illegal dumping, or any property that may have issues with overgrown weeds, trash/debris, excess storage, dead vegetation, junk vehicles, vacant and neglected buildings, etc. please submit a report to the Tucson Code Compliance Center. You can call them at (520) 791-5843 or submit a report at <http://cms3.tucsonaz.gov/hcd/violation> or <http://pdsd.tucsonaz.gov/pdsd/code-enforcement-violation-report>. If you notice illegally dumped items in a wash, then you can call in to (520) 791-3154 or email them information to TDOTSR@tucsonaz.gov. If the illegal dumping is in progress, please call 911.

It is illegal in Tucson for someone to put any waste upon any private or public property not owned or under the control of that person. In addition to any penalty that may be imposed by the

Tucson Code, such person is liable for all costs for the removal of the waste.²¹ But, as the resident or owner of the property that has waste on it, you would also be liable if a neighbor reported your property, even if someone else put the waste there.²²

There are 5 common exterior code violations that property owners are required to prevent or eliminate:

- 1) Grasses and weeds need to be below 6 inches in height²³
- 2) Vegetation (like trees and bushes) need to be trimmed to keep sidewalks and other areas free from obstructions²⁴
- 3) Properties need to be free from accumulated waste and debris, and any waste or debris kept on the property needs to be in an approved container
- 4) Outside storage items in residential areas can only be stored in side or rear yards, Storage can only make up to 25% of the total lot area, and items must be screened from the street by a barrier like a fence or wall that is at least 5 feet high or in an enclosed structure.²⁵
- 5) Junked or inoperable vehicles are only permitted on private property within a garage or permanent building constructed from materials without holes or gaps (other than doors or windows), a carport with an opaque cover designed for that purpose that completely covers the vehicle (no tarps, bed sheets, etc.), or behind a fence or wall that is at least 5 feet in height and in good repair.²⁶

All of the city code ordinances are for the City to use against violators of the code, and do not provide anything that a private person could use against violators. If found guilty, then violators will be fined between \$100 and \$2,500.²⁷ They will also be guilty of a Class 1 misdemeanor.²⁸ Violators will also have to correct and abate the violations, including clean-up, board-up, extermination, repair, rehabilitation, etc.²⁹ The court may also order that the City can clean up the property, and the violator would need to pay the City back for any expenses.³⁰ Finally, if the violators fail to fix the issues or pay back the City, then they will be guilty of a misdemeanor.³¹ A violation of this section is punishable by a minimum mandatory 24 hours in jail, up to a maximum six months in jail; by a minimum mandatory fine of \$250.00, up to a maximum of

²¹ Tucson Code of Ordinances § 16-33. Placing refuse upon the property of another or public property; illegal littering or dumping prohibited; persons responsible.

²² Id.

²³ Tucson Code of Ordinances § 16-13. Exterior premises and vacant land.

²⁴ Id.

²⁵ Tucson Code of Ordinances § 16-13(h)

²⁶ Tucson Code of Ordinance § 16-15. Junked or inoperable vehicles.

²⁷ Tucson Code of Ordinances § 16-48. Violations and penalties.

²⁸ Id.

²⁹ Tucson Code of Ordinances § 16-60. Court ordered abatement.

³⁰ Tucson Code of Ordinances § 16-61. Abatement by the city.

³¹ Tucson Code of Ordinances § 16-67. Failure to obey abatement order.

\$2,500.00; and by probation up to three years. Minimum jail and minimum fines cannot be suspended.³²

There are a number of programs from the City of Tucson or non-profit organizations to help clean up your neighborhood.

The City of Tucson Environmental Services Department provides roll-off containers (dumpsters) for your use and will haul away the debris at no cost. Visit <http://www.tucsonaz.gov/es/neighborhoodclean-ups> for more details.

Tucson Clean and Beautiful is a non-profit organization whose mission is to preserve and improve our environment, conserve natural resources, and enhance the quality of life in the City of Tucson and eastern Pima County. They provide a number of different community services mostly geared towards parks, washes, streets, paths/trails, and other public sites. But, they may be able to provide tools (rakes, shovels, digging bars, etc.) or supplies (trash bags or gloves). Call Jean Hickman Adopt-A-Park and Public Areas Coordinator at (520) 837-6834 office. To get involved visit www.tucsoncleanandbeautiful.org

Jewish Federation of Southern Arizona coordinates a tool loan program for community volunteer projects. Call (520) 577-9393 to arrange additional tools for your upcoming project.

Tucson-Pima Arts Council provides assistance with review of murals and other public art projects to beautify and improve neighborhood public areas and other community-sponsored projects. Call (520) 624-0595 for more info.

Arizona Cart Services provides pickup service for shopping carts for many retailers. Call toll-free, 1-800-THE-CART (1-800-843-2278) or report stray shopping carts to the nearest store. Shopping carts within City of Tucson limits may also be reported to (520) 792-2489 (792-CITY).

The important local ordinances and codes are below:

Sec. 16-13. Exterior premises and vacant land.

(a) *Accumulation of vegetation prohibited.* Each owner, lessee, tenant, resident or occupant shall maintain a property so it is free of the accumulation or untended growth of vegetation. The accumulation or untended growth of vegetation means the presence of plants on property that create a fire, safety or health hazard, or that attract vermin either on the property, on neighboring properties, or on both, and includes but is not limited to:

- (1) Any lawn grass that exceeds six (6) inches in height.
- (2) All weeds that exceed six (6) inches in height.
- (3) Dead trees or dead shrubs.

³² Id.

(4) Dead palm fronds within ten (10) feet of the ground, a structure, a fence or wall, or of any combustible other than the tree from which the fronds have grown;

(5) Any tree, shrub, or other form of vegetation of any kind on the property or on the adjoining right-of-way, street, or alley that extends over or under the sidewalk space or roadway in a manner that may interfere with the reasonable use of the street, sidewalk, or alley for pedestrian or vehicular traffic of any kind or that may obstruct the view or light distribution of traffic-control devices or luminaries. Vegetation must be trimmed and maintained to provide an unobstructed pedestrian path a minimum of forty eight (48) inches in width and eighty (80) inches in height from grade.

(b) *Accumulation of refuse and debris prohibited.* Each owner, lessee, tenant, resident or occupant shall maintain a property so it is free of accumulated refuse and debris. Accumulated refuse and debris means contained or uncontained refuse and debris that is present on the property in a manner not authorized by the Tucson Code. Material recycling facilities meeting the requirements of section 15-24.7 are exempt from this prohibition.

(c) *Composting permitted on residential property; standards and procedures; violation.* The provisions of subsections (a) and (b) of this section do not prohibit the maintenance of a compost pile on residential property, so long as the compost pile does not create a hazard and is:

- (1) Contained;
- (2) Maintained so as not to produce offensive odors or attract flies or vermin;
- (3) Located, insofar as reasonably possible, so that it is not visible from abutting properties or streets;
- (4) Maintained in compliance with all rules, regulations and procedures that may be promulgated by the code official.

A compost pile not in compliance with all the provisions of this section is in violation of this chapter.

(d) *Duty to remove weeds, debris and refuse from abutting sidewalks, streets and alleys upon notice.* Upon receipt of notice served pursuant to section 16-45, the owner, lessee, tenant or occupant of any premises shall remove from the premises and the abutting portions of contiguous sidewalks, streets and alleys, all weeds, garbage, debris or other refuse which may endanger the health, safety or welfare of the persons in the vicinity of such premises. This duty extends to and includes any abutting sidewalk area and one-half (1/2) the width of abutting alleys, from the property line to the center line of the alley.

(e) *Exterior insect, rodent and animal control.* All premises shall be kept free from infestation of insects, rodents and other noxious pests where such infestation threatens the health, safety or welfare of a person or persons.

(f) *Burning of refuse prohibited.* Except as specifically permitted by this or other adopted codes, the open burning or incineration of refuse is prohibited.

(g) *Exterior hazard or attractive nuisance.* All premises shall be kept free of any condition that constitutes a health hazard, imminent hazard, or attractive nuisance. Such prohibited conditions include, but are not limited to, the following:

- (1) *Abandoned refrigerators.* All premises shall be kept free of iceboxes, refrigerators or other containers with a capacity of one and one-half (1 1/2) cubic feet or greater that have an attached door or lid, snaplock or other locking device that may not be released from the inside and that are abandoned, discarded or no longer used for refrigeration and are in any place accessible to children. In addition to any other remedy provided under this chapter, a code official may immediately and without prior notice remove an attached door, lid or other locking device or take other similar action to abate the hazard presented.
- (2) *Hazardous excavations.* All premises shall be kept free of abandoned or unsecured excavations; or any excavation that creates a hazard to public safety or an attractive nuisance. An excavation made under permit and secured and maintained in a manner that complies with the applicable permit requirements is not considered a violation of this section.
- (3) *Hazardous pools.* Any swimming pool or other contained body of water that contains water eighteen (18) inches or more in depth at any point and that is wider than four (4) feet at any point and is intended for swimming must be properly secured and maintained so as not to create a hazard to public safety, a health hazard or attractive nuisance, and shall be entirely enclosed by a wall, fence or other barrier that is adequate to prevent access by children. Water shall not be allowed to stagnate or to harbor insect infestation.

(h) *Outdoor storage.* Outdoor storage on residential properties is prohibited under the following conditions:

- (1) When stored in the front yard.
- (2) When stored in the side yard or rear yard and is not screened by a minimum five (5) foot high solid wall or opaque fence.
- (3) When exceeds twenty five (25) percent of the total lot area.
- (4) When stored in an open covered porch that is visible from beyond the boundaries of the lot.
- (5) When stored in an open carport that is visible from beyond the boundaries of the lot where the amount of storage restricts an automobile from being properly stored within the carport. A double carport will require enough space to store two (2) automobiles.
- (6) When storage items include garbage, refuse or debris.

(i) *Sidewalks, driveways, parking areas.* All paved sidewalks, walkways, stairs, steps, driveways and parking areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

Sec. 16-14. Dilapidated structures; vacant and unsecured structures; buildings and structures constituting a nuisance.

(a) *Dilapidated structures.* Buildings or structures that are so deteriorated, damaged, dilapidated, or in need of repair so as to present a threat to the health, safety and welfare of the community constitute a nuisance and shall be abated by repair, rehabilitation or demolition as provided in Article VI of this chapter.

(b) *Vacant and unsecured buildings or structures.* Vacant and unsecured buildings or structures are unlawful and are prohibited by this chapter. The requirements of this subsection (b) shall apply to all vacant and unsecured buildings or structures, regardless of whether or not the building or structure is surrounded in whole or in part by a fence or wall.

- (1) *Duty to clean, secure and prohibit trespass.* The owner or responsible party of a vacant building or structure shall remove any accumulation of weeds, combustible waste, or refuse from the interior of the building or structure and the surrounding yards; and shall secure all doors, windows, and other openings to prevent unauthorized entry. The owner or responsible party also shall post both the structure and the exterior premises with signs to provide conspicuous and reasonable notice prohibiting entry (i.e., "No Trespassing" signs).
- (2) *Reinspection of secured buildings and structures.* The code official shall periodically reinspect a building or structure that was cleaned or secured pursuant to an administrative or judicial order to ensure continued compliance with the order and this chapter. The code official may assess a reinspection fee for actual costs of each inspection in those instances where the building or structure is again found to be vacant and unsecured or in need of debris or weed removal.
- (3) *Abatement of vacant and unsecured buildings or structures.* When ordered abated, a vacant and unsecured building or structure shall be cleaned and secured as follows:
 - a. All accumulated refuse that poses a fire or health hazard within or upon the property or premises shall be removed; and
 - b. All unsecured doorway, windows, or exterior openings shall be barricaded in accordance with standards established by the code official, which shall be kept on file with the city clerk, and in accordance with section 16-12(A)(3) of this chapter; and
 - c. Both the structure and the exterior premises shall be posted with signs that provide reasonable notice prohibiting entry (i.e., "No Trespassing" signs).

(c) *Buildings and structures constituting a nuisance.* All buildings and structures are to be maintained so as not to pose a threat to the health and safety of any person or persons. The condition of a building or structure that meets any or all of the following is a public nuisance, is a violation of this chapter, and subjects the building or structure to abatement as provided in Article VI of this chapter, including demolition as provided in section 16-65:

- (1) The building or structure lacks safe and adequate means of exit in case of fire or panic.
- (2) The stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half (1 1/2) times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose or location.

- (3) The building, structure or any portion thereof has been damaged by fire, earthquake, wind, flood or any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before the damage and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
- (4) The building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:
 - a. An attractive nuisance to children; or
 - b. A harbor for trespassers or persons committing unlawful acts.
- (5) The building, structure, or any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to partially or completely collapse and thereby injure persons or damage property.
- (6) Any portion of a building or structure, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.
- (7) Any portion of a building or structure that has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- (8) The walls or other vertical structural members of the building or structure list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (9) The building or structure, excluding the foundation, has thirty-three (33) percent or more damage or deterioration to the supporting member or members or structural assembly, or fifty (50) percent damage or deterioration to the nonsupporting members, enclosing or outside walls or coverings.
- (10) The building or structure is infested by rodents, insects or other noxious pests, rendering it uninhabitable.
- (11) The building or structure exhibits conditions that present actual or imminent hazards or dangers, or is otherwise unsafe for the purpose for which it is being used.
- (12) The building or structure, whether or not erected in accordance with all applicable laws, has in any nonsupporting part, member or portion less than fifty (50) percent, or in any supporting part, member or portion less than sixty-six (66) percent of the (a) strength, (b) fire- resisting qualities or characteristics, or (c) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
- (13) A dwelling is unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- (14) The building or structure, because of obsolescence, dilapidated condition, damage, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause.

- (15) The building or structure has been found, upon reinspection, to be vacant and unsecured, and either:
- a. The code official has issued at least one (1) previous abatement order to secure within the preceding twelve (12) months, or more than three (3) abatement orders to secure over any time frame; or
 - b. The code official has secured the building or structure on at least one (1) previous occasion within the preceding twelve (12) months, or more than three (3) times over any time frame.
- (16) A building or structure or portion thereof remains for any period of time on a site after the demolition or destruction of the building or structure; or normal construction of an unfinished or incomplete building or structure has ceased for a period of more than twelve (12) months.

Sec. 16-15. Junked or inoperable vehicles.

(a) *Prohibited storage.*

- (1) No person owning or having custody of any junked or inoperable vehicle may store such vehicle on private property, or on any sidewalks, streets or alleys, within the city, except as otherwise permitted under this section;
- (2) No person owning, occupying or in control of any private property within the city may store any junked or inoperable vehicle on the owned or occupied property, or on any abutting sidewalks, streets or alleys, except as otherwise permitted under this section;

(b) *Permitted storage.* This section shall not apply to any junked or inoperable vehicle stored on private property if the vehicle:

- (1) Is on the premises of a business enterprise operated in a lawful place and manner and licensed by the city under chapter 19 of the Tucson Code, and the storage of the vehicle is necessary to the operation of the business enterprise; or
- (2) Is lawfully enclosed within:
 - a. An enclosed garage or other permanent building lawfully constructed of opaque materials without openings, holes or gaps other than doors and windows;
 - b. A carport, and an opaque car cover designed for that purpose (and not including tarps, bed sheets, plastic sheeting, or similar materials) completely covers the body of the vehicle; or
 - c. The rear yard or side yard and screened by any fence, wall or barrier, not less than five (5) feet in height, constructed of opaque materials which screens it from view from any adjacent properties and the public right-of-way, and is equipped with self-latching gates or doors. Such fence, wall or barrier must comply with section 16-12(e).

(c) *Persons responsible.* Whenever the city finds that any junked or inoperable vehicle is stored on private property or on any abutting sidewalks, streets or alleys in violation of this section, the persons responsible for the violation include the recorded owner, occupant or person in control of the private property, as well as the registered owner or custodian of the vehicle.

(d) *Authorization to enter private property for vehicle removal pursuant to court order.* Any code official or persons as may be directed by such code official may enter private property to remove or cause the removal of a vehicle upon order of the court pursuant to section 16-60.

(e) *Penalty; violation declared a nuisance.*

- (1) A violation of this section is punishable in accordance with section 16-48 of this chapter.
- (2) The unlawful storage of any junked or inoperable vehicle within the city in violation of this section is declared dangerous to the public safety and a public nuisance.

Sec. 16-33. Placing refuse upon the property of another or public property; illegal littering or dumping prohibited; persons responsible.

(a) No person shall place any refuse upon any private or public property not owned or under the control of that person. In addition to any penalty that may be imposed by this chapter or the Tucson Code, such person shall be liable for all costs for the removal, abatement or enjoining of the refuse.

(b) No person shall litter, discard refuse, or allow refuse to be discarded except at the places and in the manner authorized in Chapter 15 of this Code.

(c) The following persons are jointly and individually liable for a violation of subsection (b):

- (1) The resident of the property upon which the debris has been discarded;
- (2) The person who discarded or allowed the debris to be discarded;
- (3) The person who owns or maintains a refuse container in which refuse is improperly placed or discarded; and
- (4) The person who generated the refuse. When an item contained in refuse discarded in violation of this section identifies a person, the item creates a rebuttable presumption that the person so identified generated the refuse.

Sec. 16-34. Public nuisance.

(a) Anything that is injurious to health, or is indecent or offensive to the senses, or is an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, is hereby declared to be a public nuisance. Any act or thing that affects an entire community or neighborhood, or any considerable number of persons, as herein described, is not less a nuisance because the extent of the annoyance or damage inflicted upon individuals is unequal.

(b) Any person who knowingly maintains or commits a public nuisance, or who knowingly fails or refuses to perform any legal duty relating to the removal of a public nuisance, is guilty of a misdemeanor.

Sec. 16-40. Authority to enforce.

(a) The code official shall enforce the provisions of this chapter. In addition, the code official is authorized to make safe any structure, in whole or part, which in the opinion of the code

official, is an imminent hazard to the health or safety of any person or persons due to the conditions of such structure.

(b) No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city who is lawfully engaged in the enforcement or execution of the provisions of this chapter.

Sec. 16-41. Rules and regulations.

The code official is authorized to make reasonable and necessary rules and regulations to carry out the provisions of this chapter. When approved by the mayor and council, such rules and regulations shall be binding upon and obeyed by all persons affected by this chapter after three (3) copies of any such rules and regulations shall have been filed in the office of the city clerk as a public record and there kept for use or inspection by any member of the public at any time during the regular office hours of that office. A printed copy of such rules and regulations shall be furnished any member of the public upon request and payment of a reasonable charge therefor as set forth in such printed copy.

Sec. 16-48. Violations and penalties.

Unless a penalty, remedy or sanction is otherwise specified in this chapter, the penalty for a violation of this chapter shall be as follows:

- (1) The remedies herein are cumulative and the city may proceed under one (1) or more such remedies.
- (2) Any owner or responsible party who commits, causes, permits, facilitates or aids or abets any violation of any provision of this chapter or who fails to perform any act or duty required by this chapter is responsible for a civil infraction and is subject to a civil sanction of not less than one hundred dollars (\$100.00) nor more than two thousand five hundred dollars (\$2,500.00).
- (3) Any owner or responsible party who commits, causes, permits, facilitates or aids or abets any violation of any provision of this chapter or who fails to perform any act or duty required by this chapter is guilty of a class one (1) misdemeanor.
- (4) Each day any violation of any provision of this chapter or the failure to perform any act or duty required by this chapter exists shall constitute a separate violation or offense.

Sec. 16-60. Court ordered abatement.

(a) Upon finding a person guilty or responsible for a violation of any provision of this chapter, the court shall order such person to perform whatever action is reasonably necessary to correct and abate the violations, including clean-up, board-up, extermination, repair, rehabilitation, vacation of the building or structure, permanently securing or filling the excavation, compliance with section 16-29, and/or demolition. An abatement order shall be effective for one (1) year unless stayed on appeal. If stayed on appeal, the order shall be effective for one (1) year from the end of the appeal if the judgement and sentence are upheld. If more than one (1) person is guilty or

responsible for a violation, such persons shall be jointly and severally responsible for completing the abatement.

(b) For violations of section 16-15 of this chapter, upon a finding of responsibility, the court shall order the abatement of the offending vehicle within thirty (30) days of judgment, unless additional time is requested by the defendant and granted by the court. Upon expiration of the time for abatement, and upon request by the city, the court shall order the city to abate a violation of section 16-15 by towing and impounding the vehicle; and the city shall dispose of the vehicle pursuant to the procedures for such disposal as set forth in sections 20-13 and 20-14 of the Code.

(c) When the court orders abatement pursuant to this section, the court shall advise a violator that additional fines will be imposed for failure to abate a violation, and that the city may bring criminal charges for failure to obey an order to abate a violation.

Sec. 16-61. Abatement by the city.

(a) In addition to ordering abatement of a violation as provided in section 16-60, upon finding a person guilty or responsible for a violation of any provision of this chapter, the court may issue an order authorizing the city to perform whatever action is reasonably necessary to correct and abate the violation, including clean-up, board-up, extermination, repair, rehabilitation, vacation of the building or structure, disconnection of utilities, permanently securing or filling the excavation, and/or demolition.

(b) The reasonable costs of any such abatement shall be the responsibility of the person found guilty or responsible of the violation. If more than one (1) person is guilty or responsible for a violation, such persons shall be jointly and severally responsible for the costs of the abatement. The city shall pay the cost and expense of such abatement from any appropriation made available for that purpose and shall certify a statement of account to the finance director who shall collect the amount due, together with interest at the rate established by law.

(c) Any and all charges and costs arising from the city taking action to abate a violation pursuant to a court order shall be a lien filed against the real property that is the subject of the violation.

(d) The city may make the costs of an abatement an assessment on the property that is the subject of the violation where all of the following are true:

- (1) The case was initiated by the service of a notice of violation pursuant to section 16-45 of this chapter;
- (2) The owner or responsible party failed to comply with such notice within thirty (30) days; and
- (3) The notice included the estimated cost of such abatement to the city if the owner or responsible party did not comply.

Upon commencement of action on the property or after mailing the statement of account to the owner or responsible party, the city shall assess the property for the cost of work performed, including actual costs of any additional inspection and other incidental connected costs, and for

associated legal costs for abatement or injunction, and may pursue any or all means for recovery of cost if the assessment is not paid. If the assessment is paid, the city shall remove the assessment. In the event it is necessary to enforce the assessment by sale, the sale shall be made from a judgment of foreclosure and order of sale. The city shall have the right to enforce the assessment in the Superior Court of Pima County, at any time after recording, but failure to enforce the assessment shall not affect its validity. 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 the recording. Prior assessment or assessments for the purposes provided for in this chapter shall not be a bar to a subsequent assessment or assessments and any number of liens or assessments on the same parcel may be enforced in the same action.

(e) An assessment made pursuant to this section is prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes.

(f) Any liens or assessments filed with the county recorder pursuant to previous provisions of this chapter or any similar chapter shall remain in effect under the same terms and conditions that existed at the time of recording.

(g) If the code official observes a violation of sections 16-13(a), (b), (c), (d), (e) or 16-33 and serves a written notice of violation pursuant to section 16-45 and the violation has not been completely abated within thirty (30) days, then the violation is presumed to constitute a health or fire hazard. The code official may then go upon the property and abate the violation at the expense of the owner or responsible party. Any and all costs arising from the city's action to abate the violation shall be a lien filed against the real property that is the subject of the violation. A verified statement of the costs or expenses shall be prepared and charged pursuant to rules, procedures and regulations promulgated by the appropriate code official to the last known address of the responsible person. In determining costs, the city may charge twice the rate established by mayor and council resolution for the collection of trash and refuse. If the charged person has a utility services account with the city, the costs may be charged to that account. If more than one (1) person is responsible for the violation, such persons shall be jointly and severally responsible for the payment of costs or expenses of the abatement. The payment may be in addition to any civil or criminal penalty imposed pursuant to this Code.

(h) The purpose of charging costs to a utility services account per subsection (g) is to provide a means of billing and collecting costs, rather than to create a means of discontinuing utility services.

Sec. 16-67. Failure to obey abatement order.

Any person who fails to obey an order issued by a magistrate, special magistrate, or special limited magistrate directing abatement of a violation of this chapter is guilty of a misdemeanor. A violation of this section is punishable by a minimum mandatory twenty-four (24) hours in jail, up to a maximum six (6) months in jail; by a minimum mandatory fine of two hundred and fifty dollars (\$250.00), up to a maximum two thousand five hundred dollars (\$2,500.00); and by probation up to three (3) years. Minimum jail and minimum fines cannot be suspended.

Counties

Counties are authorized by the State Legislature to create their own rules regarding how they would like to deal with illegal dumping.³³ The cities, towns, and counties are authorized to set up ordinances that can force those who dumped the waste to have to pay to remove it or pay back the property owner or local government if they were the ones to remove the waste.³⁴ But, the statute only authorizes local governments create this ordinance, and that does not mean that every county has one. If your county does not have specific rules or programs to help combat illegal dumping, then please look at the state portion of this guide, as some of those resources will be available to you. The counties are listed alphabetically.

Also, if you would like to see what the requirements are for your county to set up their own ordinances, the relevant State statute is below:

§ 11-268. Removal of rubbish, trash, weeds, filth, debris and dilapidated buildings; removal by county; costs assessed; collection; priority of lien; definitions

A. The board of supervisors, by ordinance, shall compel the owner, lessee or occupant of buildings, grounds or lots located in the unincorporated areas of the county to remove rubbish, trash, weeds, filth, debris or dilapidated buildings that constitute a hazard to public health and safety from buildings, grounds, lots, contiguous sidewalks, streets and alleys. Any such ordinance shall require and include:

1. Reasonable written notice to the owner, any lienholder, the occupant or the lessee. The notice shall be given at least thirty days before the day set for compliance and shall include the estimated cost to the county for the removal if the owner, occupant or lessee does not comply. The notice shall be either personally served or mailed by certified mail to the owner, occupant or lessee at his last known address, or 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 shall also be sent to the owner at the owner's last known address.
2. Provisions for appeal on both the notice and the assessments.
3. That any person, firm or corporation that recklessly places any rubbish, trash, filth or debris on any private or public property located in the unincorporated areas of the county not owned or under the control of the person, firm or corporation:
 - (a) Is guilty of a class 1 misdemeanor unless that person, firm or corporation immediately removes or causes to be removed the rubbish, trash, filth or debris from that property. One hundred per cent of any assessed fine shall be deposited in the general fund of the county in which the fine was assessed. At least fifty per cent of the fine shall be used by the county for the purposes of illegal dumping cleanup.

³³ A.R.S. § 11-268.

³⁴ A.R.S. § 11-268(D).

(b) In addition to the fine that is imposed for a violation of this section, is liable for all costs that may be assessed pursuant to this section for the removal of the rubbish, trash, filth or debris.

B. The ordinance may provide that if any person with an interest in the property, including an owner, lienholder, lessee or occupant of the buildings, grounds or lots, after notice as required by subsection A, paragraph 1, does not remove the rubbish, trash, weeds, filth, debris or dilapidated buildings and abate the condition that constitutes a hazard to public health and safety, the county, at the expense of the owner, lessee or occupant, may remove, abate, enjoin or cause the removal of the rubbish, trash, weeds, filth, debris or dilapidated buildings.

C. The board of supervisors may prescribe by the ordinance a procedure for such removal or abatement and for making the actual cost of the removal or abatement, including the actual costs of any additional inspection and other incidental costs in connection with the removal or abatement, an assessment on the lots and tracts of land from which the rubbish, trash, weeds, filth, debris or dilapidated buildings are removed.

D. The ordinance may provide that the cost of removal, abatement or injunction of the rubbish, trash, weeds, filth, debris or dilapidated buildings from any lot or tract of land located in the unincorporated areas of the county and associated legal costs be assessed in the manner and form prescribed by ordinance of the county on the property from which the rubbish, trash, weeds, filth, debris or dilapidated buildings are removed, abated or enjoined. The county shall record the assessment in the county recorder's office in the county in which the property is located, including the date and amount of the assessment and the legal description of the property. Any assessment recorded after August 6, 1999 is prior and superior to all other liens, obligations or other encumbrances, except liens for general taxes and prior recorded mortgages. A sale of the property to satisfy an assessment obtained under this section shall be made on judgment of foreclosure and order of sale. The county may bring an action to enforce the lien in the superior court in the county in which the property is located at any time after the recording of the assessment, but failure to enforce the lien by such action does not affect its validity. The recorded assessment is prima facie evidence of the truth of all matters recited in the assessment and of the regularity of all proceedings before the recording of the assessment. The assessment provided for in this subsection shall not be levied against state or federal property.

E. Assessments that are imposed under subsection D of this section run against the property until they are paid and are due and payable in equal annual installments as follows:

1. Assessments of less than five hundred dollars shall be paid within one year after the assessment is recorded.
2. Assessments of five hundred dollars or more but less than one thousand dollars shall be paid within two years after the assessment is recorded.
3. Assessments of one thousand dollars or more but less than five thousand dollars shall be paid within three years after the assessment is recorded.

4. Assessments of five thousand dollars or more but less than ten thousand dollars shall be paid within six years after the assessment is recorded.
5. Assessments of ten thousand dollars or more shall be paid within ten years after the assessment is recorded.

F. A prior assessment for the purposes provided in this section is not a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

G. Before the removal of a dilapidated building the board of supervisors shall consult with the state historic preservation officer to determine if the building is of historical value.

H. If a county removes a dilapidated building pursuant to this section, the county assessor shall adjust the valuation of the property on the property assessment tax rolls from the date of removal.

I. If a person, firm or corporation is required to remove any rubbish, trash, filth or debris pursuant to subsection A, paragraph 3, the person, firm or corporation shall provide the county with a receipt from a disposal facility to indicate that the rubbish, trash, filth or debris has been disposed of as required by law.

J. For the purposes of this section:

1. "Dilapidated building" means any real property structure that is likely to burn or collapse and its condition endangers the life, health, safety or property of the public.
2. Occupant does not include any corporation or association operating or maintaining rights-of-way for and on behalf of the United States government, either under contract or under federal law.
3. Owner does not include a state or federal landowner.

Apache

There are no specific Apache County laws to help combat illegal dumping. Please look at the Arizona State portion of this guide to see what other resources are available to you or local law enforcement. To report illegal dumping you may be able to call:

General Information: (928) 337-4364

Community Development: (928) 337-7633

Arizona Department of Environmental Quality lists Lonny Splawn, (928) 337-7527, Ext. 3 – email: lsplawn@co.apache.az.us as a contact person as well.

Cochise

In Cochise County, solid waste includes all discarded materials including garbage, trash, dead animals, green waste (i.e. tree trimmings), appliances, junk vehicles, etc., but not any waste that is classified as hazardous by State or federal law.³⁵

It is illegal in Cochise to dump or dispose of any solid waste on any private or public property that is not an approved site for the disposal or transfer of solid waste.³⁶ It is important to note that property owners will be held responsible for any waste on their property, even if they were not the ones that put it there.³⁷ If the waste is on leased property, then both the landlord and the tenant will be responsible for removing the waste.³⁸ The person in charge of enforcing the Cochise County Solid Waste Ordinance is the Solid Waste Inspector.³⁹

If you see any illegal dumping⁴⁰, then fill out the complaint form with information about the location, description of items, and if applicable any information describing who disposed the solid waste (e.g., name, license plate, vehicle description). You can call the Illegal Dumping Hotline at (520)432-9777 or Toll Free Number 1-866-220-7220. You can also fill out a complaint online at <http://www.co.cochise.az.us/ccwebsite/PnZ/ZoningComplaint.asp> complaint form

In addition to State Law criminal violations listed in the State law portion of this guide, violation of the Cochise County Solid Waste Disposal Ordinance will be a Class 2 misdemeanor, which carries a maximum jail sentence of four months and a maximum fine of \$750.⁴¹ A Solid Waste Inspector may decide to write a ticket for up to \$250 as opposed to filing criminal charges.⁴²

If the solid waste is on public road property, then the Cochise County Highway and Floodplain Department will become responsible for the removal of the waste.⁴³ If you see illegal dumping on the roadways, make sure to still report it at the number above.

If a property violates the Ordinance, and it cannot be known who dumped the waste on the property, then the property owner, lessee, or occupant will have a certain number of days to fix any violations and clean up the waste.⁴⁴ If they fail to do so, then the County may enter the property and remove all of the solid waste.⁴⁵ The County will then charge to property owner/lessee/occupant for the expenses incurred as part of the clean-up and an additional administrative fee of at least \$200.⁴⁶

³⁵ Cochise County Solid Waste Disposal Ordinance § II(C)

³⁶ Cochise County Solid Waste Disposal Ordinance § III(A)

³⁷ Cochise County Solid Waste Disposal Ordinance §§ III(C), IV(A)

³⁸ Cochise County Solid Waste Disposal Ordinance § III(D)

³⁹ http://cochise.az.gov/cochise_planning_zoning.aspx?id=6302

⁴⁰ Most commonly will be things such as bagged household trash, bedding (mattress, boxsprings), appliances, tires, construction waste, yard waste, and furniture

⁴¹ Cochise County Solid Waste Disposal Ordinance § IV(D)

⁴² Cochise County Solid Waste Disposal Ordinance § IV(F)

⁴³ Cochise County Solid Waste Disposal Ordinance § V

⁴⁴ Cochise County Solid Waste Disposal Ordinance § VI(C)(1)

⁴⁵ Cochise County Solid Waste Disposal Ordinance § VI(C)(3)

⁴⁶ Cochise County Solid Waste Disposal Ordinance § VI(C)(4)

There were no county or local on-profit programs to assist with cleaning up. Also, these ordinances are only for the County to use against violators and other responsible parties, and not for private parties or residents to use on others.

Coconino

No county ordinances were found to help combat illegal dumping for Coconino.⁴⁷ To see what other recourses you may have based on the state, please see the Arizona State portion of this guide.

To report illegal dumping please contact the Coconino County Public Works Director Lindsay Daly at (928) 526-2735.

No County based programs or local nonprofits to assist with cleaning up your property. But, the County does have community clean up days where residents can go and drop off trash at specific transfer stations and landfills for free. Visit <http://coconino.az.gov/index.aspx?NID=635> for details and future dates.

For more information regarding transfer stations, waste tires, composting or recycling, please call Coconino County Solid Waste at (928) 679-8300.

Gila

No County ordinances were found. Please see the Arizona State portion of this guide for additional resources you may have available.

If you see illegal dumping please report it to the Planning & Zoning department at (928) 402-4223

Graham

Dumping of solid wastes at any location other than the City of Safford landfill or Graham County's four transfer stations is a class two misdemeanor and can subject the dumper to fines of up to \$1,000 per day per violation and up to \$15,000 for each violation.⁴⁸

There are various places to report illegal dumping where you can remain anonymous:

Arizona Department of Environmental Quality Complaint Web site:
<http://www.azdeq.gov/function/compliance/complaint.html>

Arizona Department of Environmental Quality, Solid Waste Section:
Jennifer Edwards
Eastern Arizona Solid Waste Compliance Officer:

⁴⁷ Coconino County Ordinances Chapter 4: Storage, Collection, Transportation and Disposal of Refuse were not available online. There may be some ordinances in there that would help with the fight against illegal dumping.

⁴⁸ How To Stop Illegal Dumping in Graham County, Arizona Department of Environmental Quality
<https://azdeq.gov/environ/waste/p2/download/dumping.pdf>

(602) 771-4703, or 1(800) 234-5677, Ext. 4703
email: edwards.jennifer@azdeq.gov

Kim McDaniel
Solid Waste Compliance Unit Manager
602) 771-4121, or 1-800-234-5677, Ext. 4121
email: mcdaniel.kimberly@azdeq.gov

Graham County Health Department:
Bonnie Simpson
Graham County Environmental Health Specialist
(928) 428-0110

Graham County Sheriff's Station:
Littering complaint: (928) 428-3141

Greenlee

In Greenlee County, solid waste includes garbage, trash, dead animals, manure, and other discarded materials, but not hazardous waste or domestic sewage.⁴⁹ It is illegal to dump solid waste improperly or in unauthorized areas. If there is evidence in the waste that identify the same person as the owner of that item, then the County will assume that person is responsible for the illegal dumping.⁵⁰

To report illegal dumping, you can either call General Information at (928) 865-2072 or the County Engineering Department at (928) 865-4762.

If the County removes the waste, then the person responsible for the waste will have to pay the County all reasonable costs and expenses relating to the removal of the waste.⁵¹

If the land or property owner had the waste removed, then the violator will have to pay the owner reasonable costs and expenses related to the transportation and removal of the waste.⁵² Also, if the County or the property owner had to sue to collect the reasonable costs and expenses, then the court may award them a reasonable amount as attorney's fees.⁵³

Violation of the Greenlee County Solid Waste Fee Ordinance is a Class 2 misdemeanor and the violator will be subject to a maximum fine of \$750 for a person or \$10,000 for an enterprise.⁵⁴ The violator may also get a maximum jail sentence of four months.⁵⁵ In addition to the state and

⁴⁹ Greenlee County Solid Waste Fee Ordinance § I(M)

⁵⁰ Greenlee Solid Waste Fee Ordinance § V(A)

⁵¹ Greenlee Solid Waste Fee Ordinance § V(B)

⁵² Greenlee Solid Waste Fee Ordinance § V(C)

⁵³ Greenlee Solid Waste Fee Ordinance § V(D)

⁵⁴ Greenlee Solid Waste Fee Ordinance § VII(A)

⁵⁵ Id.

county penalties, violators may have to pay restitution costs, clean-up costs, and/or enforcement costs.⁵⁶

Important Greenlee County ordinances are below:

V. RESPONSIBILITY FOR SOLID WASTE DISPOSAL AND RECOVERY OF DISPOSAL COSTS

A. UNLAWFUL DUMPING - When solid waste is dumped or deposited improperly, not authorized by law, and items in the solid waste identify the same person as the owner or recipient of that item, there shall be a rebuttable presumption that the person is responsible for the unlawful dumping of solid waste.

B. COSTS - If a person disposes of solid waste improperly, or in a manner not authorized by law, and Greenlee County arranges for or executes the lawful disposal of the solid waste, that person shall be responsible to Greenlee County for all reasonable costs and expenses associated with the transportation and disposal of the solid waste.

C. RECOVERY - If a person disposes of solid waste improperly, or in a manner not authorized by law, and the owner of the property on which the solid waste was unlawfully dumped, deposited or disposed of arranges for or executes the lawful disposal of solid waste, the person in violation shall be responsible to the property owner for all reasonable costs and expenses associated with the transportation and disposal of the solid waste.

D. COLLECTION - If Greenlee County or a property owner sues to collect their reasonable costs and expenses as provided in Subsections B and C of this Section, the court may award a reasonable amount as attorney's fees to Greenlee County or the suing property owner.

E. REMEDIES - If any person stores, collects, transports, disposes or reclaims solid waste violating this Ordinance, the Director, acting through the County Attorney, besides the other remedies provided by this Ordinance and applicable law, may pursue all remedies available at law or equity to prevent or abate any unlawful act or cause removal of any unlawful deposit.

VII. PENALTIES AND FINES

A. VIOLATION - A violation of this Ordinance is a Class 2 misdemeanor. Any person who violates this Ordinance may be subject to a fine not to exceed seven hundred fifty dollars (for a person) (\$750.00) or ten thousand dollars (for an enterprise) (\$10,000) or a term of imprisonment not to exceed four (4) months, or both.

B. RESTITUTION - Besides the penalties prescribed by subsection A. or by A.R.S. 13-1603 (Criminal littering or polluting), a person who violates this Ordinance may be subject to pay for restitution cost, for clean up cost, and/or for enforcement cost.

⁵⁶ Greenlee Solid Waste Fee Ordinance § VII(B)

La Paz

No special ordinances or information was found for La Paz County. See the Arizona State section of this guide for more information about available resources.

To report illegal dumping please call General Information at (928) 669-6115 or the La Paz County Health Department at (928) 669-1100.

Maricopa

The Non-Permitted Regulated Compliance unit is responsible for the Illegal Dumping Program within the Environmental Services Department. The Department is a regulatory agency and provides no cleanup or collection services; instead, they investigate citizen's complaints of illegal dumping.

There are multiple options for reporting illegal dumping. You can file an illegal dumping complaint online at <http://www.maricopa.gov/EnvSvc/Complaints/Forms/ComplaintForm.aspx> or you can call the Complaint Line Phone Number: (602) 506-6616 or (602) 506-DUMP.

It is illegal in Maricopa County to dump garbage, rubbish, refuse or wastes on any alley, street, road, roadside, in any ditch, river, stream, lake, pond, canal, or on the banks thereof.⁵⁷ Although this does not explicitly deal with private property, property owners are responsible for complying with the county provisions even if the solid waste was placed on the property without the owner's knowledge or consent.⁵⁸

Important County regulations are below:

REGULATION 1. General Considerations

a. No garbage, rubbish, refuse or wastes, including oil and petroleum-based materials, may be placed or deposited on any alley, street, road, roadside, in any ditch, river, stream, lake, pond, canal, or on the banks thereof; or in any gulch, ravine, excavation or other place where it may be or may become a nuisance. This regulation shall not be construed to interfere with the approved placement of garbage, rubbish or refuse for collection purposes.

(1) The owner of real property on which solid wastes are located is responsible for complying with the provisions of this chapter even if the solid waste was placed on the property without the owner's knowledge or consent.

b. The disposal of large dead animals shall be by burial, cremation or rendering in an approved manner, or by other approved method.

c. The disposal of garbage by hog feeding is prohibited unless all refuse, rubbish and garbage associated with this method of disposal is stored, collected, transported and disposed of in compliance with the regulations in this Environmental Health Code. All remaining refuse,

⁵⁷ Maricopa County Environmental Health Code, Chapter II, Section 4, Regulation 1(a)

⁵⁸ Maricopa County Environmental Health Code, Chapter II, Section 4, Regulation 1(a)(1)

Rubbish and Garbage, including non-edible garbage, shall be collected and disposed of separately by methods approved by the Department.

Mohave

Mojave County created a special program to mitigate illegal dumping. The program is called the Mohave County ERACE Program - Environmental Rural Area Cleanup Enforcement. To report a wildcat dumping incident, call the Mohave County Sheriff's Office at (928) 753-0753. To report a dumpsite, call ERACE at (928) 715-0480.

ERACE investigates criminal littering (illegal dumping) complaints throughout Mohave County. The County Ordinance 2002-03 is an Anti-Litter Ordinance that gives the Offender or Litter Generator, 5 days to clean up the dumpsite and properly disposes of the waste. Failure to clean up the dumpsite within the 5 day period is a Criminal Offense and the Offenders could possibly face criminal charges through the County Attorney's Office.

Also, if the illegal dumping occurred on public lands, ERACE will go out and cleanup dump sites. These types of Cleanups are dependent on several factors, the amount of Community volunteers, interest, and budget constraints.

Call the following agencies if you spot illegal dumping within Mohave County:

Within Lake Mead National Recreation Area, call the Lake Mohave Ranger Station at (928) 754-3272;

On county and unincorporated areas, call ERACE officials at (928) 715-0480;

Within Kingman city limits, call the city police at (928) 753-2191;

Within Bullhead City limits, call the city police at (928) 763-9200;

Within Lake Havasu City limits, call the city police at (928) 855-5775;

If you are not sure what agency has jurisdiction, call the Mohave County Sheriff's Office at (928) 753-0753;

Navajo

Navajo County regulates illegal dumping and property cleanup. You can contact the Navajo County Code Enforcement Division at (928) 524-4114. Illegal dumping can be reported at 800-668-3867 or you can fill out a complaint form at <http://www.navajocountyaz.gov/pubworks/pz/codecomplaintform.aspx>.

In Navajo County solid waste includes all solid waste including garbage, trash, ashes, dead animals, abandoned vehicles, tires, infectious waste, manure, and other things, but not domestic sewage.⁵⁹

⁵⁹ Navajo County Ordinance No 01-91 Definitions

If three or more items in the solid waste identify the same person as the violator of the ordinance, then it will be assumed that the person is responsible for the solid waste.⁶⁰

In addition to the actual violator of the ordinance, the property owner where the waste was deposited is responsible for complying with the ordinance even if someone else put the waste on their property without their knowledge or permission.⁶¹

If the County arranges for the solid waste to be disposed of correctly, then the violator will have to reimburse the County for all reasonable costs and expenses related to the cleaning of the property including a 5% additional fee for the additional inspection and other incidental costs in connection with the removal of the waste.⁶² If the owner of the land cleans up the property, then the violator is responsible for reimbursing the owner for all reasonable costs and expenses related to cleaning up the property.⁶³ If the County or property owner has to go to court to collect these reasonable fees and expenses relating to the clean-up, then the court may also award them a reasonable amount as attorney's fees.⁶⁴

Violators of the ordinance can also be prosecuted criminally as illegal dumping can be prosecuted under state statutes listed in the state section of this guide, or alternatively violating this ordinance is a Class 2 misdemeanor. The violator will also be fined between \$500 and \$1,000⁶⁵, in addition to any costs assessed for the removal of the waste.⁶⁶

Navajo County is unique in that a significant amount of land in the county is Public (owned by State and Federal governments). If you notice illegal dumping while on those public lands, you can also contact the agency in charge of that land to report the dumpsite. The contact information is as follows:

U.S. National Forest Service – Apache-Sitgreaves National Forest

Black Mesa Ranger District – Heber
(928) 535-7300

Lakeside Ranger District
(928) 368-2100

<http://www.fs.fed.us/r3/asnf/>

Arizona State Land Department

Environmental Resources and Trespass Division
(602) 542-2119

⁶⁰ Navajo County Ordinance No 01-91(I)(E)

⁶¹ Navajo County Ordinance No 01-91 (I)(F)

⁶² Navajo County Ordinance No 01-91(III)(A)

⁶³ Navajo County Ordinance No 01-91(III)(C)

⁶⁴ Navajo County Ordinance No 01-91(III)(D)

⁶⁵ Pursuant to A.R.S. § 49-791

⁶⁶ Navajo County Ordinance No. 01-91 (V)

Bureau of Land Management:

(623) 580-5515 or 800-637-9152

<http://www.blm.gov/az/st/en.html>

The important County Ordinance sections are below⁶⁷:

I. RESPONSIBILITY FOR STORAGE, TRANSPORTATION AND DISPOSAL OF SOLID WASTE:

A. The person generating, producing, storing, transporting, or receiving any solid waste shall be responsible for the proper storage, removal, transport and disposal of that solid waste.

B. Where solid waste is generated, produced, stored, or received upon a leased premises, both the landlord and the tenant are responsible for compliance with the provisions of this ordinance regardless of the provisions of the tenancy.

C. In addition to other persons who may be responsible as set forth in this section, for the purposes of this ordinance, a person generating solid waste is responsible for the lawful storage, removal, transport and disposal of that solid waste until it is legally deposited in an approved site or collected by a permitted contractor.

D. When solid waste is transported by generator or by permitted contractor it is the responsibility of the transporter to contain the waste by whatever means necessary to ensure that it will not fall or blow off the transport vehicle.

E. When solid waste is dumped or deposited in violation of this ordinance and three or more items in the solid waste identify the same person as the owner or recipient of that item there shall be a rebuttable presumption that the person so identified is responsible for the unlawful dumping of that solid waste.

F. The owner of the real property upon which solid waste is located is responsible for complying with the provisions of this ordinance even if the solid waste was placed on said property without the owner's knowledge or consent. The Navajo County Board of Supervisors may, in its discretion, extend or waive any time limits imposed herein if it is established to said Board's satisfaction that the aggrieved property owner was without knowledge and did not consent to the placement of solid waste on the property in question.

G. Any person who by contact, agreement, or otherwise arranges for the recovery, transport, disposal, or dumping of solid waste is responsible for complying with the provisions of this ordinance regarding that solid waste.

II. UNLAWFUL STORAGE AND DISPOSAL OF SOLID WASTE:

A. It is unlawful to store or accumulate solid waste in a manner that is a hazard to the public health and safety, as determined by the director and continues to be stored or accumulated in

⁶⁷ These ordinances are from 1991. These may be out of date, but were the only ones accessible online.

such a manner for more than 30 days after receipt of written notice from the director of the hazardous condition. The time limits imposed herein may be extended for up to 90 days for nonresident property owners.

B. It is unlawful to collect and transport solid waste unless the person is responsible for that waste pursuant to the provisions of Part I or the person is a permitted contractor.

C. It is unlawful to transport solid waste unless it is secured or contained so that it cannot fall or blow off a transport vehicle.

D. It is unlawful for a person to dump, deposit or dispose of solid waste any place within Navajo County other than an approved site.

III. RECOVERY OF DISPOSAL COSTS:

A. If a person violates Section II and Navajo County arranges for or executes the lawful disposal of the solid waste, that person shall be responsible to Navajo County for all reasonable costs and expenses associated with the transforation and disposal of the solid waste, including five (5) per cent for additional inspection and other incidental costs in connection with the removal or abatement.

B. The cost of removal of the solid waste from property shall be assessed as a lien upon the property until paid. The assessment may be recorded in the office of the Navajo County Recorder, and shall be a lien upon said property, until paid, subject to the provisions of A.R.S. Section 11-268(D).

C. If a person violates Section II(D) the owner of the property in which the solid waste was unlawfully dumped, deposited or disposed of arranges for or executes the lawful disposal of the solid waste, the person violating this ordinance shall be responsible to the property owner for a reasonable cost and expenses associated with the transforation and disposal of the solid waste.

D. If Navajo County or a property owner files suit to collect the reasonable costs and expenses as provided in subsections A and B of this section, the court may award a reasonable amount as attorney's fees to the prevailing party.

V. PENALTY:

A. Any person who violates subsections A or B of section II shall be guilty of a class 3 misdemeanor and in addition, shall be subject to a civil penalty in an amount not less than \$500.00.

B. Any person who violates subsections C or D of section II shall be guilty of a criminal violation and may be prosecuted pursuant to the provisions of Section 13-707 of the Arizona Revised Statutes, or alternatively, shall be guilty of a class 2 misdemeanor, and in addition, shall be subject to a civil penalty in an amount not to exceed \$1,000.00 as provided in A.R.S. §49-791, but not less than \$500.00.

C. The fine and penalty provided for in this section is in addition to any costs which may be assessed pursuant to this ordinance for the removal of solid waste.

Pima

To report illegal dumping in Pima County, call the Pima County Wildcat Dumping Hotline at (520) 622-5800 or fill out a report at www.deq.pima.gov. If you see an illegal dumping in progress please call 911 first, and then call the Pima Department of Environmental Quality with the location, license plate number, vehicle description, and other identifying information.

In Pima County, solid waste is waste, as defined in A.R.S. Section 49-701, which includes any garbage; trash; rubbish; refuse; sludge from a waste treatment plant, water supply treatment plant or pollution control facility; and other discarded material including solid, liquid, semisolid or contained gaseous material, but does not include domestic sewage or hazardous waste.⁶⁸ It is illegal for a person to dump, deposit or dispose of solid waste any place within the county other than at an approved site.⁶⁹

If three or more items in the solid waste identify the same person as the violator of the ordinance, then it will be assumed that the person is responsible for the solid waste.⁷⁰

In addition to the actual violator of the ordinance, the property owner where the waste was deposited is responsible for complying with the ordinance even if someone else put the waste on their property without their knowledge or permission.⁷¹

Illegally dumping in Pima County is a Class 2 misdemeanor.⁷² Violators will also be fined a maximum amount of \$500 per day of continued offense constitutes a separate offense.⁷³

The Pima County Department of Environmental Quality (PDEQ) receives many manure complaints each year.⁷⁴ Horse manure is considered a solid waste by state law and must be handled, stored, and/or disposed of properly to prevent pollution and to keep from becoming a public nuisance.⁷⁵

The other major source of complaints are waste tires. All tires shall be managed at Pima County solid waste facilities in accordance with the state of Arizona waste tire program, as established in A.R.S. Sections 44-1301 through 44-1307. Look at the Arizona State section of this guide for more information.

There does not seem to be any county based programs to help in cleaning up illegal dump sites. The Director of the Pima Department of Environmental Quality can waive the disposal fee for

⁶⁸ Pima County Code of Ordinances § 13.40.010(CC)

⁶⁹ Pima County Code of Ordinances § 7.29.040(C)

⁷⁰ Pima County Code of Ordinances § 7.29.030(D)

⁷¹ Pima County Code of Ordinances § 7.29.030(E)

⁷² Pima County Code of Ordinances § 7.29.050(B)

⁷³ Pima County Code of Ordinances § 7.29.050(E)

⁷⁴ <http://www.deq.pima.gov/waste/pdf/manure.pdf>

⁷⁵ Arizona Administrative Code R18-13-307.(E), R18-13-311.(D)

waste delivered from a resident if the waste is from an illegal dump that another party has illegally dumped on the property of said resident or if the waste is from a community cleanup.⁷⁶

Important County Ordinances are below:

7.29.030 Responsibility for storage and disposal of solid waste.

- A. Any person generating, producing, storing or transporting or any person who has received any solid waste shall be responsible for the proper storage, removal, transport and disposal of that solid waste. Solid waste, while being transported, shall be covered, tied or otherwise secured so waste will not be blown or dropped from the transport vehicle.
- B. When solid waste is generated, produced, stored or received upon a leased premises, both the landlord and the tenant are responsible for compliance with the provisions of this chapter regardless of the provisions of the tenancy, except that neither party is responsible for actions outside the scope of their actual or constructive knowledge which were conducted by the other party in violation of this chapter.
- C. In addition to other persons who may be responsible pursuant to this section, a person generating solid waste is responsible for the lawful storage, removal, transport and disposal of that solid waste until it is lawfully deposited in an approved site or collected by a permitted contractor.
- D. If solid waste is dumped or deposited in violation of this chapter and three or more items in the solid waste identify the same person as the owner or recipient of that item, there shall be a rebuttable presumption that the person is responsible for the unlawful dumping of solid waste.
- E. The owner of real property on which solid waste is located is responsible for complying with the provisions of this chapter even if the solid waste was placed on their property without their knowledge or consent.
- F. Any person who by contract, agreement or otherwise arranges for the recovery, transport, disposal or dumping of solid waste is responsible for complying with the provisions of this chapter regarding that solid waste.

7.29.040 Unlawful storage and disposal of solid waste.

- A. It is unlawful to store or accumulate solid waste in a manner that is a hazard to the public health or safety or the environment, as determined by the director.
- B. It is unlawful to collect or transport solid waste unless the person is responsible for that waste pursuant to the provisions of Section 7.29.030 or the person is a permitted contractor.
- C. It is unlawful for a person to dump, deposit or dispose of solid waste any place within the county other than at an approved site.

⁷⁶ Pima County Code of Ordinances § 13.40.030(G)

D. It is unlawful to dispose of industrial waste at the HHWCP. Commercial waste may be disposed after registration with HHWCP.

E. It is unlawful to provide inaccurate information regarding generator status or waste stream analysis.

7.29.050 Penalty.

A. Any person who violates subsections A, B, D or E of Section 7.29.040 is guilty of a Class 3 misdemeanor.

B. Any person who violates subsection C of Section 7.29.040 is guilty of a Class 2 misdemeanor.

C. Failure to register with the HHWCP pursuant to Title 13 of the Pima County Code prior to disposing of commercial waste at the HHWCP is a Class 3 misdemeanor.

D. Failure to provide accurate information regarding generator or TSDf status or waste stream analysis prior to disposal of commercial waste at the HHWCP is a Class 3 misdemeanor.

E. Any person who violates any provision of this chapter is subject to a civil penalty in an amount not to exceed five hundred dollars. Each day of continued offense constitutes a separate offense.

Pinal

In Pinal County, the Department of Public Works created the Environmental Investigations team to conduct investigations to identify the offenders and affect the clean-up of dump sites. Pinal County does not provide collection or cleanup services. For more information visit <http://pinalcountyyaz.gov/Departments/PublicWorks/EmergencyManagement/Environmentallnvestigations/Pages/Home.aspx>

If you see an illegal dumpsite, please report it to the Pinal County Illegal Dumping Hotline 520-866-6400 or 1-800-208-6897 x 6400, or you can fill out an online complaint form at <http://pinalcountyyaz.gov/EnvironmentalHealth/Pages/ComplaintForm.aspx>. You may also contact 520-509-3555 and ask for the Environmental Investigations Section to speak with one of the Investigators. If you are witnessing an illegal dumping in progress, please contact the Pinal County Sheriff's Department at (520) 866-5111 or 1-800-352-3796.

Criminal violations carry penalties ranging from \$500.00 to incarceration in prison for up to 1.5 year. Civil penalties range from the cost of a minor clean up, to \$1,000.00 per day per violation.

Santa Cruz

To report illegal dumping please call the 24-hour dispatch at (831) 477-3907.

Yavapai

To report illegal dumping in Yavapai County, please call the Department of Development Services at (928) 771-3214. You can also call General Information at (928) 771-3100

Yuma

To report illegal dumping please call the Department of Development at (928) 217-3867.

Tribal Land or Reservation

The two main focuses of this section are the Navajo Nation and the Colorado River Indian Tribe. The tribes have some of the most favorable code provision for private parties who are the victims of illegal dumping on their land. This is because both of the tribes have code provisions that allow property owners to get reimbursed for any reasonable costs or expenses related to cleaning up the property, and if the property owners have to go to court to collect these amounts, then the courts can also award them attorney's fees.

Navajo Nation

The Navajo Nation has a special environmental agency called the Navajo Nation Environmental Protection Agency who, among other things, helps fight illegal dumping. To find out more information about the agency you can visit <http://www.navajonationepa.org/>.

To report illegal dumping on Navajo Nation Land, call the Navajo Resource Conservation and Recovery Program at: (928) 871-7816

Currently, there is no legal landfill on the Navajo Nation. Please do not bury solid waste as this would be violation of the Act. Instead, take all solid waste to transfer stations where individuals can dispose of their solid waste. This solid waste is collected and transported to a certified handling or disposal facility. There are transfer stations located at several chapter houses on the Navajo Nation, however, not all 110 chapters have transfer stations.

In 1996, NNEPA completed an open dump site inventory and catalogued 465 dump sites on the reservation. Sites range in size from less than half (1/2) an acre to over 10 acres.

To help combat illegal dumping, the Navajo Nation passed the Solid Waste Act⁷⁷. Solid waste includes almost any waste, but does not include drilling fluids, fly ash waste, bottom ash waste, waste from extraction of ores and minerals, agricultural waste (including manure), cement kiln dust waste, and sand or gravel.⁷⁸

If a person is in violation of the act, the Director of the Navajo Nation Environmental Protection Agency can issue an order requiring the violator to comply with the requirements of the Act,

⁷⁷ The Act provisions included in this guide are from the 2004 version of the Act as a more recent one could not be found. Some of these provisions may be outdated.

⁷⁸ Navajo Nation Solid Waste Act § 102(A)(13).

issue and serve an administrative penalty order, bring a civil action (sue), or prosecute the violator criminally.⁷⁹

The Director may ask the Attorney General of the Navajo Nation to file civil suit and recover penalties from \$500 to \$25,000.⁸⁰ Also, if the Director decides to have the violator prosecuted criminally, then the violator may still have to pay a penalty between \$500 and \$5,000 per violation or be imprisoned for up to 180 days.⁸¹ Additionally, the Director is allowed to recover from the violator for any damages done to the land as a result of the dumping, the cost of cleaning up, the cost of investigating and enforcing the Act, any related administrative costs, and reasonable attorney's fees and expenses.⁸² Also, the Director can ask the Attorney General to seek from the court an order that requires the violator to clean up the dumpsite, and/or perform community service.⁸³

The Navajo Nation is also unique because in it explicitly creates a way for private parties to bring suit against violators under the Navajo Nation Solid Waste Act.⁸⁴ A person can commence a civil action in the Navajo District Court in Window Rock against violators of the Act.⁸⁵ The court then has the discretion to order the violators to clean up and apply any appropriate civil penalties as well.⁸⁶ Finally, the court can award the winner of the civil court case the costs of litigation (including attorney and expert witness fees).⁸⁷

Important laws

Navajo Nation Code, Title 17, subsection 381: Littering

A Navajo Nation officer may issue a citation or Notice of Violation. Any person found guilty of littering may be sentenced to serve not less than four (4) hours nor more than 20 hours picking up and clearing litter from the highways, roads, or public places of the Navajo Nation. Also, you can be issued a citation for Criminal Nuisance T17-486(A)(1) if by conduct either unlawful in itself or unreasonable under all the circumstances, he or she knowingly or recklessly creates or maintains a condition which endangers the safety or health of others.

Navajo Nation Solid Waste Act Section 201: Disposal, Collection, Transporting, Processing

A. It shall be unlawful for any person to:

4. dispose of any solid waste in a manner that will harm the environment, endanger the public health, safety and welfare or create a public nuisance;

⁷⁹ Navajo Nation Solid Waste Act § 502(A)

⁸⁰ Navajo Nation Solid Waste Act § 503(A)

⁸¹ Navajo Nation Solid Waste Act § 503(B)

⁸² Navajo Nation Solid Waste Act § 503(C)

⁸³ Navajo Nation Solid Waste Act § 503(E)(4)

⁸⁴ Navajo Nation Solid Waste Act § 505

⁸⁵ Navajo Nation Solid Waste Act § 505(A)(1)

⁸⁶ Navajo Nation Solid Waste Act § 505(A)(2)

⁸⁷ Navajo Nation Solid Waste Act § 505(D)

5. dispose of any solid waste in a place other than a facility which is in compliance with these regulations and other applicable laws;
6. dispose of any waste not defined as solid waste in a solid waste disposal facility;
7. dispose of any bulk or non-containerized liquids in a solid waste facility
8. collect, dispose of, transport, process or store solid waste in any manner or at any facility that is not in compliance with the provisions of this chapter or the regulations promulgated hereunder;
9. Interfere/prohibit with inspections, entry or monitoring, activities; and
10. violate any other provision, requirement or prohibition of this chapter, including but not limited to a regulation or plan adopted pursuant to this chapter, a permit or order issued pursuant to this chapter, a filing, reporting or notice requirement under this chapter or a fee assessed under this chapter

Section 204: Open Dumping

All open dumping shall be prohibited.

Section 502: General Enforcement Authority

A. In General

Whenever, on the basis of any information available to the Director, the Director finds that any person conducting an activity that threatens human health or the environment and/or has violated, or is in violation of, any requirement or prohibition of this chapter, the regulations promulgated under this chapter, or permits, orders, plans, variances or fees issued or approved pursuant to this chapter, the Director may:

6. issue and serve on such person an order requiring the person to comply with each requirement or prohibition pursuant to the provisions of this section;
7. issue and serve on such person an administrative penalty order in accordance with section 504 of this chapter;
8. bring a civil action in accordance with section 503(A) of this chapter; and/or
9. bring a criminal action in accordance with section 503(B) of this chapter.

In addition, when a person has consistently violated any requirements or prohibitions of this chapter, or permits, orders, variances or fees issued or approved pursuant to this chapter, or refused to comply with any such requirements or prohibitions, the Director may issue an order prohibiting such person from continuing to operate a solid waste management facility within Navajo Nation, and/or prohibiting such person from entering into any new contracts (including leases) that would permit such person to operate a solid waste management facility within the Navajo Nation.

Section 502(E): Injunctive relief

Notwithstanding any other provision of this section, the Director may seek injunctive relief pursuant to section 503(A) to restrain any activity which may endanger or cause harm to human health or the environment.

Section 503 Judicial Enforcement

A. Civil Judicial Enforcement

The Director shall request the Attorney General to file an action for a temporary restraining order, a preliminary injunction, a permanent injunction or any other relief provided by law, including the assessment and recovery of civil penalties in a maximum amount per day per violation of not less than \$500.00 but not to exceed \$25,000, in any of the following instances:

1. whenever a person has violated, or is in violation of, any provision, requirement or prohibition of this chapter, including, but not limited to, a regulation adopted pursuant to this chapter, a permit or order issued pursuant to this chapter;
2. whenever a person has violated, or is in violation of, any duty to allow or carry out inspection, entry or monitoring activities; and
3. whenever an activity exists which may endanger or cause damage to human health or the environment, in which case the Director shall request the Attorney General to pursue injunctive relief, but not the assessment of penalties, unless the endangerment to the public health is caused by a violation, as specified in paragraphs (1) and (2).

B. Criminal Penalties

Any person who intentionally:

1. violates any provision, requirement or prohibition of this chapter, including but not limited to a regulation adopted pursuant to this chapter, a permit or order issued pursuant to this chapter, a filing, reporting or notice requirement under this chapter;
2. makes any false material statement, representation or certification in, or omits material information from, or alters, conceals or fails to file or maintain any notice, application, record, report, plan or other document required pursuant to this chapter to be filed or maintained, including required by a permit issued pursuant to this chapter; or
3. falsifies, tampers with, renders inaccurate or fails to install any monitoring device or method required to be maintained or followed under this chapter;

shall, upon conviction, be punished by a fine in a maximum amount of not less \$500 but not to exceed \$5,000 per day per violation or imprisonment for not more than one hundred and eighty (180) days per day per violation or both or be subject to any other penalty imposed by the Court available under Navajo law. For the purpose of this subsection, the term "person" includes, in addition to the entities referred to in section 102(A)(13) of this chapter, any responsible corporate officer.

C. Suits for Costs

In addition to the above proceedings, the Director is authorized to initiate proceedings, separately or in connection with either a civil, criminal or exclusion 20 proceeding brought under

this chapter, for any damages caused to the lands or other resources of the Navajo Nation as the result of any violation of this chapter, including for payment of costs of all associated remedial actions taken, for any expenses incurred in investigating and evaluating such damages, for any administrative costs incurred as a result of this matter and for the reasonable value of the attorney time and expenses associated with such proceedings.

D. Jurisdiction and Venue

Any action under this subsection may be brought in the Navajo Nation District Court in Window Rock, and such court shall have jurisdiction to restrain such violation, require compliance, assess civil penalties, collect any fees or noncompliance penalties owed the Nation under this chapter, and award any other appropriate relief.

E. Calculation of Penalties; Notice

1. For purposes of determining the number of days of violation for which a civil penalty may be assessed under this section, section 504 or section 505, if the Director has notified the source in writing of the violation and a prima facie showing can be made that the conduct or events giving rise to the violation are likely to have continued or recurred past the date of notice, the days of violation shall be presumed to include the date of such notice, each day of violation prior to such notice and each day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator can prove by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature. Notice under this section shall be accomplished by the issuance of a written notice of violation or written order to comply or by filing a complaint in the Navajo Nation District Court in Window Rock that alleges any violation described in subsection (A) of this section.
2. In determining the amount of a civil penalty assessed under this section, the court shall consider the history, seriousness and duration of the violation; any good faith efforts to comply with the applicable requirements; the violator's full compliance history, including the severity and duration of past violations, if any; the economic impact of the penalty on the violator; as an aggravating factor only, the economic benefit, if any, resulting from the violation; and any other factors that the court deems relevant. The court may assess penalties for noncompliance with administrative subpoenas under section 601 of this chapter or actions under subchapter 2 of this chapter where the violator does not have sufficient cause to violate or fail or refuse to comply with such subpoena or action.
3. All penalties collected pursuant to this section shall be deposited in a special fund in the Navajo Treasury for use by the Director to finance solid waste management compliance and enforcement activities. The Director shall report annually to the Navajo Nation Council about the sums deposited into the fund, including the sources and the actual and proposed uses thereof.

4. In lieu of or in addition to a monetary penalty, the Director may impose or may request the Attorney General to seek from the court a requirement to remediate the damage caused or to perform community service, or both.

Section 504. Administrative Assessment of Penalties

A. Basis for Penalty

The Director may issue against any person an administrative order assessing a civil administrative penalty of up to \$10,000 per day per violation whenever the Director finds that a person has violated, or is in violation of, any provision, requirement or prohibition of this chapter, including, but not limited to, a regulation adopted pursuant to this chapter, a permit or order issued pursuant to this chapter. The Director's authority under this subsection shall be limited to matters where the total penalty sought does not exceed \$100,000 and the first alleged date of violation occurred no more than one (1) year prior to the initiation of administrative action, except where the Director and Attorney General jointly determine that a matter involving a larger penalty or longer period of violation is appropriate for administrative penalty action. The communications required to make such a joint determination and the method(s) used for making such a joint determination shall be privileged, and shall not be subject to judicial review. The Director may compromise, modify or remit, with or without any conditions, any administrative penalty imposed under this section.

C. Field Citations

After consultation with the Attorney General, the Director may implement a field citation program through regulations establishing minor violations for which field citations assessing civil penalties not to exceed \$5,000 per day per violation may be issued by officers or employees designated by the Director, to the extent permissible under applicable law. Any person on whom a field citation is assessed may, pursuant to regulations issued under this section, elect to pay the penalty or request a hearing, on the citation. If a timely request for a hearing is not made, the penalty shall be final. Any hearing shall provide a reasonable opportunity to be heard and to present evidence. Payment of a penalty required by a field citation shall not be a defense to further enforcement by the Director to correct a violation or to assess the statutory maximum penalty pursuant to other authorities in this chapter if the violation continues.

Section 505: Citizen Suits

A. Authority to Bring Civil Action; Jurisdiction

1. Except as provided in subsection (B) of this section, a person may commence a civil action in the Navajo Nation District Court in Window Rock on his own behalf
 - a. against any person (except the Navajo Nation or any instrumentality of the Navajo Nation, but not excepting tribal enterprises) who is alleged to be in violation of any provision, requirement or prohibition of this chapter, including but not limited to a regulation adopted pursuant to this chapter, an order or permit

issued pursuant to this chapter or a requirement to have a permit issued under this chapter; or

- b. against any person (except the Navajo Nation or any instrumentality of the Navajo Nation, but not excepting tribal enterprises) who has contributed or who is contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid waste which may present an imminent and substantial endangerment to health or the environment.
2. The Navajo Nation courts shall have jurisdiction to enforce such provision, requirement, prohibition, regulation, order or permit requirement, to restrain any person who has contributed or who is contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid waste, to order such person to take such other action as may be necessary and to apply any appropriate civil penalties.

D. Award of Costs

The court, in issuing a final order in an action brought under this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines that such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security.

Colorado River Indian Tribe (CRIT)

The Colorado River Indian Tribe enacted the Disposal of Solid Waste Code of the Colorado River Indian Tribes, also known as the Solid Waste Code to help combat illegal dumping. It is important to note that the Solid Waste Code does not apply to the burning of residential trash (including but not limited to, household trash, lawn clippings and tree branches) or to the burying of household pets.⁸⁸ Solid waste includes all solid wastes, including any household trash, ashes, dead animals, abandoned vehicles, but does not include agricultural waste,⁸⁹ domestic sewage, materials in irrigation return flows, or industrial discharges.⁹⁰

Please report illegal dumping to the CRIT Environmental Protection Office at (928) 662-4336.

If you are storing solid waste on your property, it needs to be in durable containers with close fitting lids, and it is a violation to maintain an open dump⁹¹ on your property.⁹²

⁸⁸ Solid Waste Code § 11-8102

⁸⁹ Defined in Section 11-8103(a) as waste resulting from agricultural operations, including but not limited to crop stubble and stem trash.

⁹⁰ Solid Waste Code § 11-8102(s)

⁹¹ Defined as any facility or site at which solid waste is disposed of that is not a site approved by the Tribes.

⁹² Solid Waste Code § 11-8201

It is a violation of the Solid Waste Code to dump, deposit, or dispose of solid waste in any place within the boundaries of the Reservation other than at an approved site.⁹³

Local law enforcement officers are authorized to issue citations for violations of any provision of the Solid Waste code. This would include C.R.I.T. Fish and Game Wardens, Police officers, Solid Waste Management Coordinator and his or her delegates, and the Environmental Protection Officer and his or her delegates.⁹⁴

If there are at least three items found in the solid waste that identify the same person as the owner of the materials, then it will be assumed that the person identified is responsible for the solid waste.⁹⁵ The same is true of the registered owner as determined by the VIN for an abandoned vehicle.⁹⁶

Enforcement officers are authorized to begin civil proceedings against violators.⁹⁷ If the Tribal Court finds in favor of the Tribes, then the court will impose a civil fine against the violator.⁹⁸ For a first violation the fine will be between \$100 and \$1,000.⁹⁹ If there is another violation within a year of the first, then the fine will be between \$500 and \$1,500.¹⁰⁰ But, if the second violation involves construction or demolition waste, then the fine will be between \$1,000 and \$2,500.¹⁰¹ Also, if the violator has made it a habit to violate the Solid Waste Code, then the court will also make the violator pay punitive damages for a maximum amount of \$1,000 per violation.¹⁰²

The court can also order the violator to clean-up or hire someone to properly clean-up any illegal dump sites.¹⁰³ If the violator is unable to comply, then the Tribe is authorized to clean-up the site and the violator will have to reimburse the Tribe for all reasonable costs and expenses related to the cleaning of the property.¹⁰⁴ If the owner or lessee of the land cleans up the property, then the violator is responsible for reimbursing the owner or lessee for all reasonable costs and expenses related to cleaning up the property.¹⁰⁵ If the Tribes or a property owner has to go to court to collect these reasonable fees and expenses, then the court may also award them a reasonable amount as attorney's fees.¹⁰⁶

Below are the relevant sections of the Solid Waste Code:

⁹³ Solid Waste Code § 11-8401(a)

⁹⁴ Solid Waste Code § 11-8701

⁹⁵ Solid Waste Code § 11-8702

⁹⁶ Solid Waste Code §11-8701(b)(3)

⁹⁷ Solid Waste Code § 11-8703

⁹⁸ Solid Waste Code § 11-8706

⁹⁹ Solid Waste Code § 11-8801(a)(1)

¹⁰⁰ Solid Waste Code §11-8801(a)(2)

¹⁰¹ Solid Waste Code § 11-8801(a)(3)

¹⁰² Solid Waste Code § 11-8802

¹⁰³ Solid Waste Code § 11-8901

¹⁰⁴ Solid Waste Code § 11-8902

¹⁰⁵ Solid Waste Code § 11-8903

¹⁰⁶ Solid Waste Code § 11-8904

Section 11-8102. Purpose; Tribal Council Findings.

(a) This Article is adopted by the Tribal Council of the Colorado River Indian Tribes pursuant to Article VI, §1(v) of the Tribal Constitution. The purpose of this Article is to protect the health and safety and promote the welfare of the people of the Colorado River Indian Tribes and surrounding communities and to protect the environment by establishing minimum standards for the disposal of solid waste.

(b) In adopting this Article, the Tribal Council of the Colorado River Indian Tribes finds that the provisions of this Solid Waste Code are designed to prevent the wide-scale dumping of solid waste and the pollution of its Reservation.

(c) The Tribal Council finds that this Code does not apply to the following activities which are part of the usual operation of a residential household:

- (1) the incineration of residential trash, including, but not limited to, household trash, lawn clippings and tree branches; and
- (2) the burying of household pets.

Unless specifically excepted, this Solid Waste Code applies to other activities of a residential household as set forth herein.

(d) The Tribal Council finds that the provisions of this Solid Waste Code are not designed to interfere with traditional burial practices.

Section 11-8201. Storage of Solid Waste.

(a) Any person generating solid waste shall store the solid waste in durable containers with close fitting lids. Containers shall be maintained in such a manner so as to prevent the creation of a nuisance or a menace to the public health.

(b) It shall be a violation of this Article for the owner, agent or occupant of land to maintain an open dump on the premises.

(c) Each day that solid waste is stored in violation of this Section 11-8201 shall constitute a separate civil violation of this Article.

Section 11-8401. Disposal of Solid Waste.

(a) It is a violation of this Article for a person to dump, deposit or dispose of solid waste any place within the exterior boundaries of the Reservation other than at an approved site.

(b) It is a violation of this Article for a person to conduct open burning of any pesticide containers or any other packaging related to pesticides at any time.

(c) It is a violation of this Article for any person to destroy, remove or tamper with any signs posted by the Tribes at an approved site, an open dump or a trash bin.

(d) It is a violation of this Article for any person to improperly dump, deposit or dispose of solid waste in a trash bin that is not intended for the use of that person, if the bin is so posted.

(e) Each instance, in which solid waste is disposed of in violation of this Section 11-8401, shall constitute a separate violation of this Article.

Section 11-8701. Enforcement Officers.

- (a) The following persons are authorized to issue citations for violations of any provision of this Article:
- (1) C.R.I.T. Fish and Game Wardens
 - (2) C.R.I.T. Police Officers
 - (3) C.R.I.T. Solid Waste Management Coordinator and his or her delegates
 - (4) C.R.I.T. Environmental Protection Officer and his or her delegates
- (b) Enforcement officers shall issue citations based on either:
- (1) probable cause that a person has violated this Article; or
 - (2) the presence of three or more items in the solid waste which identify the same person as presumably responsible for the storage, transport or disposal of the solid waste, as presumption of ownership is defined in Section 11-8702 of this Article; or
 - (3) for abandoned vehicles, the registered owner of the vehicle as determined by the Vehicle Identification Number will be held presumably responsible for the abandoned vehicle.

Section 11-8702. Presumption of Ownership.

When solid waste is dumped or deposited in violation of this Article and three or more items in the solid waste identify the same person as the owner or recipient of the waste, there shall be a rebuttable presumption that person is responsible for the unlawful dumping of the solid waste. If three or more items in the solid waste identify other parties as the owner or recipient of the waste, then each party so identified shall be held jointly and severally liable for violating this Article.

Section 11-8703. Civil Actions.

An enforcement officer is authorized to commence a civil action for any appropriate relief for a violation of this Code, including, but not limited to, a permanent or temporary injunction.

Section 11-8801. GENERAL. (Under Civil Penalties chapter)

- (a) In addition to and notwithstanding any costs assessed pursuant to Chapter 9 of this Article, any person who violates or fails to comply with any provision of this Article shall be subject to the following civil fines:
- (1) For a first violation, a fine not less than one hundred dollars (\$100) but not to exceed one thousand dollars (\$1,000).
 - (2) Subsequent Violations:
 - (A) Except as provided for in Subsection (2)(b) of this Section, for subsequent violations committed within one year of a previous violation of any provision of this Article, a fine not less than five hundred dollars (\$500) but not to exceed one thousand five hundred dollars (\$1,500). Separate violations determined pursuant to the provisions of Section 11-8201(c) and 11-8301(b) of this Article shall not constitute subsequent violations as set forth in this Section 11-8801(a)(2).

(B) If a subsequent violation involves construction and demolition waste or industrial solid waste and the subsequent violation is committed within two years of a previous violation of any provision of this Article, regardless of the type of solid waste involved in the first incident, a fine not less than one thousand dollars (\$1,000) but not to exceed two thousand five hundred dollars (\$2,500). Separate violations determined pursuant to the provisions of Section 11-8201(c) and 11-8301(b) of this Article shall not constitute subsequent violations as set forth in this Section 1-8901(b)(2).

Section 11-8802. Punitive Damages.

Any person adjudged to have engaged in a pattern or practice of violating this Article may be liable for punitive damages in an amount not to exceed one thousand dollars (\$1,000). The Court may assess punitive damages pursuant to this Section 11-8802 for each violation of which the pattern or practice is found to consist.

Section 11-8901. Court Ordered Clean up.

The Court may order any person adjudged to have stored, transported, disposed of or otherwise handled waste in violation of this Article to properly clean-up, or cause to be properly cleaned-up, any site contaminated or otherwise affected by such violation.

Section 11-8902. Reimbursement of Tribes.

If a person violates or fails to comply with this Article and the Tribes arrange for or execute the lawful disposal of the solid waste, that person shall be responsible to the Tribes for all reasonable costs and expenses associated with the transportation and proper disposal of the solid waste.

Section 11-8903. Reimbursement of Individual.

If a person violates or fails to comply with this Article and another individual, as either the owner or the lessee of the land upon which the waste is discovered, arranges for or executes the lawful disposal of the solid waste, the person who disposed of solid waste in violation of this Article shall be responsible to the individual who properly disposed of the solid waste for all reasonable costs and expenses associated with the transportation and proper disposal of the solid waste.

Section 11-8904. Attorney's Fees.

If the Tribes or a property owner files suit to collect their reasonable costs and expenses for disposal of solid waste as provided for in Chapter 9 of this Article, the court may award a reasonable amount as attorney's fees to the prevailing party.

State of Arizona

If you see dumping on state trust lands, call the Arizona State Land Department, Northern Region Office at (928) 774-1425.

If you spot someone littering anywhere in the state, you can call the Litter Hotline at 1-877-3LITTER (1-877-354-8837) or report the license plate of the offender online at <http://kazb.org/litter-hotline/>

Also, if you are ever in a situation where you may be unsure who exactly is the best department or organization to call to report an illegal dumpsite or any sort of environmental violation you can still fill out a complaint form with the Arizona Department of Environmental Quality at <http://www.azdeq.gov/function/compliance/complaint.html>.

The State of Arizona has a number of statutes that local governments can use to help combat illegal dumping, especially if the jurisdiction where the dumping occurred (like the town/city/county) does not have its own specific laws regarding illegal dumping. These statutes, however, are for the State and Attorney General to use against violators, and not for a private party to use against the violator. They also focus on fines and criminal prosecution instead of having the violator clean up the land. For example, an illegal dumper can be found guilty of criminal littering if they place on public or private property or property that is not a lawful dump any litter or material that the person does not immediately remove.¹⁰⁷ Depending on the location and severity of the illegal dumping, the violator may be guilty of a Class 2 misdemeanor, a Class 1 misdemeanor, or a Class 6 felony (dumped three hundred pounds in weight or one hundred cubic feet in volume of waste or is done in any quantity for a commercial purpose).¹⁰⁸ The violator could also be fined a maximum fine of \$1,000 per day not to exceed \$15,000 per violation.¹⁰⁹

If the waste is being maintained on private property, then the Director of the Arizona Department for Environmental Quality may take action under Arizona law to reduce the environmental nuisance.¹¹⁰ The director can serve the violator with an order to clean up the property, and if the person fails to comply, then the director can clean up the nuisance at the department's expense. Finally, the director can recover the reasonable costs of clean-up incurred in accordance with any terms of the order that have been upheld after all rights to appeal or judicial review have been exhausted or waived.¹¹¹

The State does have a number of laws and regulations about specific types of waste, such as waste tires¹¹² and used tires. At sites where more than 100 used tires are stored outdoors on any day, it is unlawful for the tire piles to exceed 20 feet in height, be more than 150 feet from a

¹⁰⁷ A.R.S. § 13-1603(A)

¹⁰⁸ A.R.S. § 13-1603(B); § 49-791(A)(4)

¹⁰⁹ A.R.S. § 49-783(B)

¹¹⁰ A.R.S. § 49-141(8)

¹¹¹ A.R.S. § 49-142

¹¹² Defined as a motor vehicle tire that is no longer suitable for its original intended purpose because of wear, damage or defect. A.R.S. § 44-1301(4)

20 foot wide access route for fire control apparatus to approach, be within 3 feet of any property line (a pile over 6 feet high must be at least 10 feet from property line), be within 50 feet of an area where smoking is allowed (no smoking signs are required to be posted), be in any area in which electrical wiring fixtures or appliances do not comply with the national electrical code, and be stored without placing class “2A-10BC” fire extinguishers at well-marked points throughout the storage area so that the travel distance from any point in the storage area to a fire extinguisher is not more than 75 feet.¹¹³ Additionally, a site that stores 100 or more used tires outdoors must register with the Arizona Department of Environmental Quality.¹¹⁴

Another specific waste type that has state regulations is horse manure. Owners must clean out pens, stables, and other enclosures so that the manure does not become a nuisance.¹¹⁵ Also, the manure can only be disposed of by sanitary landfill, incineration, or used as fertilizer in such a manner as not to create insect breeding or a nuisance.¹¹⁶

There are no state based programs that will clean up the solid waste for you. But there are some resources available to help make the clean-up process go smoother.

Keep Arizona Beautiful is a nonprofit organization that provides resources and support for communities throughout the state to organize and implement projects that bring citizens together to keep the state clean and beautiful.¹¹⁷ The organization will contribute trash bags for community clean-up events. You can request the trash bags by filling out the form at <http://kazb.org/resources/request-supplies/>

Another great resource if you want to learn how to better combat illegal dumping in your area is the Arizona Department of Environmental Quality. The Illegal Dumping Prevention Program (IDPP) was established to identify opportunities where ADEQ could support local government and private illegal dumping prevention efforts throughout Arizona. More specifically, in partnership with local governments and private organizations, the IDPP will develop meaningful and demonstratively effective strategies to prevent illegal dumping. For more information visit <http://www.azdeq.gov/environ/waste/index.html>.

§ 13-1603. Criminal littering or polluting; classification

A. A person commits criminal littering or polluting if the person without lawful authority does any of the following:

1. Throws, places, drops or permits to be dropped on public property or property of another that is not a lawful dump any litter, destructive or injurious material that the person does not immediately remove.

¹¹³ A.R.S. § 44-1304.01

¹¹⁴ A.R.S. § 44-1304.01(8)

¹¹⁵ A.A.C. R18-13-307(E)

¹¹⁶ A.A.C. R18-13-311(D)

2. Discharges or permits to be discharged any sewage, oil products or other harmful substances into any waters or onto any shorelines within this state.
3. Dumps any earth, soil, stones, ores or minerals on any land.

B. Criminal littering or polluting is punishable as follows:

1. A class 6 felony if the act is a knowing violation of subsection A in which the amount of litter or other prohibited material or substance exceeds three hundred pounds in weight or one hundred cubic feet in volume or is done in any quantity for a commercial purpose.
2. A class 1 misdemeanor if the act is a knowing violation of subsection A, paragraph 1 in which the amount of litter or prohibited material or substance is more than one hundred pounds in weight but less than three hundred pounds in weight or more than thirty-five cubic feet in volume but less than one hundred cubic feet in volume and is not done for a commercial purpose.
3. A class 1 misdemeanor if the act is not punishable under paragraph 1 of this subsection and involves placing any destructive or injurious material on or within fifty feet of a highway, beach or shoreline of any body of water used by the public.
4. A class 2 misdemeanor if the act is not punishable under paragraph 1, 2 or 3 of this subsection.

C. If a fine is assessed for a violation of subsection A, paragraph 1 or 2, one hundred per cent of any assessed fine shall be deposited in the general fund of the county in which the fine was assessed. At least fifty per cent of the fine shall be used by the county for the purposes of illegal dumping cleanup.

§ 49-791. Violation; classification; penalties

A. A person shall not:

1. Practice open burning at a solid waste facility without a variance approval issued by the director.
2. Scavenge at a solid waste facility.
3. Damage or destroy signs posted at a solid waste facility.
4. Dump or dispose of solid waste in violation of any provision of this chapter or any applicable rule adopted pursuant to article 4 of this chapter.1
5. Operate a solid waste facility in a manner inconsistent with the solid waste facility plan after it has been approved or any rule adopted pursuant to article 4 of this chapter.

B. A violation of subsection A of this section is a class 2 misdemeanor.

C. In addition to the penalties prescribed by subsection B of this section or § 13-1603, subsection B, a person who violates this section or § 13-1603 shall be subject to a civil penalty in an amount prescribed by § 49-783.

§ 49-783. Injunctive relief; civil penalties; costs

A. If the director has reason to believe that a person is in violation of any provision of articles 3 or 4 of this chapter, a rule adopted pursuant to article 4 of this chapter, any condition of an approved solid waste facility plan issued pursuant to article 4 of this chapter or that a person is creating an imminent and substantial endangerment to the public health or the environment, the director through the attorney general may request a temporary restraining order, a preliminary injunction, a permanent injunction or any other relief necessary to protect the public health or the environment, without regard to whether the person has requested a hearing.

B. A person who violates any provision of articles 3 or 4 of this chapter, a rule adopted pursuant to article 4 of this chapter, an order issued pursuant to this article or an approved solid waste facility plan issued pursuant to chapter 4 is subject to a civil penalty of not more than one thousand dollars for each day not to exceed fifteen thousand dollars for each violation. At the request of the director, the attorney general shall file an action in superior court to recover civil penalties as prescribed by this section.

§ 49-141. Environmental nuisances

A. The director may take action under this section to abate environmental nuisances. As used in this section, an environmental nuisance is the creation or maintenance of a condition in the soil, air or water that causes or threatens to cause harm to the public health or the environment and that is not otherwise subject to regulation under this title. Subject to this limitation, the following conditions may constitute environmental nuisances:

1. A condition or place in populous areas which constitutes a breeding place for flies, rodents, mosquitoes and other insects which are capable of carrying and transmitting disease-causing organisms to any person or persons.
2. A place, condition or building which is controlled or operated by any governmental agency, state or local, and which is not maintained in a sanitary condition.
3. Sewage, human excreta, wastewater, garbage or other organic wastes deposited, stored, discharged or exposed so as to be a potential instrument or medium in the transmission of disease to or between any person or persons.
4. A vehicle or container which is used in the transportation of garbage or human excreta and which is defective and allows leakage or spillage of contents.
5. The maintenance of an overflowing septic tank or cesspool, the contents of which may be accessible to flies.
6. The pollution or contamination of any domestic waters.
7. The use of the contents of privies, cesspools, or septic tanks or the use of sewage or sewage plant effluents for fertilizing or irrigation purposes for crops or gardens except by specific approval of the department of health services or the department of environmental quality.
8. The storage, collection, transportation, disposal and reclamation of garbage, trash, rubbish, manure and other objectionable wastes other than as provided and authorized by law and rule.

§ 49-142. Abatement order; hearing; injunction

A. If the director has reasonable cause to believe from information furnished to the director or from the director's own investigation that a person is maintaining an environmental nuisance, the director may serve, by certified mail, an abatement order on the person requiring the person to abate the nuisance. If the person fails or refuses to comply with the order within the time specified in the order or if after reasonable attempts the director is unable to serve the order, the director may abate the nuisance at the department's expense. The director shall be entitled to recover the reasonable costs of abatement incurred in accordance with any terms of the order that have been upheld after all rights to appeal or judicial review have been exhausted or waived.

B. An abatement order issued pursuant to this section becomes final unless within thirty days after receipt of the order an appeal is made pursuant to title 41, chapter 6, article 10.1

C. If a person fails or refuses to comply with an abatement order issued under this section or if the director has reason to believe that a person is creating an actual or potential endangerment to the public health or environment because of acts performed in violation of this article or a rule applicable to any environmental nuisance described in § 49-141, the director may file an action in superior court in the county in which the violation occurred or in any county in which the department maintains an office to restrain and enjoin the person from further violations, to compel compliance with an order or to abate an environmental nuisance. The court shall proceed as in other actions for injunctions.

Regulations – Horse Manure

Storage: A.A.C. R18-13-307(E), “manure and droppings shall be removed from pens, stables, yards, cages, conveyances, and other enclosures as often as necessary to prevent a health hazard or the creation of a nuisance. All material removed shall be handled and stored in a manner that will maintain the premises nuisance free.”

Disposal: A.A.C. R18-13-311(D) “manure shall be disposed of by sanitary landfill, incineration, or used as fertilizer in such a manner as not to create insect breeding or a nuisance.”

Federal Public Lands

Bureau of Land Management

The Bureau of Land management is in charge of 5 national monuments¹¹⁸, 3 national conservation areas,¹¹⁹ 2 national historic trails¹²⁰, a portion of a national scenic trail,¹²¹ 47 wilderness areas and 2 wilderness study areas. For more information visit <http://www.blm.gov/az/st/en.html>

¹¹⁸ It is in charge of Agua Fria, Grand Canyon-Parashant, Ironwood, Sonoran Desert, and Vermilion Cliffs

¹¹⁹ Gila Box Riparian, Las Cienegas, and San Pedro Riparian

¹²⁰ Juan Bautista de Anza and Old Spanish Trail

¹²¹ Arizona Trail

Under current regulations for Bureau of Land Management administered lands, it is prohibited to dispose of trash and garbage, drain sewage or petroleum products, or dump refuse or waste, and dispose of any household, commercial or industrial refuse or waste.¹²² BLM cleanup programs are aimed at activities on BLM lands. BLM programs include cleaning up existing dumpsites on public lands administered by BLM in order to help protect public safety and resources on the public lands. The public is encouraged to report illegal dumps to the local law enforcement agency (i.e. the County Sheriff), the BLM law enforcement agency, and the local Field Office. The BLM conducts investigations of illegal dumps to identify the responsible party and take law enforcement action. The BLM also conducts clean ups of dumps using BLM personnel, and sometimes organizes volunteer cleanups with interested groups and organizations. Hazardous waste poses a particular public health and safety hazard and may be encountered on BLM lands. Suspected hazardous waste dumping should also be reported to the local law enforcement, BLM law enforcement, and the local Field Office.

BLM Contact Information

- BLM Law Enforcement Dispatch: (623) 580-5515BLM
- Tucson Field Office: (520) 258-7200
- BLM Phoenix Field Office: (623) 580-5500

USDA National Forest Service

The local National Forests can participate in clean-up and enforcement on National Forest lands. For more information or to report an illegal dump call:

- Tonto National Forest at (928) 402-6200
- Coronado National Forest at (520) 388-8305
- Black Mesa District at (928) 535-7300
- Lakeside Ranger District at (928) 368-2100

¹²² 43 CFR 8365