

ORDINANCE NO. 243

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF
THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, ADOPTING
"ABATEMENT OF PUBLIC NUISANCES CODE"

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF JEROME,
ARIZONA:

Section 1 - Adoption of Abatement of Public Nuisances Code

THAT certain document known as the "Abatement of Public Nuisances", three (3) copies of which are now on file in the office of the Town Clerk of the Town of Jerome, Arizona, which were made a public record by Resolution No. 251 of the Town of Jerome, are hereby referred to, adopted, and made a part hereof as if fully set out in this ordinance.

Section 2 - Existing Ordinances

This code is intended to supplement existing building and safety codes of the Town.

Section 3 - Validity

If any section, subsection, sentence, clause, phrase or portion of this ordinance adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4 - Codification

Said code shall be codified into the Town Code of Jerome in Chapter 7-9 and shall read as follows: That certain code entitled "Abatement of Public Nuisances", a public record of the Town, is hereby adopted as "Abatement of Public Nuisances Code of the Town of Jerome", and made a part of this chapter the same as though said code was specifically set forth in full herein.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF
JEROME, ARIZONA THIS 13th day of November, 1990.

Philip Tovrea
Philip Tovrea, Mayor

ATTEST:

Betsy Lloyd
Betsy Lloyd, Town Clerk

APPROVED AS TO FORM AND CONTENT:

Chester R. Lockwood, Jr.
Chester R. Lockwood, Jr., Town Attorney

ABATEMENT OF PUBLIC NUISANCES AND UNIFORM CODE
FOR ABATEMENT OF DANGEROUS BUILDINGS

7-2-1: Abatement of Public Nuisances

7-9-1: ABATEMENT OF PUBLIC NUISANCES:

(A) Unsafe Conditions: The following unsafe conditions are hereby declared to be public nuisances and shall be abated by an appropriate method in accordance with the procedure specified in subsections (C), (D), (E), and (F):

1. Any unguarded or unfenced well, cesspool, excavation pit, or hole, which has been abandoned, been permitted to become dilapidated, or is no longer being regularly maintained; and

2. Any unfenced artificial fish, decorative or reflective pond or pool or similar man-made body of water with a wet surface area of one hundred (100) square feet or more and exceeding eighteen inches (18") in depth located on private property in a residential area.

(B) Unsafe Buildings: All buildings or structures which are structurally unsafe, or not provided with adequate egress or which constitute fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment as specified in any code, ordinance or any other effective regulation legally adopted by the Town are for the purpose of this Chapter unsafe buildings or structures. All such unsafe buildings or structures are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in subsections (C), (D), (E) and (F).

(C) Unsanitary Conditions: Leaking sewage from broken sewer lines and other similar unsanitary conditions shall be abated within twenty-four (24) hours by the removal of water service to the building or by other legal means available to the administrative authority.

(D) Notice to Owner: The Building Official shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged or unsafe or unsanitary condition and if found to be an unsafe building,

(D) (continued)

condition or unsanitary condition as defined in (A), (B), or (C) the Building Official shall give to the owner of such building or structure or unsafe or unsanitary conditions written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises within forty-eight (48) hours, to commence either the required repairs or improvements or demolition and removal of the building, structure or hazard or portions thereof, and all such work shall be completed within ninety (90) days from the date of notice, unless otherwise stipulated by the Building Official. If necessary, such notice also shall require the building, structure or portions thereof to be vacated forthwith if occupied and not reoccupied until the required repairs and improvements are completed, inspected and approved by the Building Official. Proper service of such notice shall be by personal service or registered or certified mail upon the owner of record, if he shall be found within the Town limits. If he is not found within the Town limits, such service may be made upon said owner by registered mail or certified mail, the designated period within the said owner or person in charge is required to comply with the order of the Building Official shall begin as of the date he receives the notice.

(E) Posting of Signs: The Building Official shall cause to be posted at each entrance to such building or property a notice to read: "Where Unsafe Conditions Exist, Do Not Enter, Unsafe to Occupy, Building Department, Town of Jerome"; such notice shall remain posted until the required repairs, demolition or removal are completed. Such notice shall not be removed without written permission of the Building Official, and no person shall enter the building except for purposes of making the required repairs or the demolishing of the building or abatement of the unsafe condition.

(F) Right to Demolish: In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, abate or unsanitary condition, or to demolish and remove said building or structure or portion thereof, the Town Council may order the owner of the building prosecuted as a violator of the provisions of this Code and may order the Building Official to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Town Council, who shall cause the same to be paid and levied as a special assessment against the property. No action on the work specified shall be

(F) (continued)

commenced by the Town until the appeal period has expired or an appeal has been completed and time to file with action with appropriate Court has expired.

- (G) Costs: Costs incurred under subsection (F) shall be paid out of the Town Treasury. Such costs shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located and shall be collected in the manner provided for special assessments.
- (H) Appeal Procedure: Any person entitled to service under Section (A), (B) and (C) may appeal from any notice, order or action by the Building Official within thirty (30) days from the date of the service, by filing a written appeal with the Building Official or the Town Clerk as his agent including:
1. The names of the appellants.
 2. The legal interest of each of the appellants in the land or buildings involved in the notice or order.
 3. All facts supporting the contentions of the appellant and reasons why action shall be reversed, modified, or otherwise set aside on the protested order.
 4. The signatures of all parties named as appellants and their official mailing addresses.
 5. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
 6. Upon receipt of any appeal filed, pursuant to this Section, the Building Official shall present it to the Town Council and the public hearing shall be held within ten (10) working days after the Board is notified.
- (I) Penalty Clause: Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the code is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable as provided in Chapter One (1) of this Code.

Article 7-10 CODE RETENTION BY CLERK

All codes adopted in this chapter by reference shall have at least three (3) copies of said codes as public record filed at all times in the office of the Jerome Town Clerk and shall be kept available for public use and inspection pursuant to A.R.S. 9-802. All such codes may be hereafter amended by reference in the same manner.

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