

## ORDINANCE NO. O2021.19

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY CODE, CHAPTER 21 – NUISANCES AND PROPERTY ENHANCEMENT: SECTION 1 - DEFINITIONS, SECTION 3 - ENUMERATED VIOLATIONS, SECTION 4 - OTHER ENUMERATED VIOLATIONS, SECTION 22 - SCOPE, SECTION 23 - DEFINITIONS, SECTION 38 - MAINTENANCE.

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NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

**SECTION 1.** That ARTICLE I. – NUISANCES of the City Code is hereby amended to read as follows:

#### **Sec. 21-1. Definitions.**

For the purposes of this article, the following words, terms and phrases shall have the meaning respectively ascribed to them as follows, unless the context clearly indicates otherwise:

~~Slum-like means the unsightly condition of a building, structure or premises characterized by deterioration or other similar conditions regardless of the condition of other properties in the neighborhood.~~

#### **Sec. 21-3. Enumerated violations.**

(b) A nuisance includes any one (1) or more of the following conditions:

- (8) Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground;
- (15) Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or slum-like appearance. All replacement materials shall be uniform, compatible and consistent with the design thereof;

**Sec. 21-4. Other enumerated violations.**

(a) It shall be unlawful and a violation of this Code for any person to erect, maintain, use, place, deposit, cause, allow, leave or permit to remain any of the following:

(2) For any residential property:

- b. Exterior painted surfaces with loose, cracked, scaling, chipping or peeling paint, visible from a public area, in such amounts as to present a deteriorated ~~or slum-like~~ appearance;
- c. Broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated ~~or slum-like~~ appearance;

**SECTION 2.** That ARTICLE II. - RENTAL HOUSING CODE of the City Code is hereby amended to read as follows:

**Sec. 21-22. Scope.**

This Code shall apply to all rental housing units located within the City including mobile homes, single family homes and multifamily units. The intent of this Code is to establish base standards for rental housing in the City so as to prevent or correct ~~slum and blighted~~ conditions and protect the health, safety and welfare of the community.

**Sec. 21-23. Definitions.**

~~Slum-like~~ means the unsightly condition of a building, structure or premises characterized by deterioration or other similar conditions regardless of the condition of other properties in the neighborhood.

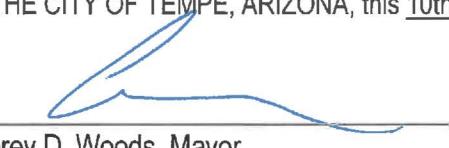
**Sec. 21-38. Maintenance.**

- (a) *General provision.* Every rental housing unit interior and exterior should be maintained in a condition which provides the occupants with protection from the elements, a safe and healthy living environment and housing free from deteriorated ~~or slum-like~~ conditions.
- (g) ***DETERIORATED Exterior; deteriorated or slum-like.*** All exposed exterior surfaces shall be maintained so as to be impervious to moisture and weather elements and every rental housing unit shall be free of broken, rotted, split or buckled exterior wall coverings or roof coverings. All exposed exterior surfaces shall not otherwise present a deteriorated ~~or slum-like~~ appearance and will meet the specific requirements which follow:
  - (2) All exterior painted surfaces shall be painted with paint that is lead free and shall be free of loose, cracked, scaling, chipping or peeling paint in such amounts as to present a deteriorated ~~or slum-like~~ appearance;
  - (3) Roof coverings shall be watertight and weather tight and shall be free of broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated ~~or slum-like~~ appearance. All roofing materials shall meet the requirements of the Tempe Building Code; and
- (h) *Landscaping.* Every rental housing unit shall have landscaping in all yard areas which are visible from a public street, alley or sidewalk or a neighboring property. Such landscaping shall be installed and maintained so as to enhance the appearance and value of the property on which it is located and shall not present a deteriorated ~~or slum-like~~ appearance.

(I) *Swimming pools; maintenance.* All swimming pools, architectural pools and spas shall be properly maintained so as not to create a safety hazard, harbor insect infestation or create a deteriorated or slum-like appearance.

**SECTION X.** Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 10th day of June, 2021.**



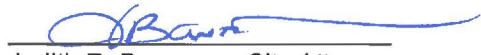
Corey D. Woods, Mayor

ATTEST:



Carla R. Reece, City Clerk

APPROVED AS TO FORM:



Judith R. Baumann, City Attorney