

CHAPTER 17 – NUISANCES

Sec. 17-3. Public nuisances; prohibition.

The following acts, omissions, conditions, and things in or upon any land or structure in the City constitute public nuisances, the existence of which are hereby prohibited and declared to be unlawful:

(a) It shall be unlawful for any person to cause or allow any abandoned or inoperable vehicle to be stored or placed on, or allowed to remain on, any property except in complete conformance with the terms of this Subsection. All abandoned or inoperable vehicles or vehicles in residential areas being restored or repaired for longer than 48 consecutive hours within a fourteen (14) consecutive day period, starting the first day the vehicle is located unscreened shall be stored safely within a lawful, permitted enclosed building or structure having a perimeter composed of rigid walls and a roof or screened by a lawful six foot fence, or shall be stored on the premises of a business enterprise operated in a lawful place and manner in accordance with the provisions of the Peoria City Code where the storage of the vehicle is necessary to the operation of the business enterprise.

(b) It shall be unlawful to park or store any vehicle within the front, side or rear yard of a single or multi-family residence use unless such parking or storage is on an improved, dustproof-parking surface such as concrete asphalt, “chip seal”, or crushed rock or aggregate that is a minimum of three inches thick. All crushed rock or aggregate shall be contained by a permanent border and must be treated with a dust palliative in such a manner as to prevent the release of fugitive dust. The property owner and/or legal occupant of the property shall be under a continuous duty to maintain the parking surface in a manner to meet the minimum requirements of this subsection and to treat crushed rock or aggregate not less than two (2) times a year with a dust palliative. Parking within the front yard of a single residence use shall be on or contiguous to a legal driveway. Parking within the side or rear yard of a single residence use shall have continuous access to a legal driveway meeting the dustproof requirements of this subsection.

(c) Any existing single or multi-family residence having unimproved parking shall by October 1, 2009 improve all existing parking areas with a dustproof-parking surface such as concrete asphalt, “chip seal”, or crushed rock or aggregate that is a minimum of three inches thick. All crushed rock or aggregate shall be contained by a permanent border and must be treated with a dust palliative in such a manner as to prevent the release of fugitive dust. The property owner and/or legal occupant of the property shall be under a continuous duty to maintain the parking surface in a manner to meet the minimum requirements of this subsection and to treat crushed rock or aggregate not less than two (2) times a year with a dust palliative

(d) It shall be unlawful to erect or to attach to any fence any glass, nails, metal objects or other materials in such a manner that is likely to injure any person who comes in contact with such object, or to erect or maintain any barbed wire or razor wire except that no more than three strands

CHAPTER 17 – NUISANCES

of barbed wire or one coil of razor wire not less than six feet and two inches above the ground are permitted at the top of an otherwise lawful fence enclosing a municipal, institutional, or commercial use. Barbed wire fencing is not prohibited on premises larger than one acre used for agricultural or livestock purposes. Barbed wire or razor wire shall not extend beyond the premises permitted to be enclosed.

(e) It shall be unlawful for an owner or occupant to fail to properly repair, replace, or remove any fence, screen wall, or retaining wall visible from the adjacent right-of-way that is collapsed or otherwise constitutes a hazard.

(f) No person shall place any rubbish, trash, filth, debris, or abandoned construction materials upon any private or public property not owned or operated by said person unless it is a solid waste disposal or other facility authorized by law.

(g) No person shall deposit, store, or maintain any garbage, junk or an accumulation of materials such as vehicle parts, appliances, indoor furniture, boxes, crates, packing cases, mattresses, bedding, lumber, scrap iron, tin and other metals unless stored safely within a lawful, enclosed building, structure, or screened by a lawful fence or within a trash receptacle in such a manner as to not be visible from public view, except as authorized for collection under chapter 22 of this code.

(h) No person shall deposit in, sweep upon, or permit to drain into any public right-of-way, public place, or private right of way open to the public within the City any garbage, junk, obstruction, or similar matter or any hazardous material that impedes passage or is detrimental to public health.

(i) No owner or occupant of land within the City shall allow plant growth that is dead, dormant, or so dry as to be readily flammable or combustible on such land that it may constitute a fire hazard.

(j) No owner or occupant of a parcel of land shall allow thereon weeds or grass either to attain a height in excess of six inches or to create a danger to public health through the breeding or harborage of harmful insects or other pests. For lots in excess of one acre a firebreak may be used between the adjacent properties and the subject property.

(k) Except for weed abatement operations described in Subsection (k) of this Section, no owner or operator responsible for weed abatement on vacant lots shall remove vegetation from any vacant lot by blading, disking, plowing under, or any other means without doing all of the following:

(1) Applying a minimum standard three-inch dust suppressant(s) stabilizing the total surface area subject to disturbance immediately before or during the weed abatement.

(2) Preventing or eliminating the tracking of dust onto paved surfaces and access points

CHAPTER 17 – NUISANCES

adjoining paved surfaces.

(3) Applying a minimum standard three-inch dust suppressant(s) stabilizing the entire disturbed surface area immediately after the weed removal by compacting the ground or applying gravel or dust suppressant.

(1) The following are exempt from Subsection (j) of this Section:

(2) Weed abatement operations on any vacant lot with less than 0.50 acre (21,780 square feet) of disturbed surface area.

(3) Weed abatement operations that received an approved Earth Moving permit under Maricopa County Rule 200, Section 305 (adopted 11/15/93 and as amended).

(4) Weed abatement operations performed on any vacant lot or property under the order of a governing agency for the control of a potential fire hazard or otherwise unhealthy condition provided that mowing, cutting, or another similar process is used to maintain weed stubble at least three inches above the soil surface.

(m) No person shall offer to sell or plant any mulberry tree (*morus alba*) or olive tree (*olea europea*) in the City unless it is one of the non-pollinating varieties of such trees. The City shall maintain a current list of non-pollinating varieties, which shall be available for public review and shall be based on industry standard for non-pollinating varieties, applicable horticultural and scientific research and data, review and evaluation by qualified experts, and other appropriate information.

(n) It shall be unlawful for any owner or person having legal occupancy of a residence or business to allow any swimming pool or similar body of water to stagnate and thereby become unsafe for its intended use through eutrophication or pollution. For purposes of this Subsection, “pollution” means a condition that exists in water and is characterized by bacterial growth, algae, insect infestation, the remains of litter, debris, garbage, or other foreign matter that, because of its nature or location, constitutes an unhealthy or unsafe.

(o) No owner or occupant of a building, structure or land within the City shall permit or fail to eradicate graffiti, as defined in section 13-68 of this code, on any building, structure, wall, sidewalk, fence, sign or other surface visible from any street or other public or private property.

(p) No owner or occupant of a vacant or abandoned building or structure within the City shall fail to secure the building or structure against unauthorized entry.

(q) It is unlawful for any person to cause or permit the handling, transporting or disposition of any substance or materials that are likely to be scattered by the air or wind, or is susceptible to being airborne or wind-borne, or operate or maintain or cause to be operated or maintained, any premise, open area, right of way, storage pile of materials, vehicle or construction,

CHAPTER 17 – NUISANCES

alteration, demolition or wrecking operation, or any other enterprise that involves any material or substance likely to be scattered by the wind or air or susceptible to being wind-borne or airborne that would be classified as air pollution or unreasonably interferes with the comfortable enjoyment

of life or adjacent property. The City may require reasonable precautions to prevent dust emissions prohibited under this section which may include but are not limited to the following:

- (1) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, grading of roads, driveways, and parking lots or the clearing of land.
- (2) Application and maintenance of asphalt, road oil, water or suitable chemicals on dirt roads, driveways and parking lots, material stockpiles and other surfaces that can be a source of airborne dust.
- (3) Installation of hoods, fans and dust collectors to enclose and vent the handling of dusty materials or the use of water, sprays or other acceptable measures to suppress the dust emission during handling. Adequate containment methods shall be employed during sand blasting or other similar operations.

(r) Decorations shall mean items or objects used to embellish, ornament or enhance any physical features on private property or buildings thereon in celebration of a holiday or occasion. Decorations shall meet the following requirements.

- (1) Decorations shall not be displayed in such a manner that creates a traffic hazard on city streets, sidewalks, rights of way and other public accesses or to create an obstruction to pedestrian or vehicular traffic.
- (2) Decorations containing electrical wiring shall be presumed to be hazardous if displayed for more than 120 consecutive days and shall be subject to inspection by the City to determine the condition of the wiring. Decorations containing electrical wiring deemed to be in a state of disrepair or hazardous by the city shall be removed immediately.

(s) All property shall be maintained from any conditions that contribute to blight, including but not limited to uses or activities customarily conducted or maintained out of public view, such as clothes lines, animal boarding facilities or other similar conditions. All dirt front yards visible from a private roadway or right of way shall be landscaped with rock or grass within sixty days following issuance of a final utility clearance by the City and be maintained continuously in such condition.

(t) It shall be unlawful for any owner or occupant of any real property to conduct any sale of new or used merchandise on their property, including but not limited to yard sales, craft sales, garage sales or similar sales in violation of this section. For purposes of this section, “garage”, “yard”, “craft”, or similar sale is defined as a sale of new or used personal property

CHAPTER 17 – NUISANCES

located on the property prior to the sale. Such sales shall not violate any of the following:

(1) Held for a period of more than sixty (60) consecutive hours. It shall be presumed that the sale started at the time set forth on any advertisement located identifying the proposed sale.

(2) Held more than four times in a calendar or consecutive year. For purposes of measurement, a consecutive year begins on the earliest date on any advertisement located identifying the proposed date and runs for a period of 365 days following that date. This four time limitation shall apply to the location regardless of a change in owners or occupants during the one year period.

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

(Ord. No. 04-212, 12/14/04, amended) SUPP 2004-4

(Ord. No. 07-41, 12/18/07, amended) SUPP 2007-4

(Ord. No. 2013-17, 9/17/13, amended) SUPP 2013-3

(Ord. No. 2014-38, 10/21/14, amended) SUPP 2014-4