

CHAPTER 17 – NUISANCES

Sec. 17-2. Public Nuisances; definitions.

The following words, terms, and phrases when used in this Ordinance shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) “abandoned or inoperable vehicle” means any vehicle that is:

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

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

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

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

(b) “Bar” means an area devoted primarily to the serving of alcoholic beverages, to which food service is only incidental or which is the holder of a license issued under A.R.S. § 4.206.01 by the Arizona Department of Liquor Control.

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

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

(e) “Disturbed surface area” means any portion of the earth’s surface, or materials placed thereon, that has been physically moved, uncovered, destabilized, or otherwise changed

CHAPTER 17 – NUISANCES

from its undisturbed natural condition, thereby increasing the potential for emission of fugitive dust.

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

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

(h) “Employer” means any person employing the services of at least one person.

(i) “Enclosed public place” means any area enclosed by a roof and walls with one or more openings for ingress and egress, which is available to and customarily used by the public. Enclosed public places governed by this Ordinance shall include, but shall not be limited to, public areas such as elevators, waiting rooms, reception areas, lobbies, rest rooms, restaurants, retail stores, retail service establishments, grocery stores, convenience markets, drugstores, shopping malls, theaters, auditoriums, public and private stores, offices of health care professionals, pharmacies, indoor sports facilities and their lobbies, public transportation vehicles and terminals, airport service lines, airport waiting lounges, taxicabs or other means of public transit, community centers, child care centers, public or common areas of hotels and motels, financial institutions, all indoor facilities and any public places already regulated by Arizona Revised Statutes § 36-601.01. A private residence is not an enclosed public place.

(j) “Fence, screen wall, and/or retaining wall” includes free-standing, self-supporting structures constructed of durable wood, chain link with privacy slats, metal, masonry, or other standard fencing materials designed to provide privacy, security, screening, or bank retention between grade separations.

(k) “Garbage” means an accumulation of spoiled or discarded animal or vegetable material resulting from the handling, preparation, cooking, or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition.

(l) “Grass” includes Barnyard grass, Bermuda grass, Bluegrass, Brome grasses, Crab grass, Foxtail, Johnson grass, Ragweed, Rye grass, wild oats, or hybrids thereof.

(m) “Hazard” means a condition that may cause personal physical harm.

CHAPTER 17 – NUISANCES

(n) “Junk” includes items that in their present state are of little or no apparent economic value that are not confined within an industrial area in compliance with the Peoria Zoning Ordinance, such as an accumulation of the following materials: discarded or scrapped furniture; glass, metal, paper, or machinery parts; inoperable machinery or appliances; building material wastes; litter; or discarded or empty containers. Junk shall also include all types of solid waste described in chapter 22 of this code.

(o) “Land” means all land in the City of Peoria, whether unimproved or on which buildings or other structures are located.

(p) “Occupant” means the person occupying or having custody of a structure or premises as a lessee or otherwise.

(q) “Owner/operator” means any person who owns, leases, operates, controls, maintains, or supervises a premises or a fugitive dust source subject to the requirements of this Ordinance.

(r) “Person” means a human being, enterprise, corporation, association, partnership, firm, or society.

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

(t) “Plant growth” means vegetation, whether living or dead, such as grass, weeds, vines, bushes, cactus, or trees.

(u) “Premises” means all land, any dwelling, house, building or other structure, designed or used either wholly or in part for residential, commercial or agricultural purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps or vestibules belonging or appurtenant to such dwelling, house, building or other structures.

(v) “Private clubs and private recreation facilities” means an establishment which:

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

CHAPTER 17 – NUISANCES

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

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

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

(x) “Stored” means parking, leaving, locating, keeping, maintaining, depositing, remaining, or being physically present on public or private property.

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

(z) “To smoke or smoking” means burning or carrying any lighted cigarette, tobacco or other weed or plant or placing any burning tobacco, weed or plant in a ashtray or other receptacle and allowing smoke to diffuse into the air.

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

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

(cc) “Weeds” means for any residential lot of one acre or less, any uncultivated shrubs or uncultivated vegetation higher than 12 inches, lawn grass higher than 6 inches, and any vegetation that is dead. For lots greater than one acre in size, “Weeds” means any uncultivated shrubs or uncultivated vegetation that is permitted to grow in such a manner as to cover the area designated as a firebreak zone by the City between adjacent properties and the subject property, and those types of plant growth defined as noxious weeds in A.R.S. §3-201 regardless of whether a particular property owner or occupant who is the subject of enforcement action under this Ordinance regards the growth as desirable.

(Ord No. 00-20, 5/16/00, enacted) SUPP 2000-2

(Ord. No. 03-181, 12/2/03, amended) SUPP 2003-4

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