

Chapter 9 Health and Sanitation
CHAPTER 9 HEALTH AND SANITATION
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Sec. 9-1-1 Definitions

In this chapter unless the context requires otherwise:

- A. "Approved" means acceptable to the Town.
- B. "Ashes" means residue from the burning of any combustible material.
- C. "Garbage" means all animal and vegetable wastes resulting from processing, handling, preparation, cooking, and serving of food or food materials.
- D. "Manager" means the Superior Town Manager or his representative.
- E. "Manure" means animal excreta, including cleanings from barns, stables, corrals, pens or conveyances used for stabling, transporting, or penning of animals or fowls.
- F. "Person" shall include the state, a municipality, district or other political subdivision, a cooperative, institution, corporation, company, firm, partnership or individual.
- G. "Refuse" means all putrescible and non-putrescible solid and semisolid wastes, except human excreta, but including garbage, rubbish, ashes, manure, street cleanings, dead animals, abandoned automobiles, and industrial wastes.
- H. "Rubbish" means non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, waste metal, tin cans, yard and tree clippings, wood, glass, bedding, crockery and similar waste materials.

Sec. 9-1-2 Collection Agency

The Town, or collectors authorized by the town, shall collect all refuse within the town. No person except as provided in this chapter shall collect or gather refuse within the town.

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Sec. 9-1-3 Collection Hours, Rules and Regulations

The hours of collection of refuse shall be designated by the manager, All occupants, tenants or owners of property within the Town shall comply with all rules and regulations established by the manager and approved by the council. It is unlawful to violate any rule or regulation so approved and established by council resolution, violation of any such rule or regulation shall be punishable as provided in Section 9-3-5 of this chapter.

Sec. 9-1-4 Rates, Billing, Enforcement

A. The council shall from time to time fix the rates and classifications for refuse and/or rubbish or other solid waste collection within the Town and shall make such other rules and regulations as may be necessary to properly administer and enforce this chapter. Except as otherwise specifically provided, each residential or commercial owner, tenant or occupant shall pay the established monthly fee for service

whether utilized or not. Commercial and residential property owners or occupants may receive a reduced fee, approved by the Town Manager, upon a showing of proof that they have not utilized the service for a period in excess of thirty (30) days due to absence from the community. All rates shall be set by Council resolution.

B. The Town Manager is authorized to establish and implement a process for billing customers for Town services. Billings may be made on a quarterly basis; however, customers may pay the billing in three (3) equal installments without penalty. In such cases, a handling fee may be added in the next quarter's billing.

C. All billings are payable within twenty (20) days of billing. A penalty of ten (10%) percent of the unpaid amount shall be added to all accounts where payment is not received within thirty (30) days of billing.

D. The Town may combine in one billing charges for sewer and garbage collection and enforce the payment of each in any manner authorized by this Code or State law.

Sec. 9-1-5 Payment of Fees, Collection Process, Notice of Violation

A. Billing for fees for collection services may be made on a quarterly basis in advance on residential properties, or as otherwise approved by the Manager. Payment of the fee must be made within thirty (30) days of billing. The success of any collection process approved by the town depends upon proper participation of all commercial and residential property owners or occupants. Therefore, the payment of the fee approved by the town shall be considered part of that participation. Failure to pay the approved rates for collection within the time periods required, and after written notice is provided the owner or occupant and placed on the property, shall be considered a violation of Section 9-1-4 of this chapter and punishable as provided in Section 9-3-5.

Sec. 9-1-6 Responsibility Maintaining Premises

A. The owner, agent or the occupant of any premises, business establishment or industry shall be responsible for the sanitary condition of said premises, business establishment, or industry. No person shall place, deposit, or accumulate or allow to be placed, deposited or accumulated on any premises or on any public Street, road, or alley any refuse or other objectionable waste, except in a manner described in this chapter for storage and collection.

B. The owner, agent, and the occupant of any premises, business establishment, or industry shall be responsible for the storage and disposal of all refuse accumulated by a method or methods described in this chapter.

C. The collection and disposal of all refuse not acceptable for collection by an authorized collection agency is the responsibility of each occupant, business, establishment or industry where such refuse accumulates, and all such refuse shall be stored, collected, and disposed of in a manner approved by the town, and in compliance with all applicable laws, rules and regulations.

D. All dangerous materials and substances shall, where necessary, be rendered harmless prior to collection and disposal.

E. All refuse disposals shall be at a facility approved for such disposal by the County and State.

Sec. 9-1-7 Storage

A. All refuse shall be stored in accordance with the requirements of this chapter. The owner, agent, or occupant of every dwelling, business establishment, or other premise where refuse accumulates shall utilize a sufficient number of suitable and approved containers for receiving and storing of refuse, and shall keep all refuse therein, except as otherwise authorized by this chapter.

B. Garbage shall be stored in durable, rust resistant, nonabsorbent, watertight, and easily cleanable containers, with close fitting covers and having adequate handles or bails to facilitate handling. The size of the container shall be determined by the manager and at least one such container may be provided by the authorized collection agency or the town. If a container is provided by the collection agency, said containers shall be utilized by the owner or occupant of the property.

C. Bulky rubbish and brush refuse such as tree trimmings, newspapers, weeds, and large cardboard boxes shall be handled as directed by the manager. Where garbage is not separated from rubbish, all containers

for storage of mixed rubbish and garbage shall meet the requirements specified in subsection (B) of this section.

D. Containers for the storage of refuse shall be maintained in such a manner as to prevent the creation of a nuisance or a menace to public health. Containers that are broken or otherwise fail to meet the requirements of the rules shall be replaced.

E. Manure and droppings shall be removed from pens, stables, yards, cages, conveyance, and other enclosures as often as necessary 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. A health hazard and a nuisance shall be presumed if the odor is detected beyond the boundaries of the property.

Sec. 9-1-8 Frequency of Collection

A. The frequency of collection of refuse shall be in accordance with rules of the town, but not less than that shown in the following schedule.

1. Residential - twice weekly.

2. Commercial - two to five times per week

B. It shall be unlawful and a class 2 misdemeanor for any person to place, deposit, accumulate or store on any premises or on any public street, road, or alley any refuse or other objectionable waste, except in a manner described in this chapter for storage and collection.

C. Failure to maintain premises free of refuse shall be presumed if refuse, garbage or rubbish is kept, placed, deposited, stored or accumulated on a person's premises for a period longer than seven (7) days after written notice of a violation and request to abate is given to the occupant or is mailed to the owner at the address to which the County tax notice is mailed. Said presumption shall run against the owner, occupant, leaser and any other person found to be in control of, or having a right to control, the premises.

Sec. 9-1-9 Place of Collection

A. All refuse shall be properly placed on the premises for convenient collection as designated by the manager and the collection agency.

B. Where alleys are provided and accessible, collection may be made on the alley side of the premises.

Sec. 9-1-10 Vehicles Used for Collection

A. Vehicles used for collection and transportation of garbage, or refuse containing garbage, shall have covered, watertight, metal bodies of easily cleanable construction, shall be cleaned frequently to prevent a nuisance or insect breeding, and shall be maintained in good repair.

B. Vehicles used for collection and transportation of refuse shall be loaded and moved in such a manner that the contents, including ashes, will not fall, leak or spill there from. Where spillage does occur, it shall be picked up immediately by the collector and returned to the vehicle or container.

C. Vehicles used for collection and transportation of rubbish or manure shall be of such construction as to prevent leakage or spillage, and shall provide a cover to prevent blowing of materials or creating a nuisance.

Sec. 9-1-11 Disposal – General Responsibility

All refuse, rubbish, garbage or other objectionable waste must be removed from any premises within ten (10) days of same being deposited, placed or accumulated on said premises. Disposal shall be made to a disposal site and/or sanitary landfill approved by the Arizona Department of Environmental Quality or successor agency. The owner, occupant or leaser of any premises shall be jointly and severally responsible for such disposal, and can comply with such obligation by preparing and storing same for collection by an approved collection agency as provided in this chapter.

ARTICLE 9-2 PREPARATION OF REFUSE FOR COLLECTION

9-2-1 Preparation of Refuse for Collection

9-2-2 Location for Pick Up

9-2-3 Lids and Covers

9-2-4 Use of Containers

9-2-5 Unlawful Storage or Collection - Penalty

Sec. 9-2-1 Preparation of Refuse for Collection

All refuse shall be prepared for collection or disposed of as follows:

A. Refuse: The residential customer shall utilize containers provided by the collection agency or the Town for the accumulation, storage, and collection of all garbage. Such containers shall be tightly covered and be of rust-resistant metal or plastic and shall have handles on the outside. The maximum capacity of each container shall not exceed one hundred (100) gallons. Such containers shall be kept in good repair and in a sanitary condition. Containers found to be no longer serviceable through disrepair or maintained in an unsanitary condition may be condemned by the Town for further use. Legal notice of such condemnation shall consist of a label or tag affixed to the container. Receptacles not placed in satisfactory condition or replaced within fifteen (15) days of said notice may be removed and destroyed by the Town.

B. Brush or Tree Trimmings: Brush or tree trimmings shall be cut into such a size not more than four (4) feet in length that one person can readily load the individual pieces into a truck or chipper and shall be piled in neat order with all long branches parallel to one another and shall have all metal or foreign materials removed to facilitate chipping. When possible, brush and trimmings shall be stored in the containers provided for collection.

C. Bulk Rubbish - Vehicles and Junk: The collection agency may collect discarded small appliances and similar items from dwelling premises that one (1) person can readily lift into a truck. The customer shall remove or cause to be removed all other appliances, abandoned and junk vehicles as defined in this chapter or other large metal items weighing more than seventy (70) pounds whether classed as refuse or rubbish from their premises or property within the Town. The manager and collection agency shall provide information where the resident can dispose or recycle items. The authorized collection agency may charge a fee approved by the manager for collection and disposal of such large items.

D. Building Materials: All owners, contractors and builders of structures shall, upon the completion of any structure, gather up and haul away, at their sole cost and expense, all refuse of every nature, description or kind which has resulted from the building of such structure including all lumber scraps, shingles, plaster, brick, stone, concrete and other building materials and shall place the lot and all nearby premises utilized in such construction in a sightly condition.. Residential customers may dispose of small amounts of building materials from time to time, providing the building materials are placed in a container as described above and contain no concrete, masonry or soil.

E. By-products: Any commercial or manufacturing establishment which by the nature of its operations creates an unusual amount of by-product refuse may be required by the town to dispose of its own refuse or waste as opposed to having the town or collection agency provide the service.

F. Hazardous or Dangerous Waste: Only fully approved agencies may collect hazardous or dangerous waste, refuse or materials. Any such refuse or materials must be disposed of by the owner or occupant of the premises in compliance with all local, state and federal laws or regulations.

G. Soil and Concrete: Waste soil, concrete, masonry blocks, sod and rocks shall be disposed of in a lawful manner by the owner, tenant or occupant of the premises.

H. Recycling Programs: The foregoing provisions notwithstanding, the town may commence a recycling program which will require sorting of refuse into types of materials. All owners or occupants of property within the town shall comply with all rules, regulations and sorting requirements of any such program.

I. Tires - Batteries: Discarded or unused tires or batteries shall not be stored or collected on any premises unless otherwise authorized by law on commercial premises, which are licensed for retail sale or trade of such items. All owners, occupants or tenants shall dispose of tires or batteries in a manner allowed by federal, state and local law within ten (10) days of the date they are first placed on the premises.

Sec. 9-2-2 Location for Pick-up

All refuse shall be prepared for collection in the proper manner and placed in the location designated for collection by the manager and collection agency. All containers of garbage, refuse, brush refuse and rubbish shall be so located as to not block the street, alley, sidewalk or gutter, or otherwise be a hazard to pedestrian or vehicular traffic, Garbage and refuse shall be placed in the designated area only on the

day of collection no more than eight (8) hours prior to collection.

Sec. 9-2-3 Lids and Covers

The lids or covers of all containers shall at all times be kept secure so that flies and other insects may not have access to the contents and shall only be removed while the containers and receptacles are being filled, emptied or cleaned.

Sec. 9-2-4 Use of Containers

It is unlawful for any person to deposit or cause to be deposited any refuse in any container that he does not own or is not entitled to use as a tenant or occupant.

Sec. 9-2-5 Unlawful Storage or Collection - Penalty

A. It is unlawful for any person, owner or occupant to collect, store or fail to dispose of any refuse, junk, appliance or other materials as required in this chapter or applicable rules or regulations or to maintain or keep any premises in violation of the provisions of this chapter.

B. Unlawful storage, collection or disposal of refuse is a class (2) misdemeanor; It shall be a separate offense for each and every day or portion thereof such violation continues.

1. Upon conviction for a violation of any provision of this chapter, and as a condition of probation, the Court is authorized to order restitution to the Town for all costs or expenses incurred to abate the violation.

Article 9-3 OTHER METHODS OF GARBAGE AND TRASH REMOVAL

Section 9-3-1 Hauling Refuse

Section 9-3-2 Vehicles and Receptacles to be Spill Proof

Section 9-3-3 Spilled Refuse

Section 9-3-4 Dumping Refuse

Section 9-3-5 Violations - Penalty

Sec. 9-3-1 Hauling Refuse

It is unlawful for any person to haul or cause to be hauled any refuse on or along any public street, avenue, or alley in the Town, in violation of any provision of this chapter.

Sec. 9-3-2 Vehicles and Receptacles to be Spill Proof

It is unlawful for any person to haul or cause to be hauled on or along any public street in the Town any garbage, unless such garbage is contained within a strong watertight vehicle or within a watertight receptacle constructed to prevent any such garbage from falling, leaking, or spilling and any odor from escaping.

Sec. 9-3-3 Spilled Refuse

Any person hauling any refuse along the streets of the Town shall immediately replace, in the conveyance used for such hauling, any refuse which may fall upon any street.

Sec. 9-3-4 Dumping Refuse

It is unlawful for any person to place or cause to be placed any refuse upon any public or private property within the Town, except as specifically permitted in this chapter.

Sec. 9-3-5 Violations - Penalty

It shall be a class (2) misdemeanor to willfully or intentionally violate, or fail to comply with any provisions of articles 9-1, 9-2, or 9-3 of the chapter. Each day a violation continues shall be a separate offense.

Article 9-4 PROPERTY MAINTENANCE AND PUBLIC NUISANCES

Section 9-4-1 Definitions

Section 9-4-2 Property Maintenance Code

Section 9-4-3 Litter, Dilapidated Structures, Abandoned or Junk Vehicles

Section 9-4-4 Owner and Occupant to Maintain Premises

Section 9-4-5 Unsanitary or Unsafe Conditions - Emergency Measures

Section 9-4-6 Emergency Action to Relieve Threat of Imminent Hazard

Section 9-4-7 Declaration of Public Nuisances
Section 9-4-8 Restrictions
Section 9-4-9 Security for Vacant Buildings
Section 9-4-10 Requirement for the Security of Vacant Buildings
Section 9-4-11 Authority To Inspect
Section 9-4-12 Failure To Produce Evidence of Identity
Section 9-4-13 Commencement of an Action
Section 9-4-14 Remedies Not Exclusive
Section 9-4-15 Defendants and Responsible Parties
Section 9-4-16 Civil Violations and Citations
Section 9-4-17 Civil Penalties
Section 9-4-18 Each Day Separate Violation
Section 9-4-19 Habitual Offender
Section 9-4-20 Petition for Judicial Abatement
Section 9-4-21 Recovery of Town Cost For Correction of Violation
Section 9-4-22 Administrative Procedure to Abate Public Nuisances
Section 9-4-23 Notice to Abate
Section 9-4-24 Service of Notice
Section 9-4-25 Administrative Appeal
Section 9-4-26 Lien for Removal; Assessment Procedure
Section 9-4-27 Removal by Town
Section 9-4-28 Assessments; How Paid; Accrual
Section 9-4-29 Emergency Abatement
Section 9-4-30 Limitation of Liability
Section 9-4-31 Violations - Penalties

Section 9-4-1 Definitions

In this Article, unless the context otherwise requires:

A. Abandoned or Junk Vehicle: Means a vehicle or any major portion thereof, which is incapable of movement under its own power and will remain so without repair and/or reconstruction. It shall also mean a vehicle being repaired when such repairs take in excess of thirty (30) days. It shall be presumed the vehicle or part thereof is “abandoned” or is a “junk vehicle” if any of the following conditions exist for more than three (3) consecutive days:

1. The vehicle cannot be started with its own battery, or
2. The vehicle is on blocks or similar devices, or
3. The vehicle has a deflated tire or tires, or
4. A wheel or tire has been removed on the vehicle, and
5. The vehicle does not have a current, fully paid registration from the State of Arizona; or
6. It is a partially or wholly dismantled vehicle.

B. Authorized Private Receptacle: A litter storage and collection receptacle as required and authorized in this Chapter.

C. Dilapidated Structure: Is a structure which has been reduced to, or fallen into, partial ruin or decay from fire, weather, age, wear, misuse or neglect. Dilapidated structure shall include any building or structure which has any, or all, of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are, or may be, endangered:

1. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
2. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
3. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement or instability of any

building; (iv) the deterioration, decay or inadequacy of its foundations; or (v) any other cause, is likely to partially or completely collapse, or has so collapsed.

4. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

5. Whenever the building or structure has been so damaged by fire, wind, age, wear, lack of maintenance, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminal or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts; (iv) a site for the infestation of insects, rodents or other pests.

6. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the County Health Officer to be unsanitary, unfit for human habitation or in such a condition that it may cause sickness or disease.

7. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive condition, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Chief to be a fire hazard.

8. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or equity jurisprudence.

9. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to make such building or structure, or portion thereof, an attractive nuisance or hazard to the public.

D. Enforcement Agent: The Code Enforcement Officer, Building Official, Police Officers, Fire Marshal, the Town Attorney, or any other person duly authorized by the Town, shall have the authority to issue and enforce warnings and citations pursuant to this Article.

E. Garbage: 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.

F. Graffiti: An inscription or drawing carved or drawn on a stationary structure so as to be discernible from the public right-of-way and which degrades the beauty, appearance or value of property.

G. Hazard: A condition that may cause physical harm or injury to person or property.

H. Imminent Hazard: A condition that presents an immediate likelihood for causing physical harm or injury to person or property.

I. Improved property: Land on which buildings or other structures are located.

J. Infestation: The apparent presence of insects, rodents or other pests.

K. Junk: Items that in their present State are of little or no apparent economic value that are not confined within an industrial area zoned and approved as a junk or salvage yard in compliance with the Superior Zoning Code, such as an accumulation of the following materials: discarded or scrapped furniture; glass, metal, paper, or machinery parts; vehicles or vehicle parts, inoperative machinery or appliances, building materials wastes; litter; discarded or empty containers. Junk shall also include all types of litter or solid waste described in the Superior Town Code.

L. Land: All land in the Town of Superior whether improved or unimproved.

M. Litter: Means any rubbish, trash, weeds, filth and debris which shall constitute a hazard to public health and safety, and shall include all putrescible and nonputrescible solid wastes including garbage, trash, ashes, street cleaning, dead animals, abandoned or junk vehicles or appliances, and industrial waste; any deposit, accumulation, pile, or heap of brush, grass,

debris, weeds, cans, cloth, paper, wood, rubbish or other unsightly or unsanitary matter of any kind whatsoever. The term "litter" shall also include any growth of weeds, brush, grass, or other vegetable growth of a height and condition which causes a high risk of fire or a breeding place for rodents or other unhealthy or unsanitary animals.

N. Notice to Abate: A notice issued to a property owner or occupant concerning violation of this Article requiring corrective action.

O. Occupants: The person occupying or having physical or legal custody of a structure or premises as a lessee or otherwise.

P. Owner: The person indicated on the records of the Pinal County Assessor, or other official body, as the owner of record of the property in question.

Q. Person: A human being, enterprise, corporation, association, partnership, firm or society.

R. Plant Growth: Vegetation, whether living or dead, such as grass, weeds, vines, bushes, cactus or trees.

S. Polluted: A condition that exists in water and is characterized by bacterial growth, algae, insect infestation, the remains of litter, debris, garbage, or any other foreign matter which because of its nature or location, constitutes an unhealthy, unsafe, or unsightly condition.

T. Private Premises: Means any lot, property, dwelling, house, building, or other structure, designed or used either wholly or in part for private residential or commercial purposes, whether inhabited or, temporarily or continuously, uninhabited or vacant, and shall include any lot, yard, grounds, walk, driveway, porch, steps or vestibules belonging or appurtenant to such dwelling, house, building or other structures.

U. Property: Includes buildings, grounds, lots and tracts of land.

V. Public Place: Means any and all streets, sidewalks, boulevards, alleys, or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

W. Responsible Party: The owner and/or occupant of a building, structure or property shall jointly and severally be the responsible party for purposes of this Article.

X Stored: Parking, leaving, locating, keeping, maintaining, depositing, remaining, or being physically present on private property.

Y. Street or Highway: The entire width between the boundary lines of every way publicly owned or maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

Z. Structures: Includes buildings improvements and other structures that are constructed or placed on land.

AA. Unsafe Conditions: All unsafe conditions are declared to be prohibited and a public nuisance and shall be corrected, abated or removed by an appropriate method in accordance with the procedure specified in this Article or as otherwise provided by law. Unsafe conditions as used in this Article shall include, but shall not be limited to, any unguarded well, cesspool, excavation pit or hole which by virtue of abandonment, dilapidation or lack of maintenance is a hazard to the public, and any premises or any portion thereof which, as the result of the accumulation or collection of litter, dilapidated structures or abandoned or junk vehicles as defined herein, is or may be, an attractive nuisance to children or a danger to the life, health, premises, occupants, or safety of the public.

BB. Unsafe Buildings: All unsafe buildings, structures or conditions are hereby declared to be prohibited and public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this Article or as otherwise provided by law. For the purposes of this Code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such condition or defect exists to the extent that the life, health, premises, or safety of the public or its occupants are, or may be, endangered:

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged or maintained as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is materially in excess of the working stress or stresses allowed in the Building Codes for new buildings of similar structure, purpose or location.
3. Whenever any building or portion thereof has racked, 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.
4. Whenever, for any reason, the building or structure or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
5. Whenever the building or structure, exclusive of the foundation, shows thirty three (33%) percent or more damage or deterioration of its supporting member or members, or fifty (50%) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
6. Whenever any building or structure has been constructed, exists or is maintained in violation of any requirement or prohibition applicable to such building or structure provided by the building regulations of this Town, as specified in the Chapter 12, the International Fire Code, the Property Maintenance Code, Zoning Code, or of any law or ordinance of this State or Town relating to the condition, use, location or structure of buildings.
7. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion materially less, or in any supporting part, member or portion materially less, of the strength, fire resisting qualities or characteristics, or 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.
8. Whenever a building or portion thereof is a dilapidated structure as defined herein.
9. Whenever it has attracted illegal activity.
10. Whenever it is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or of other premises within the neighborhood;

CC. Vacant: A building or structure which has been unoccupied for a period of sixty (60) days or longer during which the building or a portion thereof is not legally occupied. Under the provision of this ordinance enforcement action may proceed without regard to a period of vacancy whenever any unoccupied building attracts criminal activity, is a health risk because of trash disposal or other condition, is dilapidated, or is an unsafe building.

DD. Vehicle: 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. Campers, trailers and boats shall be included in this definition.

EE. Weeds or Grass: Johnson grass, Bermuda grass, Rye grass, White horse nettle, any type of plant growth defined as a noxious weed by State law regardless of whether a particular property owner or occupant who is the subject of enforcement action under this Code regards the growth as desirable, and any other similar species or subspecies of weeds or grass of any kind.

Section 9-4-2 Property Maintenance Code

Any person violating any provision of the Property Maintenance Code adopted under Chapter 7, incorporated herein by this reference, shall be guilty of a civil violation punishable as provided in Section 1-5-1(A), unless cited as a habitual offender in which case such violation shall be punishable as provided in Section 1-5-1(B) of this Code. Citations may be issued pursuant to the provisions of Chapter 6 of this Code. Citations may be issued for violation hereof in addition to, in lieu of any other remedy, or both. Violations of the property maintenance Code are declared to be public nuisances which may also be abated through judicial or administrative

abatement procedures as set forth in this Article. Notwithstanding any contrary language in this Code, in this Article, where two or more provisions address the same topic both shall apply but the most stringent shall control.

Section 9-4-3 Litter, Dilapidated Structures, Abandoned or Junk Vehicles

No person shall throw, deposit, allow or maintain litter, dilapidated structures, abandoned or junk vehicles or any other public nuisance on any occupied or unoccupied private premises within the Town, except that the owner or person in control of said private premises may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any other property within the Town.

Section 9-4-4 Owner to Maintain Premises

The owner and person in control of any private premises shall at all times maintain the premises free of litter, dilapidated structures, abandoned or junk vehicles or any public nuisance and in compliance with the Property Maintenance Code; provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection.

Section 9-4-5 Unsanitary or Unsafe Conditions - Emergency Measures

A. Unsafe conditions such as leaking sewage from broken sewer lines, open cesspools, excavation pits or other similar unsanitary or unsafe conditions shall be abated as soon as practicable under the circumstances by the removal of water service to the building, other emergency remedial measures reasonably required, or by other legal means available to the administrative authority or health department.

B. To avoid injury or damage to its citizens unsafe conditions shall be abated as soon as reasonably possible after the condition has been reported to the proper authorities. No officer or official shall be liable in any manner for failing to cure or attempting to cure or remedy such condition.

C. Posting of Signs: Town enforcement agents should cause to be posted at each entrance to such building or premises, where reasonably prudent, a notice to read: "Unsafe Conditions Exist, Do Not Enter, Unsafe to Occupy, Building Department, Town of Superior"; such notice, if posted, shall remain posted until completion of the required repairs, the demolishing of the building or abatement of the unsafe condition, whichever shall apply.

Section 9-4-6 Emergency Action To Relieve Threat of Imminent Hazard

A. When a currently existing violation of this Article poses an imminent hazard, then the Town may immediately enter the property and take the minimum action necessary to relieve the threat of serious harm;

B. As soon as reasonably practicable under the circumstances, the Town shall serve a civil or criminal citation or summons and complaint on the person or persons responsible for the violation.

C. Promptly after service of the citation or complaint the magistrate shall set an expedited hearing on the matter. At the hearing, the Town must establish by a preponderance of the evidence that the Town complied with all of the requirements of this Section. If the Town fails to meet this burden, the court shall require the Town to pay the responsible party for the reasonable cost of any physical damage caused to that party's property by failing to comply with one or more of the requirements of this Section.

Section 9-4-7 Declaration of Public Nuisances

In addition to any other nuisances described in this Code, the following are declared to be public nuisances and prohibited:

1. Unsafe Conditions
2. Unsafe Buildings
3. Unsanitary Conditions
4. Dilapidated Structures
5. Abandoned or Junk Vehicles

6. Violations of this Article.

7. Litter

Section 9-4-8 Restrictions

A. It shall be unlawful for any person to violate of any of the following restrictions which shall also be a public nuisance:

1. In residential areas and in business areas where the storage of a particular vehicle is not necessary for the operation of the business enterprise, all vehicles being restored or repaired, shall be stored safely within a lawful building or structure or behind a fence in such a manner as to not be visible from beyond the lot boundaries from adjacent public ways, or covered with a car cover made of opaque material if said repairs or restoration takes twenty (20) days or longer. Where the storage of a vehicle is necessary to the operation of a business enterprise, it shall be stored on the premises in accordance with the applicable provisions of this Code, including but not limited to the zoning Code.

2. No person shall deposit, store or maintain any garbage or junk that is visible from beyond the lot boundaries, except as authorized for collection under this Chapter.

3. All persons owning or occupying land or places of business within the Town shall keep the sidewalk or public places fronting or bordering their property free of garbage, junk, obstructions, and weeds or grass in excess of ten (10) inches, provided, however, this Section shall not prohibit the temporary storage of such matters in authorized receptacles for collection consistent with this Chapter.

4. No owner or occupant of land shall allow or permit trees, shrubs or plant growth on the land to endanger, impede, obstruct or interfere with vehicular or pedestrian use of any street, sidewalk, or alley within the Town, or the visibility of any traffic control device or signal.

5. No owner or occupant of land within the Town shall allow plant growth, or other materials, which are dead, dormant or so dry as to be readily flammable or combustible on such land that may constitute a fire hazard or other threat to the public health or safety.

6. No person shall deposit in, sweep upon, or permit to drain into any public right-of-way or public place of the Town any hazardous material, garbage, junk, obstruction, or similar matter which is offensive to sight or smell, impedes passage, or that may be detrimental to, public health.

7. No person shall allow any swimming pool or similar body of water to stagnate and thereby become polluted, offensive to the senses or unsafe for its intended use.

8. No owner or occupant of a building or structure within the Town shall permit graffiti on the building or structure or fail to eradicate graffiti from the building or structure within thirty (30) days of notice thereof.

9. No person shall erect or maintain any electric fence, erect or maintain any barbed wire or razor wire except that no more than three (3) strands of barbed wire or one (1) coil of razor wire not less than six feet and two inches (6'2") 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.

10. No owner or occupant shall fail to properly repair, replace, or remove any collapsed or fallen wall or fence adjacent to the public right-of-way.

11. No person shall park, or (in case of owner or occupant) allow or permit any person to park on the owners or occupant's land, any commercial vehicle or heavy equipment having a gross vehicle weight rating (GVWR) exceeding twenty six thousand (26,000) pounds on any undeveloped and un-surfaced private property in the Town except when necessarily required while actually conducting an authorized commercial purpose.

12. No person shall attach any sign to any public utility structure, traffic control device, street light standard, or similar structure in the public right-of-way except those signs erected by a public utility or government agency.

13. No person shall allow the windows in any building to remain broken and open to the elements in a manner that contributes or tends to contribute to the dilapidation of the building or that allows infestation. All broken windows shall be repaired or covered with glass, Plexiglas, 1/2" (4 ply) plywood or other secure materials and be weather-tight. The material will be designed and of such color so as to blend in with the finish of the building. Access points shall be secured in accordance with Building Code.

14. No person shall allow the roof of any building to remain damaged and open to the elements in a manner that contributes or tends to contribute to the dilapidation of the building or that allows infestation. All repairs must be compliant with the Building Code. The material will be designed and of such color so as to blend in with the finish of the building.

Section 9-4-9 Security for Vacant Buildings

This ordinance further defines security procedures designed to help property owners maintain the equity value of their properties and prevent blight by preventing damaging from theft, burglary, weather, garbage and other problems associated with improperly secured vacant buildings.

This Article shall describe the only acceptable manner in which vacant buildings shall be heretofore secured within the Town. Securing buildings in any other less effective fashion shall constitute an unacceptable violation of this Article and be abated in accordance with this Article.

Section 9-4-10 Requirement for the Security of Vacant Buildings

A. Disconnect all utilities at the street

1. Turn off water at the street & drain the plumbing system at its lowest point.
2. Have the utility company disconnect electricity at the street and remove and cap meters.
3. Shut off LNG supply at the street. Disconnect and remove LPG tanks and heating oil tanks.

B. Remove all flammables and combustibles from inside and outside

1. Remove all upholstered furniture, combustible materials and trash from the building, including the basement and attic.
2. Remove trash and trash containers and combustible furniture from exterior stairwells, porches, fire escapes and outbuildings.
3. Remove shrubbery and vegetation adjacent to the building that could support or spread a fire.

C. Secure the building to prevent entry/vandalism/weather damage/fire.

1. Search the entire building to insure that it is unoccupied.
2. Remove doors and storm windows and place inside.
3. Post the building according to local law with "No Trespassing" signs.
4. Construct entrance barriers using the following materials & methods:

D. Materials Needed

1. 1/2" (4 ply) plywood, exterior grade CDX and 2" by 4" by 8' construction grade lumber
2. 3/8" (course thread) by 12" carriage bolts (rounded head on weather side)
3. 3/8"(course thread) construction grade nuts
4. 1/2" (USS Standard) Flat washers with an inside diameter large enough to bypass the wrench neck inside the carriage bolt head so no lift edge is available beneath an installed carriage bolt head.
5. 3/8" (USS Standard) diameter flat washers for installation beneath the nut inside the building
6. 1-5/8" (6d) galvanized or stainless steel ring-shank nails or comparable deck nails.

E. Security Measures

1. Openings in the basement, first floor doors and windows and any point of entry accessible from a porch, fire escape or other potential climbing point require additional security measures. These openings should be barricaded with plywood, 2x4s braces, carriage bolt sets and nails.

2. Openings that are at least 10' from ground level which are not accessible from a porch, fire escape, roof, or other climbing point can be secured with nails in each brace, and every 12" around the perimeter. For all openings the plywood should be fitted so that it rests snugly against the exterior frame, butting up to the siding on wood frame buildings and up to the brick molding edge on brick buildings. It may be necessary to remove the staff bead so this fit can be flush and tight. If possible carpenters should plywood & stub brace over the edge of the trimmer studs on each window and door casing and meeting the header board.

F. Barrier Procedure

1. Applying barriers is easiest with a inside & outside carpenter with appropriate tools & supplies. The inside carpenter will need a light. Exit is made over a ladder when the last window is boarded.
2. Cut plywood to fit over the window and door openings, flush with outside of the molding/trimmer stud. Avoid creating or leaving a lift surface if possible.
3. Cut the 2x4s to fit the horizontal dimension of the plywood. You will need two exterior and two interior 2x4 braces for each window and three sets for each door.
4. Drill two 3/8" holes in each brace, approximately 1/3 of the length of the brace from the outside edge of the door and window jams.
5. Prior to installation stack both 2x4 braces on the plywood as they will be installed & drilling through all for ease in installation.
6. The two window braces will be placed 1/3 of the distance from the top and the bottom of the window.
7. The three door braces will be placed: one in the center of the doorway and one 1/2 the distance from the center to the top and one 1/2 distance from the center to the bottom of the doorway.
8. Place the plywood over the exterior opening and nail every 12" along the perimeter to the window/door frame.
9. Place the 2x4 braces over the interior and exterior of the door or window.
10. Place the large washer over the carriage bolt and slide the bolt through the holes.
11. Place washer and nut inside and tighten securely. Torque the nut so that it slightly compresses the interior 2x4.
12. Paint said barriers the same color as the structure to minimize the appearance.

Section 9-4-11 Authority to Inspect

A. Town enforcement agents, are hereby authorized to make inspections for violations of this Article in the normal course of job duties; or in response to a citizen complaint that an alleged violation of the provisions of this Article may exist; or when there is a reason to believe that a violation of this Article has been or is being committed.

B. In order to determine compliance with this Article, private property may be entered with:

- (1) the consent of the owner or occupant;
- (2) as authorized by an administrative or other search warrant issued by the Superior Court, Justice Court, or an order from the Town Magistrate Court authorizing the Town to enter the property and relieve the harm. The magistrate court shall issue such an order only upon a showing that probable cause exists to believe that a violation of this Article which poses an imminent hazard exists on the property.
- (3) When a violation of this Article is apparent from outside the boundary lines of the property, Town enforcement agents may enter the property for the purpose of issuing a notice of abatement or a citation and to document said violation.

Section 9-4-12 Failure to Provide Evidence of Identity

A person who fails or refuses to provide evidence of his/her identity to a duly authorized enforcement agent of the Town upon request, when such agent has reasonable cause to believe the person has committed a violation of this Article, is guilty of a misdemeanor.

Evidence of identity under this Section shall consist of a person's full name, residence address, and date of birth.

Section 9-4-13 Commencement of an Action

A. Town enforcement agents as defined in this Article, are authorized to commence an enforcement action under this Article by issuing a citation. Town enforcement agents may also issue an administrative notice to abate, as may be approved by the Town Manager. Said enforcement agents may also seek the issuance of a complaint by the Town Attorney for habitual offenders or petition for judicial abatement as defined in this Article.

B. Nothing in this Section shall preclude Town enforcement agents from seeking voluntary compliance with the provisions of this Article, or from enforcing this Article through notices of violation, warnings or through other informal devices designed to achieve compliance in the most efficient and effective manner under the circumstances.

Section 9-4-14 Remedies not Exclusive

Procedures to enforce compliance with this Article are in addition to any other procedure established by law, this Code, and this Article shall not be interpreted as limiting the penalties, actions, or abatement procedures which may be taken by the Town or other persons under other laws, ordinances or rules. The Town shall not be allowed to bring simultaneous judicial and administrative abatement actions or to bring a separate abatement action for the same violation if the defendant has prevailed in a judicial or administrative abatement proceeding.

Section 9-4-15 Defendants and Responsible Parties

Any person who causes, permits, facilitates, allows, aids or abets any violation of this Article, or who fails to perform any act or duty required pursuant to this Article, is subject to the enforcement provisions of this Article. The owner and occupant of property found to be in violation of this Article are individually, jointly and severally responsible for the violation, the prescribed civil or criminal sanctions, and for abating the violation. It shall not be a defense to an enforcement or abatement action under this Article that any other person may also be liable for any violation or abatement in whole or in part.

Section 9-4-16 Civil Violations and Citations

A. A civil action for a violation of this Article may be commenced by issuance of a citation.

B. The citation will be substantially in the form as provided by Chapter 6 of this Code. The citation shall advise the responsible party of the violation(s) committed, either by written description of the violation(s) or by designation of the Town Code Section that was violated. Amendments to the citation may be made as authorized by law.

C. Any civil fine or judgment for civil sanctions issued pursuant to this Article shall constitute a lien against the real property of the responsible party that may be perfected by recording a copy of the fine or judgment with the Pinal County Recorder. Any judgment for civil fines or penalties pursuant to this Article may also be collected as any other civil judgment and shall bear interest at the legal rate until paid in full.

Section 9-4-17 Civil Penalties

In addition to any other remedy or penalty provided at law or equity, violation of any provision of this Article shall be a civil violation punishable as provided in Section 1-5-1(A).

Section 9-4-18 Each Day Separate Violation

Each day in which a violation of this Article continues, or the failure to perform any act or duty required by this Article or by the Town Manager continues, shall constitute a separate civil offense.

Section 9-4-19 Habitual Offenders

A. A person who commits a violation of this Chapter after previously having been found responsible for committing two (2) or more civil violations of this Article within a twenty-four (24) month period --- whether by admission, by payment of the fine, by default or by judgment after hearing --- shall be guilty of a class one (1) misdemeanor. The Enforcement Agent is authorized to file a criminal misdemeanor complaint in the Town or County Court against habitual offenders

who violate this Chapter. For purposes of calculating the twenty-four (24) month period under this paragraph, the dates of the commission of the offenses are the determining factor.

B. Upon conviction of a violation of this Section, the Court may impose a sentence as set forth in Section 1-5-1(B) of this Code. The Magistrate shall order a person who has been convicted of a violation of this Section to pay a fine of not less than five hundred (\$500) dollars for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of any sentence required by this Subsection except on the condition that the person pay the mandatory minimum fines as provided in this paragraph.

C. Every action or proceeding against an habitual offender, under this Section, shall be commenced and prosecuted in accordance with the rules of criminal procedure relating to criminal misdemeanors.

Section 9-4-20 Petition For Judicial Abatement

In addition to any civil sanction or criminal penalty, the Town attorney may petition and the court may in its discretion order the responsible party to correct and abate the violation by a specified date. The Town may also petition the court for an order allowing the Town to enter the property and correct the violation if the responsible party fails to comply with the court's correction order. Petitions for judicial abatement shall generally follow the requirements of A.R.S. 9-499, to the extent applicable.

Section 9-4-21 Recovery of Town's Costs of Correcting Violation

For a civil or criminal violation of this Article, if the Town corrects a violation pursuant to Section 9-4-18, the Town may petition the court to recover the costs, expenses and attorney's fees which the Town incurred in correcting the violation and in bringing the petition for recovery. If the court finds by a preponderance of the evidence that the Town is entitled to recover, the court may order the defendant to pay to the Town the amount of the costs, expenses and attorney's fees reasonably incurred by the Town and may enter judgment in favor of the Town and against the responsible party in that amount. The court may make payment of the judgment a condition of suspending a portion of a civil sanction.

Section 9-4-22 Administrative Procedure to Abate Public Nuisances

A. Subject to the provisions of subsection B of this Section, the Town Manager shall compel the removal of all litter, dilapidated structures, abandoned or junk vehicles and any other public nuisance as defined herein, by the procedures provided in this Article, or such other procedure authorized by this Code or State law. The procedures established by this Article shall be in addition to, and not exclusive of, all other procedures or remedies established by this Code for the removal of litter, dilapidated buildings or abandoned or junk vehicles, or any other public nuisance.

B. If the dilapidated structure is located within a district zoned for historic preservation of the Town and is considered historically significant, the Town Manager shall coordinate compliance with the provision of this Article with any applicable historical preservation ordinance to insure compliance with all applicable Codes.

Section 9-4-23 Notice to Abate

A. If a person owning or controlling any private premises fails, neglects or refuses to remove or properly dispose of litter, dilapidated structures or abandoned or junk vehicles, or any other public nuisance located on premises owned or controlled by such person, he/she shall be given written notice by the Town Manager to remove same from such premises within thirty (30) days from the date the notice was received or deemed received by him/her.

B. Such notice shall be received not less than thirty (30) days before the date set therein for compliance. The notice shall be deemed received five (5) days after posting same on the property or mailing same as provided in Section 10-4-22 of this Article whichever is the earlier.

C. Said notice shall contain the date of mailing, name and address of the owner, the address of the property and shall further contain:

1. A Statement of what the owner or occupant must do to comply with the notice and this Article.
2. An estimate of the cost of removal by the Town,
3. A Statement that unless the person owning or controlling such premises complies therewith, prior to the time established in the notice, that the Town may, at the expense of the person owning or controlling said premises, perform the necessary work at a cost not to exceed the estimate given in the notice.
4. Inform the owner and occupant, if any, that he/she may appeal in writing to the council within thirty (30) days from the date the notice was mailed to him/her and prior to the date set for compliance, unless abatement has been ordered by a court.
5. A legal description or county assessors parcel number of the property.

Section 9-4-24 Service of Notice

A. The notice provided in Section 9-4-21 shall be posted on the property and personally served on the owner or person controlling such premises by an enforcement agent of the Town in the manner provided in the Arizona Rules of Civil Procedure, or mailed to the owner or person controlling such premises at his/her last known address by certified mail, or the address to which the tax bill for the premises was last mailed. If the owner does not reside on such premises, a duplicate notice shall also be sent to him/her by certified mail at his/her last known address and posted on the premises. Notice shall be deemed received, for all purposes of this Article, five (5) days after depositing same in the mail to the address to which the tax bill was mailed by the County Assessor and posting same on the property. The failure to post on the property shall not be deemed to affect the validity of service of notice unless specifically required by statute.

B. The notice shall be recorded in the office of the Pinal County Recorder and shall be released only if the owner or person in control of the property has complied in full.

Section 9-4-25 Appeal

A. Within said thirty (30) days of the date of mailing of the notice, the owner or person controlling such premise may appeal in writing to the council, or hearing officer if same has been established by the council for that purpose, from the demand for compliance set forth in the notice, unless abatement has been ordered by a court.

B. The written notice of appeal must contain the full name, address and phone number of the person appealing and a Statement of what control he/she has of the property and why compliance is not required or is otherwise inappropriate. The appellant shall have the burden of proof in these regards.

C. The council or hearing officer, if applicable, shall, after receiving the appeal, hear and determine the same and the decision of the council or hearing officer, if applicable, shall be final. The appellant shall receive at least three (3) days notice of the hearing.

D. The council or hearing officer, if applicable, may either affirm or reverse the decision of the Town Manager or modify the scope of work as required in the notice.

E. An appeal shall be conclusively deemed waived if a written notice of appeal is not received by the Town clerk within thirty (30) days of mailing or posting of said notice.

Section 9-4-26 Removal by Town

When any person to whom notice has been given, pursuant to this Article, fails, neglects or refuses to remove from such premises any or all litter, dilapidated structures or abandoned or junk vehicles, or other public nuisance, in a timely manner, the Town Manager is authorized and directed to cause same to be removed and disposed of at the expense of the owner or person controlling such premises. Upon completion of the work, the Manager shall prepare a verified Statement of account of the actual cost of such removal or abatement, the date the work was completed, and the street address and the legal description of the premises on which said work was done, including ten (10%) percent for additional inspection and other incidental costs in connection therewith, and shall serve a duplicate copy of such verified Statement upon the person owning or controlling such premises.

Section 9-4-27 Lien for Removal; Assessment Procedure

A. If the owner or occupant of the property fails to comply with the notice and the Town is required to incur costs for the removal, abatement or enjoining of the hazard to public health and safety created by the litter or dilapidated structure there shall be a written assessment on the property from which the litter or dilapidate structures have been removed, abated or enjoined.

B. The Town Manager shall record the assessment in the Pinal County Recorder's Office. Said assessment shall include the legal description of the property, the date and the amount of the assessment made by the Town and the payment requirements as set forth in Section 9-4-26 of this Article. Copies of the assessment shall also be mailed to the property owner.

C. Assessments made pursuant to this Article shall be prior to and superior to all other liens, obligations, mortgages, or other encumbrances on said property, with the exception of liens for general taxes.

D. The Town Attorney is authorized to take action to obtain a judgment of foreclosure and obtain an order of sale to satisfy any assessment not paid in accordance with the provisions of this Article.

E. The Town Attorney is authorized to bring an action to enforce the assessment in the Superior Court of Pinal County at any time after recording of the assessment. Failure to enforce the assessment by such action shall not affect the validity of the assessment.

F. The assessment recorded in accordance with the provisions of this Article shall be prima facie evidence of the truth of all matters recited in the assessment and of the regularity of all proceedings prior to the recording of the assessment.

Section 9-4-28 Assessments; How Paid; Accrual

A. Assessments that are imposed pursuant to this Article shall run against the property until paid and are due and payable as follows:

1. Assessments of less than Five Hundred (\$500.00) Dollars shall be paid within one (1) year after the assessment is recorded.
2. Assessments of Five Hundred (\$500.00) Dollars or more, but less than One Thousand (\$1000.00) Dollars shall be paid within two (2) years after the assessment is recorded.
3. Assessments of One Thousand (\$1000.00) or more , but less than Five Thousand (\$5000.00) Dollars, shall be paid within three (3) years after the assessment is recorded.
4. Assessments of Five Thousand (\$5000.00) Dollars or more, but less than Ten Thousand (\$10,000) Dollars, shall be paid within six (6) years after the assessment is recorded.
5. Assessments of Ten Thousand (\$10,000.00) or more shall be paid within ten (10) years after the assessment is recorded.

B. Each assessment shall contain a payment schedule which requires payment of the assessment over the above time periods in substantially equal yearly installments.

C. An assessment that is past due shall accrue interest at the legal rate as prescribed by A.R.S. 44-1201, as amended from time to time.

D. A prior assessment for removal of litter or dilapidated structures as provided in this Article shall not be a bar to a subsequent assessment or assessments for these purposes and any number of assessments on the same lot or tract of land may be enforced in the same action.

Section 9-4-29 Emergency Abatement

A. If a situation presents an imminent hazard, the Town may issue a notice to abate directing the owner, occupant, operator, or agent to immediately take such action as is appropriate to correct or abate the hazard described in the notice. In addition, the Town may act immediately to correct or abate the hazard itself pursuant to Section 9-4-6, or may commence an action in Magistrate or Superior Court to require the owner or occupant to abate the imminent hazard. In the event the Town is unable to contact the owner, occupant, agent or responsible party despite reasonable efforts to do so, the Town's right under this Section to correct or abate the hazard shall continue.

B. The Town may recover its costs incurred in abating an imminent hazard under this Section in the same substantive manner as provided for in this Article to the extent practicable under the circumstances.

Section 9-4-30 Limitation of Liability

This Chapter shall not be construed to require regular inspections of premises by the Town or an obligation to abate any public nuisance as defined herein, reported or unreported within a specific time period. Neither the Town or any of its officers or officials shall be liable in any manner for injuries or damages which result or are alleged to have resulted from any delay or failure to enforce the provisions of this Article.

Section 9-4-31 Violations - Penalties

A. Any person, firm or corporation who is found to have violated any provision of this Article on premises owned or controlled by said person, firm or corporation is guilty of a civil violation punishable as provided in Section 1-5-1(A), and in addition to any fine which may be imposed, shall be liable for all costs of removal which may be assessed pursuant to this Article.

B. Any person, firm or corporation who shall place or keep any litter, dilapidated structures, or abandoned or junk vehicles upon any private or public premises not owned or under the control of said person, firm or corporation, or who violates any provision of this Article, shall be guilty of a civil violation punishable as provided in Section 1-5-1(A) and, in addition to any fine which may be imposed for violation of any provision of this Section, shall be liable for all costs which may be assessed pursuant to this Article for the removal of said litter or dilapidated structure.

Article 9-5 ABATEMENT OF PUBLIC NUISANCES

Section 9-5-1 Declaration of Public Nuisances - Definitions

Section 9-5-2 Unsanitary Conditions

Section 9-5-3 Public Nuisances - Abatement Procedure

Section 9-5-4 Unlawful Acts

Section 9-5-5 Penalty

Section 9-5-6 Costs of Abatement - Liability

Section 9-5-7 Limitation of Liability

Sec. 9-5-1 Declaration of Public Nuisances - Definitions:

In addition to any other nuisances described in this Code, the following are declared to be public nuisances:

A. Unsafe Conditions: All unsafe conditions are declared to be a public nuisance and shall be abated by an appropriate method in accordance with the procedure specified in this Article or as otherwise provided by law. Unsafe conditions as used in this Article shall mean any unguarded well, cesspool, excavation pit or hole which by virtue of abandonment, dilapidation or lack of maintenance is a hazard to the public, and any premises or any portion thereof which, as the result of the accumulation or collection of litter as defined in Section 9-4-1 of this Chapter, is an attractive nuisance to children or a danger to the life, health, premises or safety of the public.

B. Unsafe Buildings: All 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 this Article or as otherwise provided by law. For the purposes of this Code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such condition or defect exist to the extent that the life, health, premises, or safety of the public or its occupants are endangered:

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged or maintained as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the Uniform Building Code for new buildings of similar structure, purpose or location.
3. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Uniform Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage premises.
5. Whenever any portion of a building 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 of that specified in, the Uniform Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the
6. Whenever any portion thereof has racked, 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.
7. Whenever the building or structure or any portion thereof is likely to partially or completely collapse because of:
 - A. Dilapidation, deterioration, or decay;
 - B. Faulty construction;
 - C. The removal, movement or instability of any building, or part of same;
 - D. The deterioration, decay or inadequacy of its foundation;
 - E. Any other cause.
8. Whenever, for any reason, the building or structure or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
9. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
10. Whenever the building or structure, exclusive of the foundation, shows thirty three (33%) percent or more damage or deterioration of its supporting member or members, or fifty (50%) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
11. Whenever 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 vagrants, criminals or immoral persons; or
 - C. Assessable so as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
12. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this Town, as specified in the Uniform Building Code, or of any law or ordinance of this state or Town relating to the condition, location or structure of buildings.
13. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than fifty (50%) percent, or in any supporting part, member or portion less than fifty five (55%) percent of the strength, fire resisting qualities or characteristics, or 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.
14. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or otherwise, is determined by the State, County or Town Health Officer

to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

15. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive condition, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Chief to be a fire hazard,

16. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

17. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to make such building or portion thereof an attractive nuisance or hazard to the public.

Sec. 9-5-2 Unsanitary or Unsafe Conditions- Emergency Measures

Unsafe conditions such as leaking sewage from broken sewer lines, open cesspools, excavation pits or other similar unsanitary or unsafe conditions shall be abated within twenty four (24) hours by the removal of water service to the building, other emergency remedial measures reasonably required or by other legal means available to the administrative authority or health department.

A. To avoid injury or damage to its citizens it shall be the policy of this Town to abate unsafe conditions as soon as reasonably possible after the condition has been reported to the proper authorities. No officer or official shall be liable in any manner for failing to cure or attempting to cure or remedy such condition.

Sec. 9-5-3 Public Nuisances - Abatement Procedure

Public nuisances shall be abated as soon as reasonably possible by use of the procedure set forth in this Article or other legal or equitable means.

A. Notice to Owner: The building official shall examine or cause to be examined every premise, building or structure or portion thereof reported as dangerous, damaged, unsafe or as an unsanitary condition. Should the building official find same to be an unsafe building, unsafe condition or unsanitary condition as defined in this Article, he/she shall give the owner of such building, structure or unsafe or unsanitary premises written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within ten (10) working days, to commence either the required repairs or improvements or demolition and removal of the building, structure or hazard or portions thereof. All such work shall be completed within sixty (60) days from the date of notice, unless otherwise agreed in writing by the Building Official, if necessary, such notice shall also 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.

1. Service of Notice and Order: The notice and order, and any amended or supplemental notice and order, shall be served upon the recorded owner and posted on the premises; and one copy thereof shall be served on each of the following if known to the building official or disclosed from official public records; the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him/her by the provisions of this section. A copy of the appeal rights set forth herein shall be served with said notice.

2. Method of Service: Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his/her address as it appears on the last assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building or premises involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

3. Proof of Service: Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.

B. Posting of Signs: The Building Official shall cause to be posted at each entrance to such building or premises a notice to read:

“Unsafe Conditions Exist, Do Not Enter, Unsafe to Occupy, Building Department, Town of Superior; such notice shall remain posted until completion of the required repairs, the demolishing of the building or abatement of the unsafe condition, whichever shall apply.

C. Right to Demolish: It shall be unlawful for the owner to fail, neglect, or refuse to comply with the notice and order to repair, rehabilitate, abate an unsanitary or unsafe condition, or to demolish and remove said building or structure or portion thereof within the time period set out in the notice. In case of such failure, the Building Official may proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Town Council, who may cause the same to be paid and levied as a special assessment against the premises or the Town may authorize a civil action for collection of said costs.

D. Costs: Costs incurred under subsection (C) shall be paid out of the Town Treasury. Such costs may be charged to the owner of the premises involved as a special assessment on the Land on which the building, structure or unsafe condition is located and shall be collected in the manner provided for special assessments.

E. Appeal Procedure: Any person entitled to service under Section 9-5-3 (A) (1) may appeal from any notice, order or action by the Building Official within twenty (20) days from the date of the service by filing with the Town Clerk a written notice of appeal which shall include:

1. The names of the appellants and a description of the premises involved.
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 the action should 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 notice of appeal.
6. Upon receipt of any appeal filed, pursuant to this Section, the Clerk shall present it to the Town Council and a public hearing shall be held within ten (10) working days after the Council is notified.
7. After said hearing, the Council may affirm or modify, in part or in full, the orders of the Building Official. The Council shall make a specific finding of whether or not a public nuisance exists on the premises involved and, if it does, state the remedial measures required and the time period in which they shall be completed.

F. Remedy Not Exclusive: The procedures set forth in this Article for Abatement of Public Nuisances are in addition to all other legal or equitable remedies available to the Town and nothing contained herein shall be construed to the contrary.

G. Building Official: For purposes of this code the Building inspector or Town Manager or their designees shall be authorized to carry out the duties of the building official in this article.

Sec. 9-5-4 Unlawful Acts

It shall be unlawful and punishable as provided herein to maintain or keep any premises, building or structure in violation of the provisions of this Article or to interfere with the Building Official in the performance of his/her duties under this Article.

Sec. 9-5-5 Penalty

Any person, firm or corporation violating any of the provisions of this Article is guilty of a class two (2) 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 this Article is committed, continued or permitted.

A. Upon conviction for violation of this Article, and as a condition of probation the Magistrate is authorized to order restitution to the Town for all costs or expenses incurred to prosecute for and abate any nuisance.

Sec. 9-5-6 Costs of Abatement - Liability

Any person, firm or corporation who maintains or keeps any premises, building or structure in violation of this Article, shall also be liable to the Town for all costs or expenses incurred for the abatement of any such nuisance. The provisions hereof notwithstanding, the Town may in its discretion file an action in Superior Court to have such premises, building or structure declared a public nuisance and recover judgment for costs of removal or injunctive relief where appropriate.

Sec. 9-5-7 Limitation of Liability

This ordinance shall not be construed to require regular inspections of premises by the Town or an obligation to abate any public nuisance as defined herein, reported or unreported within a specific time period. Neither the Town of Superior nor any of its officers or officials shall be liable in any manner for injuries or damages which result or are alleged to have resulted from any delay or failure to enforce the provisions of this Article.

Article 9-6 SEWER ADMINISTRATION

Section 9-6-1 Management of Sewer/Wastewater System

Section 9-6-2 Receipts and Deposits

Section 9-6-3 Application for Sewer Service

Section 9-6-4 Grounds for Rejection of Application

Section 9-6-5 Violation of Application Provisions

Section 9-6-6 Notice Required for Discontinuance of Service

Section 9-6-7 Sewer Service May Be Discontinued Under Certain Conditions

Sec. 9-6-1 Management of Sewer System

The council through the Town of Superior Public Works Department (the Department), shall have the immediate control and management of all things pertaining to the Town sewer system and shall perform, or cause to be performed, all acts that may be necessary for the prudent, efficient, and economical management and protection of said system, The council shall have the power to prescribe, by resolution, such other and further taxes, fees, rules and regulations as it may deem necessary for said purposes.

Sec. 9-6-2 Receipts and Deposits

A. Fees for Service. The Mayor and Council shall establish by resolution fees to be paid by customers for sewer service. Said fees may include, but are not limited to, monthly, quarterly, or yearly rates for sewer service, connection/hook-up fees, development fees, and reconnection fees, as well as penalties for non-payment.

B. The manager shall cause the Department to keep a correct account of all receipts, make out all bills for services supplied and materials furnished to consumers, collect the same, and deposit the proceeds so collected to the credit of the Town, and in accordance with the direction of the council.

Sec. 9-6-3 Application for Sewer Service

Application for the use of sewer service shall be made in person, at the Town hall, to the Department by the owner, or agent, of the property to be benefited, designating the location of the property and stating the purpose for which the service is required. The connection fee as set by resolution shall be due at this time.

Sec. 9-6-4 Grounds for Rejection of Application

The Department may reject any application for service for any good and sufficient reasons including but not limited to the following:

service not available under a standard rate, service which involves excessive service expense, service which may affect the service to other consumers, when the applicant is delinquent in payment of bills incurred for service previously supplied at any location.

Sec. 9-6-5 Violation of Application Provisions

A. For violation of any of the provisions relating to application for, or continuation of, service, the Town may, at the expiration of thirty (30) days after mailing written notice to the last known address of the consumer, at its option, dose the hookup and discontinue service. Before the service is reinstalled, the consumer shall first pay to the Town a reinstallation charge and deposit as set by resolution.

B. A consumer may appeal a cut off notice by filing a written notice of appeal within thirty (30) days of the date of the notice of termination was mailed. Such appeal shall be processed as an administrative appeal. The notice shall be filed with the Town Clerk within the time period and heard by the Mayor and Council within twenty (20) days of receipt of such notice.

Sec. 9-6-6 Notice Required for Discontinuance of Service

Any person who desires to discontinue the use of sewer service shall file written notice with the department. Responsibility for cost of service extends to the time of actual termination of service by the Department or to the time specified for departure, whichever occurs last.

Sec. 9-6-7 Sewer Service May Be Discontinued Under Certain Conditions

The Department may inspect any premises within the Town and discontinue service when there are reasonable grounds to believe it necessary for the following reasons:

- A. To prevent fraud or abuse,
- B. Failure of the consumer- to comply with any rule of the department including failure to pay billings on a timely basis.
- C. Emergency repairs.
- D. Legal process.
- E. Direction of public authorities.
- F. Local emergency requiring emergency measures.
- G. Tampering with the Town line or other equipment by the consumer.
- H. To prevent a continuing violation of this chapter.

Sec. 9-6-8 Occupied Units Liable

A charge shall be assessed for each additional unit, house, trailer, or mobile home utilizing the sewer service to a particular location. Said charge shall be set by council resolution.

Article 9-7 CONSUMER RESPONSIBILITIES REGARDING SEWER SERVICE

Section 9-7-1 Consumer Sewer Facilities

Section 9-7-2 Consumer Negligence

Section 9-7-3 Right of Way

Section 9-7-4 Installation of Lines

Section 9-7-5 Protection of Town Property

Section 9-7-6 Supplying Water to Others Prohibited

Section 9-7-7 Sprinkling Restrictions

Section 9-7-8 Waste of Water Prohibited

Section 9-7-9 Inspections

Section 9-7-10 Shut-Off Valve Installation

Section 9-7-11 Interference with Sewer Department or Building Inspector; Digging up Streets without Permit

Section 9-7-12 Unsanitary Disposal of Excrement Prohibited

Section 9-7-13 Private Sewage System

Section 9-7-14 Tampering with Equipment Prohibited

Section 9-7-15 Permit Required

Section 9-7-16 Application

Section 9-7-17 Inspection and Approval by Sewer Department or Building Inspector

Section 9-7-18 Records to be kept by Department

Sec. 9-7-1 Consumer Sewer Facilities

Unless otherwise specifically provided in this chapter, the consumer shall have complete responsibility for the installation and maintenance of adequate sewer facilities on the premises and the Town shall not in any way be responsible for the installation, maintenance, inspection, or damage of such facilities or damage caused by any defect in such facilities on the consumer's premises. Such facilities shall be maintained by the consumer in full compliance with any and all rules and regulations of the Town and applicable state statutes.

Sec. 9-7-2 Consumer Negligence

The consumer/occupant shall be responsible for any damage to the Town sewer system or injury to Town employees caused by the intentional or negligent act of said consumer/occupant, the cost of such shall be added to that consumer's bill, and if such charges are not paid, service may be discontinued. Nothing contained herein shall restrict the Town from pursuing any lawful remedy for collection of damages caused by a consumer/occupant.

Sec. 9-7-3 Right of Way

Each consumer shall provide the Town with such easement and right of way as is necessary to provide service to that consumer and to enforce the provisions of this article. The application for and use of service shall automatically grant such rights to the Town as may be necessary to carry out the provisions of this chapter.

Sec. 9-7-4 Installation of Lines

The Town may refuse to provide service unless the lines and/or piping are installed on the premises so as to prevent cross-connections or back-flow, or any other violation of this chapter or any applicable building or health code or regulation.

Sec. 9-7-5 Protection of Town Property

The consumer shall provide proper protection for Town property placed on his/her premises and shall permit only authorized representatives of the Town to have access to same.

Sec. 9-7-6 Supplying Service to Others Prohibited

No occupant or owner of any building to which sewer services are supplied by the Town will be allowed to supply said services to other persons or families or for use on any other property. The Town reserves the right to shut off the service for abuses of privileges.

Sec. 9-7-7 Waste of Water Prohibited

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. All water outlets, including those used in conjunction with hydrants, urinals, water closets, bathtubs and other fixtures must not be left running for any purpose other than the use for which they were intended. In addition to the penalty provided herein for code violations, the sewer service may be discontinued where any such waste occurs.

Sec. 9-7-8 Inspections

Whenever in the judgment of the Department it is deemed necessary for proper management of the system, the Department may inspect the premises or buildings of any consumer for the purpose of examining the condition of all pipes, motors, meters and fixtures, or the manner in which such facilities are used.

Sec. 9-7-9 Interference with Sewer Department or Building Inspector; Digging up Streets without Permit

It shall be unlawful for any person:

A. To interfere in any way with the officers of the department or building inspector in the discharge of any of their duties, either in the tapping of any sewer pipe main or lateral belonging to the Town or in the laying or connecting of such pipe, main or lateral.

B. To dig up or cause to be dug up any street or alley in the Town for the purpose of connection with the sewer system of the Town without first obtaining a permit from the department.

C. To fail or neglect to place a street or alley in its original condition, as required by the department, after said person has dug up or disturbed any portion of said street or alley.

Sec. 9-7-10 Unsanitary Disposal of Excrement Prohibited

It shall be unlawful for any person to deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Town or in any area under the jurisdiction of the Town any human or animal excrement or other objectionable waste.

Sec. 9-7-11 Private Sewage Systems

A. Compliance with Chapter: Except as provided in this chapter it shall be unlawful to construct or maintain within the Town any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

B. When Permitted: Sanitation: Where a public sanitary or combined sewer is not available within the Town or in any area under the jurisdiction of the Town the building sewer shall be connected to a private sewage disposal system, which complies with the regulations of the State Department of Public Health or other agency having jurisdiction. Such private sewage disposal system shall be constructed, maintained and operated at all times in a sanitary manner.

C. Discontinuance: Within ninety (90) days after a public sewer becomes available within two hundred (200) feet of any property served by a private sewage disposal system, a direct connection shall be made to the public sewer in accordance with the provisions of this chapter and any septic tanks, cesspools, and similar private sewage facilities shall be abandoned and filled with suitable material.

Sec. 9-7-12 Tampering with Equipment Prohibited

No person shall maliciously, willfully or negligently break damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works.

Sec. 9-7-13 Permit Required

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the sewer department.

Sec. 9-7-14 Application

An owner/occupant who desires connection to Town sewer shall make application for connection with the department and pay all fees at the time of filing said application.

Sec. 9-7-15 Inspection and Approval by Sewer Department or Building Inspector

No building sewer will be connected to the Town sewer until it has been inspected and approved by the department or building inspector.

Sec. 9-7-16 Records to be kept by Department

The department shall keep a record of all building connections made, the purpose for which they are to be used, together with the name of the owner and occupant of the property, his/her agent or representative.

Article 9-8 USE OF PUBLIC SEWERS

Section 9-8-1 Prohibited Substances

Section 9-8-2 Interceptors Required

Section 9-8-3 Authority of Department

Section 9-8-4 Preliminary Treatment

Section 9-8-5 Manholes

Section 9-8-6 Tests and Analyses

Section 9-8-7 Special Agreements with Industrial or Private Concerns

Section 9-8-8 Violations - Penalty

Sec. 9-8-1 Prohibited Substances

A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or industrial process waters to any sanitary sewer unless specifically authorized by the manager.

B. Except as provided in this section no person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewer:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
2. Any water or waste which may contain more than fifty (50) parts per million by weight of fat, oil or grease.
3. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
4. Any garbage that has not been properly shredded.
5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, grits such as brick, cement, onyx, carbide or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer works.
6. Any waters or wastes having a pH lower than five and one half (5 1/2) or higher than nine (9) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans, or animals; or create any hazard in the receiving waters of the sewage treatment plant.
8. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
9. Any noxious or malodorous gas or substance capable of creating a public nuisance.

Sec. 9-8-2 Interceptors Required

- A. Grease, oil, and sand interceptors shall be provided when, in the opinion of the sewer department, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units.
- B. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gas tight and watertight and shall be located as to be readily accessible for cleaning and inspection.
- C. When required, all grease, oil, and sand interceptors shall be installed and maintained by the owner, at his/her expense, and must be in continuously efficient operation at all times. The owner shall keep written records of all cleaning, repair, calibration and maintenance required under this subsection. Such records shall be maintained for a period of three (3) years.
- D. The department shall require replacement of any grease or oil interceptor which fails to operate efficiently at the owners' expense.

Sec. 9-8-3 Authority of Department

The admission into the public sewers of any waters or wastes having any of the following characteristics shall be subject to the review and approval of the department:

- A. A five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight.
- B. Containing more than three hundred fifty (350) parts per million by weight of suspended solids.
- C. Containing any quantity of substance having the characteristics described in Section 9-7-1.
- D. Having an average daily flow greater than two (2%) percent of the average daily sewage flow of the Town.

Sec. 9-8-4 Preliminary Treatment- Definitions

- A. Required: Where necessary in the opinion of the Department, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to:
 1. Reduce the B.O.D. to three hundred (300) parts per million and the suspended solids to three hundred fifty (350) parts per million by weight.
 2. Reduce objectionable characteristics or constituents to within the maximum limits provided for in
 3. Control the quantities and rates of discharge of such waters or wastes.
- B. Approval: Plans and specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the department and any state or Federal

Agency having jurisdiction. No construction of such facilities shall be commenced until such approvals are obtained in writing.

C. Maintenance of Facilities: Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

D. In this Article, unless the context otherwise requires:

1. "B.O.D., denoting biochemical oxygen demand, means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade expressed in parts per million (P.P.M.) in weight.

2. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Sec. 9-8-5 Manholes

When required by the sewer department, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation and sampling of wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the sewer department. The manhole shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times.

Sec. 9-8-6 Tests and Analyses

All tests and analyses of the characteristics of waters and wastes to which reference is made in this Article, shall be determined in accordance with "standard methods for examination of water and sewage, and shall be determined at the control manhole provided for in the preceding section or upon suitable samples taken at such control manhole.

Sec. 9-8-7 Special Agreements With Industrial or Private Concerns

A. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial concern. The Manager shall approve any such agreement.

B. The Town may accept waste from private individuals or companies delivered for dumping at the waste water treatment plant. Fees for such delivered for dumping at the waste water treatment plant. Fees for such dumping shall be established by resolution.

Sec. 9-8-8 Violations - Penalty

It shall be a class (2) misdemeanor to willfully or intentionally violate, or fail to comply with any provision of Article 9-6, 9-7 or 9-8 of this chapter 9. Each day a violation continues shall be a separate offense.

Article 9-9 LIABILITY

Section 9-9-1 Interruption of Service

Section 9-9-2 Liability Limited

Section 9-9-3 Compliance with Regulations a Condition for Service

Sec. 9-9-1 Interruption of Service

The Town shall notify the consumer in advance of any anticipated interruption of service when such advance notice is possible. The Town shall not be responsible for any interruption of service caused by forces beyond its control.

Sec. 9-9-2 Liability Limited

The Town shall not be held liable, in any respect, for the condition, defects, failure or use of any pipe, connection, fixture or appurtenance, not belonging to the Town or for loss or damage resulting therefrom. The consumer accepts this limitation by applying for and utilizing sewer service.

Sec. 9-9-3 Compliance with Regulations a Condition for Service

Compliance with all provisions contained in this Chapter 9 and all regulations adopted pursuant to same shall be considered a condition of every consumer/occupant receiving sewer service from the Town and such consumer/occupant receiving sewer service shall be considered as having expressly consented to be bound thereby. Consumers outside the Town limits shall, upon application for sewer service, be required to sign a statement agreeing to the provisions of this chapter and all regulations adopted to enforce same.