

WORK SESSION AGENDA

CITY COUNCIL WORK SESSION
TUESDAY
JUNE 13, 2023

COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
3:00 P.M.

All City Council Meetings are live streamed on the city's website
(<https://www.flagstaff.az.gov/1461/Streaming-City-Council-Meetings>)

*****PUBLIC COMMENT*****

Verbal public comments may be given through a virtual public comment platform or in-person

If you want to provide a verbal comment during the Council Meeting, use the link below to join the virtual public comment room.

VIRTUAL PUBLIC COMMENT WAITING ROOM

Written comments may be submitted to publiccomment@flagstaffaz.gov. All comments submitted via email will be considered written comments and will be documented into the record as such.

1. Call to Order

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this work session, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. ROLL CALL

NOTE: One or more Councilmembers may be in attendance through other technological means.

MAYOR DAGGETT
VICE MAYOR ASLAN
COUNCILMEMBER HARRIS
COUNCILMEMBER HOUSE

COUNCILMEMBER MATTHEWS
COUNCILMEMBER MCCARTHY
COUNCILMEMBER SWEET

3. Pledge of Allegiance, Mission Statement, and Land Acknowledgement

MISSION STATEMENT

The mission of the City of Flagstaff is to protect and enhance the quality of life for all.

LAND ACKNOWLEDGEMENT

The Flagstaff City Council humbly acknowledges the ancestral homelands of this area's Indigenous nations and original stewards. These lands, still inhabited by Native descendants, border mountains sacred to Indigenous peoples. We honor them, their legacies, their traditions, and their continued contributions. We celebrate their past, present, and future generations who will forever know this place as home.

4. **Public Participation**

Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone to have an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

5. **Review of Draft Agenda for the June 20, 2023 City Council Meeting**

Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.

6. **Proclamation:** Juneteenth

7. **Proclamation:** Waste & Recycling Workers Week

8. **Lone Tree Overpass Integrated Art Elements**

1. Hear and see presentation on artist selection, community input and design process, and developed art concepts;
2. Consider art concepts;
3. Provide responses.

9. **Part 1- Streets and Parks Snow Operations Discussion**

General review and healthy discussion about city snow operations.

10. **Bicycle and Pedestrian (Multi-Modal) Snow Operations**

Discussion on current snow operations and expectations

11. **Update and Discussion on Building and Property Care Ordinance and associated Code Amendments**

Discussion of proposed amendments and review of the updated schedule.

12. **Public Participation**

13. **Informational Items To/From Mayor, Council, and City Manager; future agenda item requests**

14. Adjournment

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on _____, at _____ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this _____ day of _____, 2023.

Stacy Saltzburg, MMC, City Clerk

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Jana Weldon, Beautification Arts & Sciences Program Manager

Date: 05/31/2023

Meeting Date: 06/13/2023



TITLE:

Lone Tree Overpass Integrated Art Elements

DESIRED OUTCOME:

1. Hear and see presentation on artist selection, community input and design process, and developed art concepts;
2. Consider art concepts;
3. Provide responses.

EXECUTIVE SUMMARY:

City Council is being asked to consider and respond to the Beautification and Public Art Commission's (BPAC) recommendations for integrated art concepts for the future Lone Tree Overpass, a road and bridge structure which will extend Lone Tree Road from Butler Ave to Route 66. The proposed integrated art concepts incorporate several motifs drawn from community input.

Funding Source, and City Council and BPAC's Roles:

Beautification projects, as well as Arts & Science projects, are funded by voter approved Bed, Board, & Beverage tax revenue. Though no approval is before City Council at this juncture, the City Council has established BPAC to make recommendations about how public tax dollars should be spent on beautification, arts and sciences.

Per the Flagstaff City Code, Section 2-14-001-0006.D, BPAC is required to evaluate and make recommendations to the City Council for public art projects.

Per standard procurement process, the City Council must approve (or disapprove) any contract in an amount exceeding \$50,000. If there is Council support for the proposed integrated art concepts, City staff will work towards obtaining more detailed designs and specifications for the art enhancements. Contracts for the art enhancements will be presented to City Council in the upcoming several months, going over more than one fiscal year. Because the art enhancements are integrated into the Lone Tree Overpass structures, fabrication and installation costs for the art will be included in the contracts for the construction of the Lone Tree Overpass.

Cost Range for Integrated Art Elements at Lone Tree Overpass:

Beautification, Arts & Sciences (BAS) is working with Capital Projects to determine the amount to be charged to the Beautification fund. This involves determining the cost with the art enhancements and subtracting out the base cost of the same element with a standard treatment. In FY23, the BAS program

contributed \$50,000 towards the artist design contract and design-team work. BAS's FY24 proposed budget for Lone Tree is up to \$900,000, drawing from both the Lone Tree project (\$500,000) and a future projects (\$400,000) budget lines: plus another \$250,000 proposed for FY25. While the cost analysis is still ongoing, the preliminary estimates are in the range of \$750,000 to \$1,125,000. The overall Beautification fund balance supports an increase to the FY25 budget if there is need.

Public Art Process for Lone Tree:

With a design team for the project already in place and design underway when BAS became involved, the program worked with Capital Projects and WSP, the engineering and professional services firm contracted with the City, to add an artist to their design team under the City's existing contract with WSP. Laurie Lundquist was chosen to be that design team artist in March 2022 through a competitive interview process. BPAC reviewed that choice at their April 2022 meeting. Noted was her range of experience on design teams for freeway overpasses, pedestrian walkways, bridges and underpasses and the positive reception of those projects.

With the artist on board, BAS supported the design team with some best practices in the field of public art. In early 2022 a community survey was conducted that focused on this area's sense of place, for which approximately 150 responses were received. In addition to the City's public meetings and meeting with City Planners and Historic Preservation, the artist also interviewed Councilmember Deborah Harris in her position as the Executive Director of the Southside Community Association. In June 2022, the artist participated in a focus group discussion of all the character areas that the Lone Tree Overpass connects with community members. The focus group members included two members of BPAC plus Southside, Sawmill Mall, NAU, Indigenous, and Route 66 representation. Initial ideas regarding the art features were presented to the public on July 26, 2022, at the Murdoch Community Center. Taking in those responses, the artist vetted her concept development with members of a focus group which led to further refinements. BPAC gave its recommendation for these refined integrated art concepts at the December 2022 meeting. Value engineering led to small changes to use repeated patterns.

Integrated Art Concepts and Motifs:

The Lone Tree Overpass connects Southside to Route 66 across the relocated Rio de Flag drainage and the BNSF railroad. The aesthetic aspects of the overpass reflect Flagstaff's unique natural environment, the pedestrian and bicycle friendly design of the overpass, and the dynamic of the railroad and the Rio drainage through the heart of the city and which the new overpass crosses. The artist uses three dominant project colors: yellow ochre, burnt sienna and cerulean blue, classic colors that stand the test of time and which are harmonious with Flagstaff's natural environment.

The overpass elements receiving integrated artistic enhancements include:

- Retaining walls on the south
- Abutments on south and north ends of the overpass
- Parapet, or pedestrian safety walls on the outside edges of the overpass and inside
- Fencing required by BNSF over the span that crosses their tracks (dashed purple)
- FUTS path railing
- Piers that support the open bridge spans
- Entry features at south and north ends of overpass

A color-coded plan of these elements is included in the presentation.

The imagery on the retaining walls on the east and west sides of the overpass is inspired by the ponderosa forest and Flagstaff's lumber history. On the east retaining wall are oversized, stylized tree patterns inspired by the unique ponderosa bark. The patterns are inset. And textured with a vertical linear form liner pattern, which is also between the tree shapes, on approximately the first 10 vertical feet, which is a graffiti deterrent. Rustication patterns are repeatable to fit within the construction budget. Oversized, stylized tree rings float on the west wall. The wall connecting the east and west retaining walls under the overpass unites the forest and lumber motifs. The artist understands that it is the community's wish that this area eventually will become active community space.

The overpass is supported on its north, where it connects to Route 66, with a 108' abutment wall, along the FUTS path runs and perpendicular to the overpass. The mountains make an appearance on the north abutment wall with natural rusticated concrete on a blue background, creating a foreground/background ambiguity. Laser-cut steel bicycle wheel forms appear randomly as a nod to Flagstaff's bicycle lifestyle. Circular arcs sweep along the FUTS path railing, echoing bicycle and train wheels, in weathered steel.

On top of the overpass, a safety parapet wall runs the length of the overpass on its outside edges. The inside parapet wall continues the blue of the north abutment wall, with silhouettes of pedestrians and bicyclists sandblasted randomly, like the shadows of users. Dark sky compliant accent lighting within the parapet wall was chosen by the artist.

The exterior of the parapet wall, above the three bridge spans that traverse the BNSF tracks, the relocated Rio de Flag drainage and future community space, are rusticated with stylized shapes that variously represent the movement of the train and the Rio. On the parapet above the south retaining walls, giant pine needle forms in powder-coated steel are attached randomly, creating shadows that move with the sun.

8' tall cyclone safety fencing is required by BNSF over the railroad tracks. The artist impacted the shape of the fencing into a sawtooth design to continue the sense of movement. The fencing is further activated with abstract shapes inspired by the trains, wind and clouds. The images are created by a series of many small flags or tabs, made from a durable and colorfast fabric-like material. The tabs are attached to the outside of the fence with permanent fittings, to flutter with the wind. Spaces between create transparency and allow visibility. This feature will be most visible from the FUTS path and Route 66.

The shape of the supporting piers that hold the bridge spans are a more dynamic V shape. The piers are painted and rusticated with shapes similar to the train wheel and movement shapes seen on the parapet above, with the form liner adding textural interest.

One Tree identity elements are proposed for the entries to the overpass from Route 66 on the north and from Butler Ave on the south. A free-standing laser cut fence section marks a resting area with pedestrian amenities on the south. The intertwined arc motifs of the fence recall the wheels of the bicycles and the trains, the tree rings, and the mill saw. A different version of the same element tops a section of the parapet wall on both the east and west side of the north entry.

INFORMATION:

Council Transportation Goal: Deliver quality community assets and continue to advocate and implement a highly performing multi-modal transportation system.

Council Community Outreach Goal: Enhance public transparency and accessibility.

Goal CC.4: Design and develop all projects to be contextually sensitive, to enhance a positive image and identity for the region.

Goal CC.5: Support and promote art, science, and education resources for all to experience.

Goal LU.3: Continue to enhance the region's unique sense of place within the urban, suburban, and rural context.

Attachments:

Presentation

April 2022 BPAC Meeting

December 2022 BPAC Meeting

Lone Tree Overpass: Integrated Art Elements

Beautification, Arts and Sciences Program
Jana Weldon





Lone Tree Overpass Integrated Art Elements



Agenda

- **Design Process Overview**
 - Selected Artist
 - Community Input Prior to Design
- **Funding and Budget**
- **Integrated Art Elements**
 - Abutment Walls
 - Retaining Walls
 - FUTS Path Railing
 - Parapet Walls
 - BNSF Fencing
 - Support Piers
 - Entry Features



Process Overview

PUBLIC ART PROCESS WITH A TWIST

- A design team for the project already in place and design underway when Beautification, Arts & Sciences (BAS) became involved.
- BAS worked with Capital Projects and WSP, the engineering and professional services firm contracted with the City, to add an artist to their design team under the City's existing contract with WSP.
- Laurie Lundquist was chosen to be that design team artist in March 2022 through a competitive interview process.



Three pillars of public art design process

- Artist on Design Team

- ☐ Artist under contract to City Consultant but funded by BAS
- ☐ BAS staff served in advisory role for artist selection
- ☐ Artist works in consultant run design team meetings

- Community Input

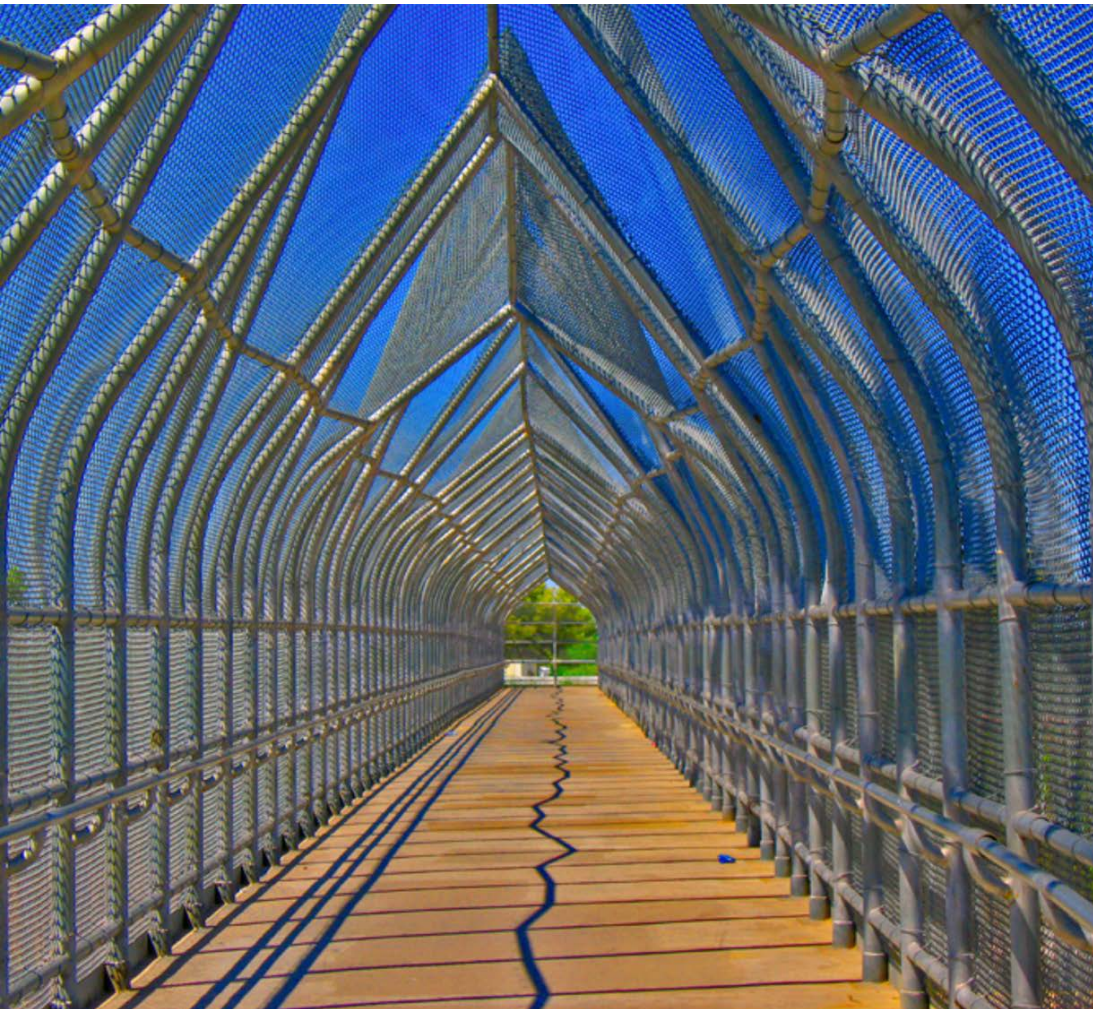
- ☐ Community Forum Survey for general public, 148 responses
- ☐ Placeholder ideas presented at project public meeting in July 2021 at Murdoch Community Center
- ☐ Artist met with Executive Director of Southside Community Association and Historic Preservation
- ☐ Focus group of community stakeholders participated in creative exercises with follow up discussion and review and respond to early design ideas

- BPAC

- ☐ Received informational background and updates
- ☐ Two members participated in focus group (Commissioners Zecher and McGrath)
- ☐ Gave recommendation for approval. December 2022



Artist Selection: Laurie Lundquist





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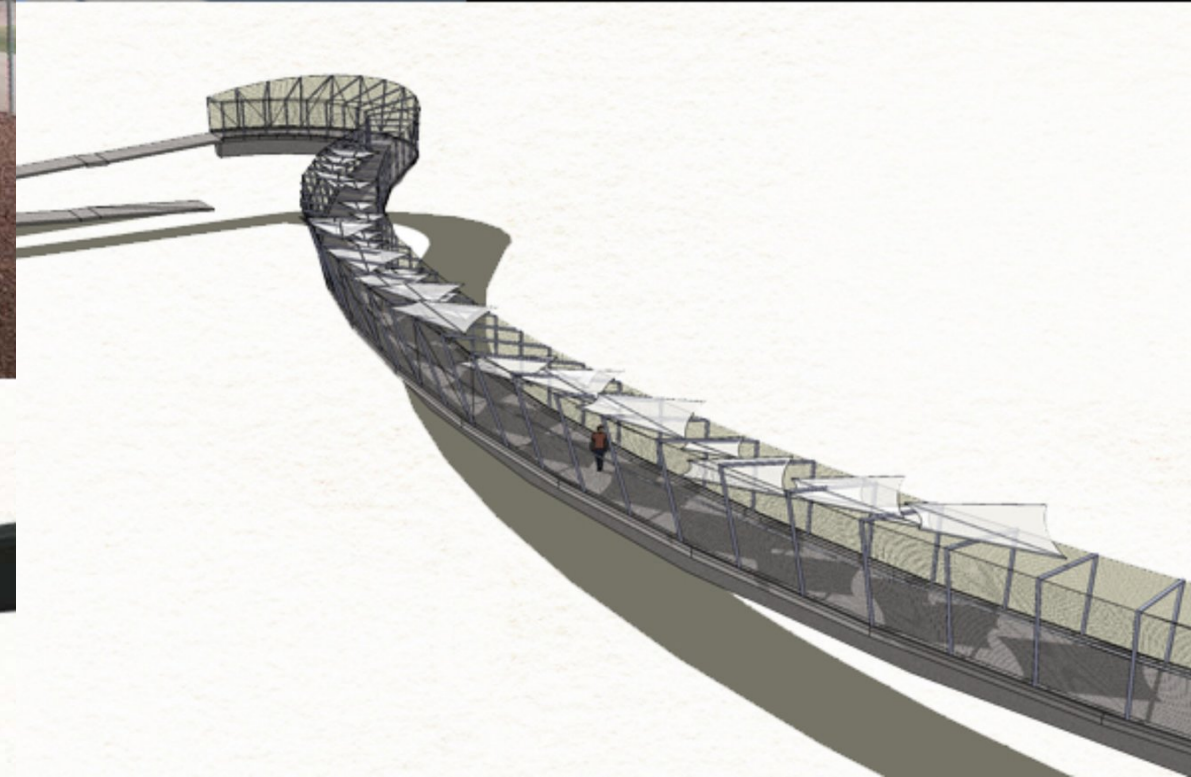
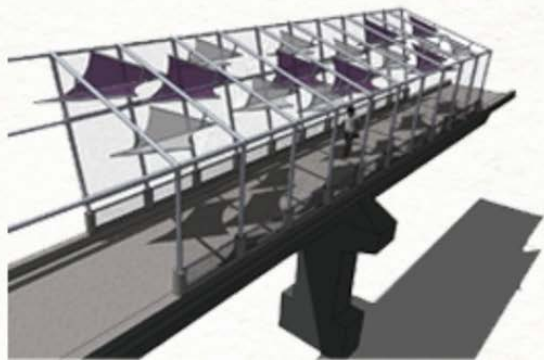
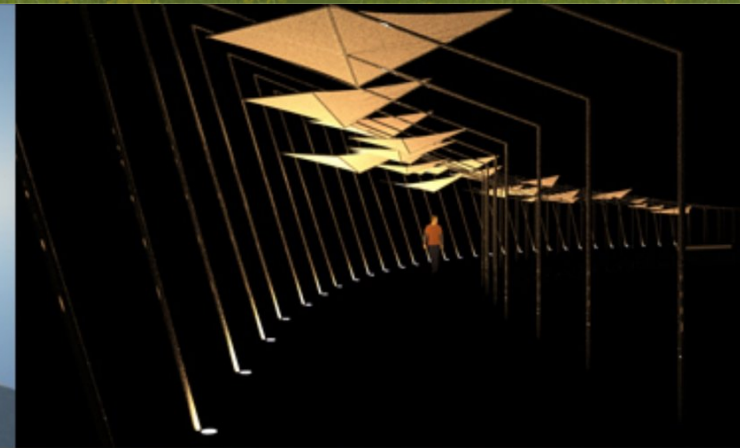
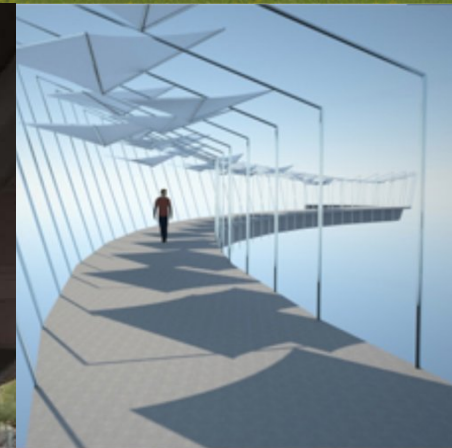


Artist Selection: Laurie Lundquist



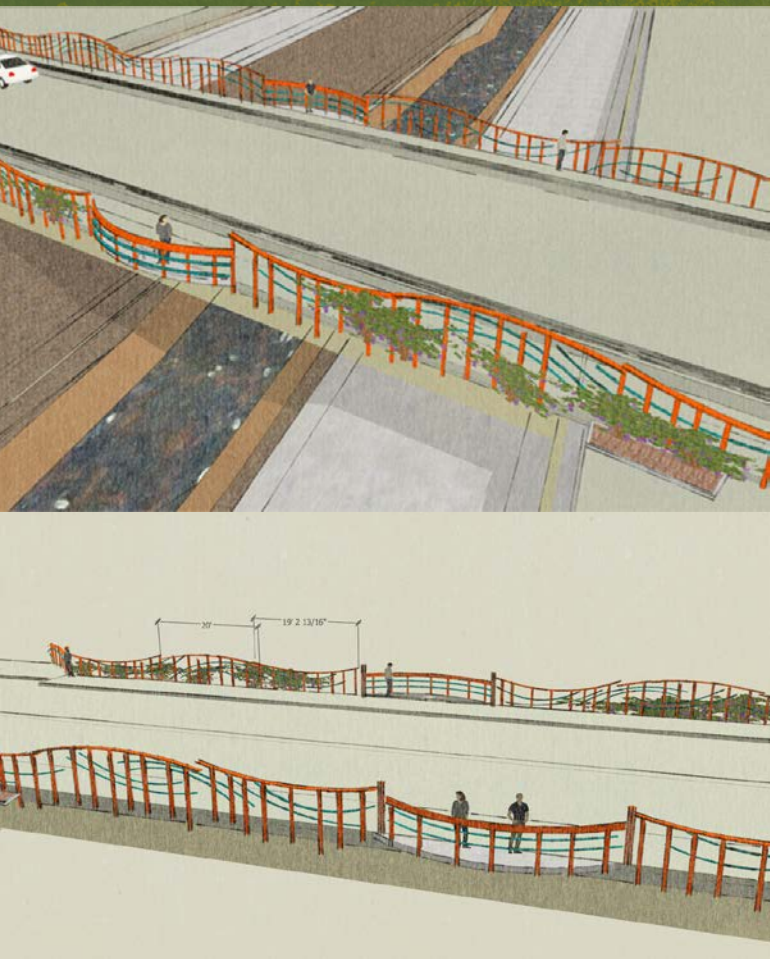


Artist Selection: Laurie Lundquist





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TEAM FLAGSTAFF



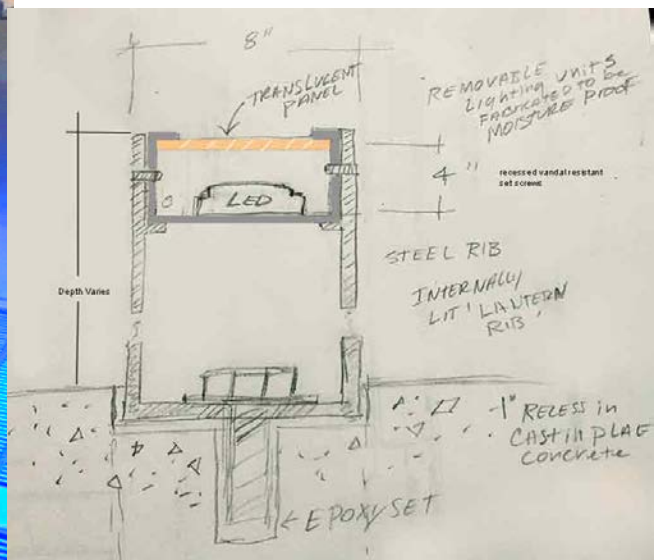
WE MAKE THE
CITY BETTER





TEAM FLAGSTAFF

WE MAKE THE
CITY BETTER







TEAM FLAGSTAFF



WE MAKE THE
CITY BETTER









TEAM FLAGSTAFF

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CITY BETTER



Artist Selection: Laurie Lundquist







Community Input Prior to Design

Community Forum Survey, 14 questions, Jan/Feb 2021

Sample Questions:

- Ponder walking or biking across the Lone Tree Overpass. **What connections do you feel** to nature, specifically the sky, the mountains, the trees, the animals/birds? What connections would you like to feel?
- Ponder traveling on the Lone Tree Overpass in either direction. What connections do you feel Hwy 66? What connections would you like to feel?
- To the historic Southside? To NAU and the student body? To Sawmill shopping and residences?
- Consider the potential changes in the next 20 years for Flagstaff, what do you hope to see? What visions do you have for your city?

Received 148 responses to share with artists



Community Input Prior to Design

Focus Group, June 13, 2021

Sample Exercise:

Consider the character of these different areas or aspects of Flagstaff:

- The Southside
- NAU Campus
- FUTS Trails
- Sawmill Mall and high-rise residences
- Route 66 between downtown and 4th Street.

Now assign a creature/animal real or fiction that symbolizes each area. Say why you chose the animal?

- **The Southside:** Lion- The southside remains powerful in their quest for the future of this neighborhood. They are courageous in that they want to secure a solid meaningful future for the neighborhood. Remembering there is a lot of history in this neighborhood. Where it has come from and where it plans to go in the future.
- **NAU Campus:** An Owl represents hunters with keen eyes and ears. Constantly searching and changing. They continue to invest in environmental sustainability. A community arboretum and climate change.
- **FUTS Trails:** Gazelles because they are resilient, can cope with changes. They are adaptable. These trails represent opportunities for bicyclists, walkers, hikers, runners. They represent adventure.
- **Sawmill Mall and High-Rise Residences:** Raptor- Because I feel the Sawmill has identified their market. They have wasted no time in seizing the opportunities of the Flagstaff demographic group to appeal to. They are strategic and waste no time in achieving their goals.
- **Route 66, between downtown and 4th Street:** A cat because they can have eclectic personalities. Between Route 66 and Downtown 4th street you have an ever changing landscape. This route offers several options along the way. Much like a cat can be sweet or mysterious. Filled with curiosity or adventurous.



Community Input Prior to Design

- **July 26, 2021: Public Meeting at the Murdoch Center**
- **Meetings with Historic Preservation Planner and Executive Director of Southside Community Association**





Funding and Budget

Contracting for Art Features: Under City Consultant and Construction Procurements

- All funding for the artist contracts and the aesthetic enhancements, from design through installation, is from the **dedicated Bed, Board & Beverage revenues for Beautification**
- In FY23, Beautification contributed \$50,000 towards the artist design contract and consultant design-team work to integrate.
- **FY24 proposed budget for Lone Tree is up to \$900,000**, drawing from both the Lone Tree project (\$500,000) and a future projects (\$400,000) budget lines in Beautification
- **\$250,000 proposed for FY25** which can be increased if necessary
- Cost analysis ongoing: This involves determining the cost with the art enhancements and subtracting out the base cost of the same element with a standard treatment
- Preliminary **estimates are in the range of \$750,000 to \$1,125,000**

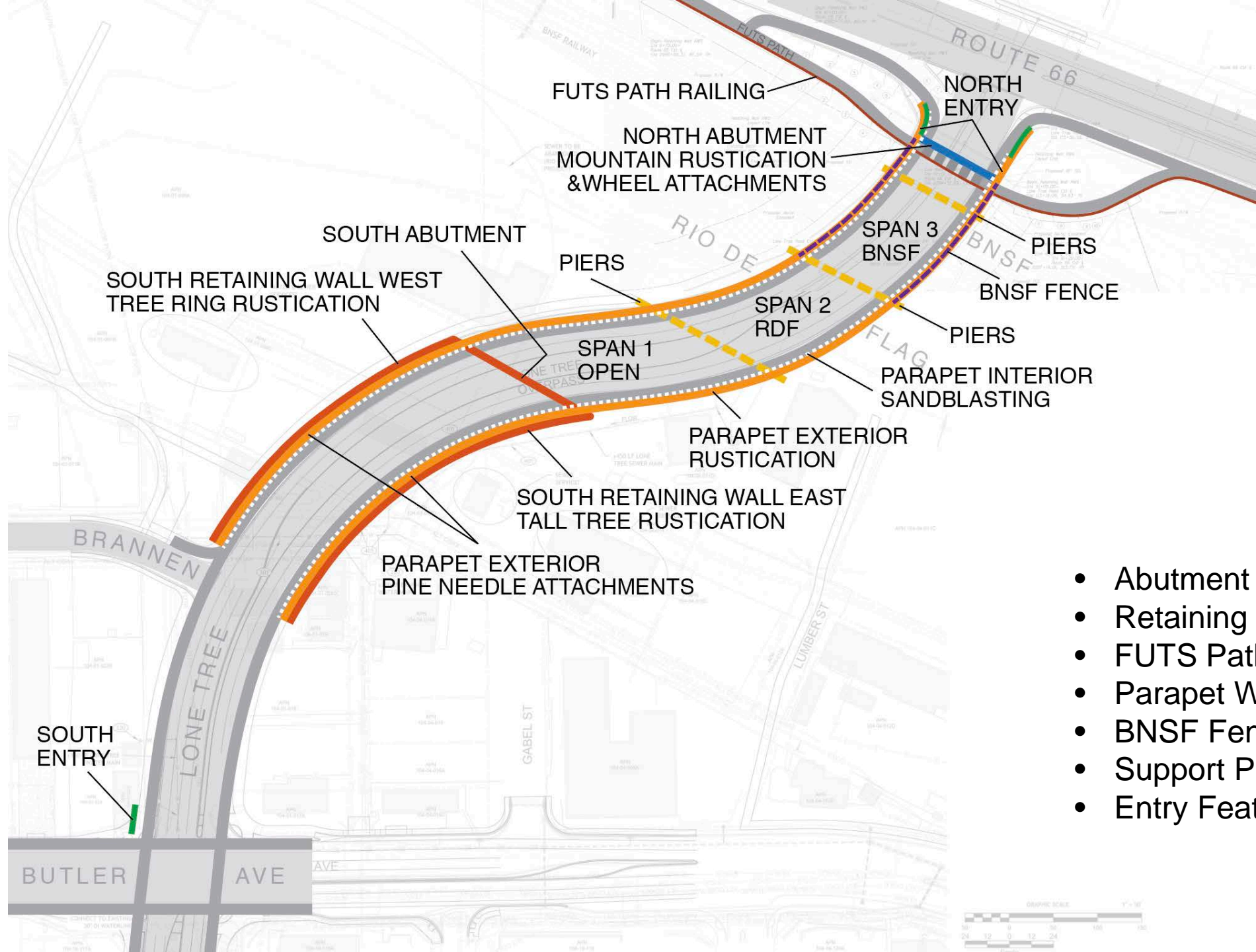


Integrated Art Elements

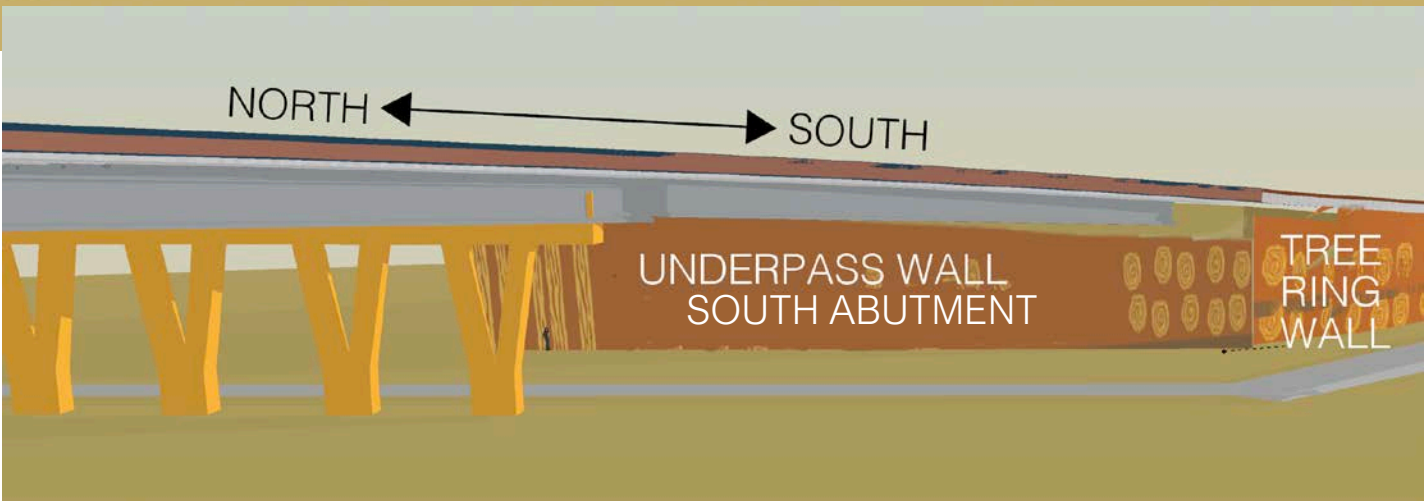
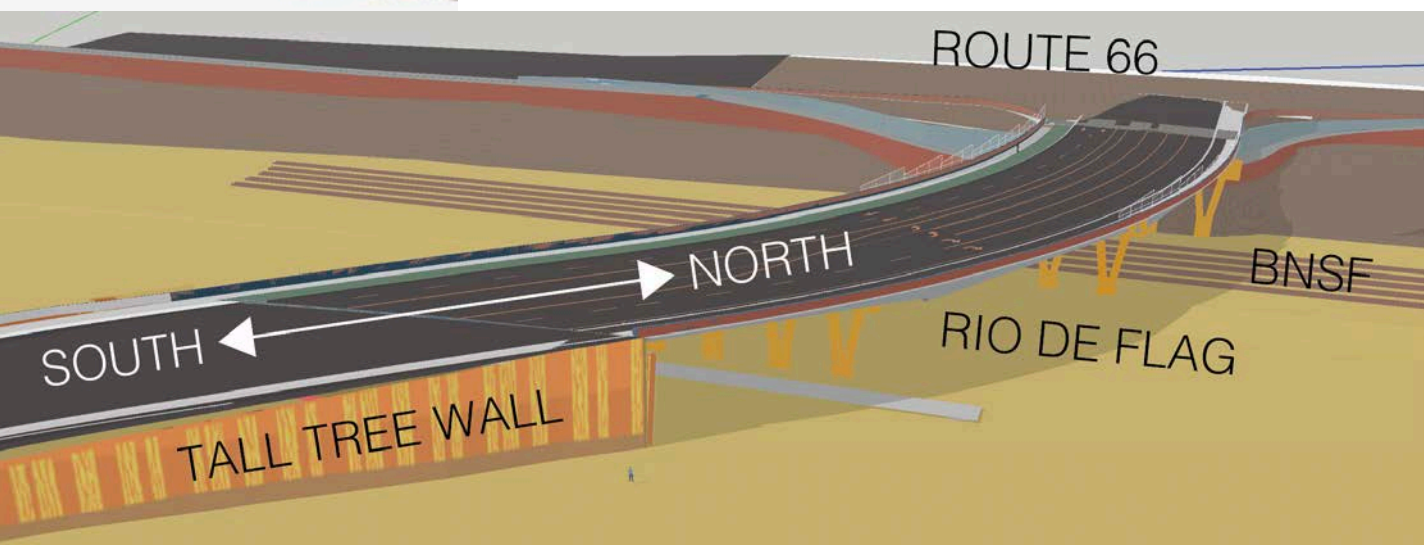
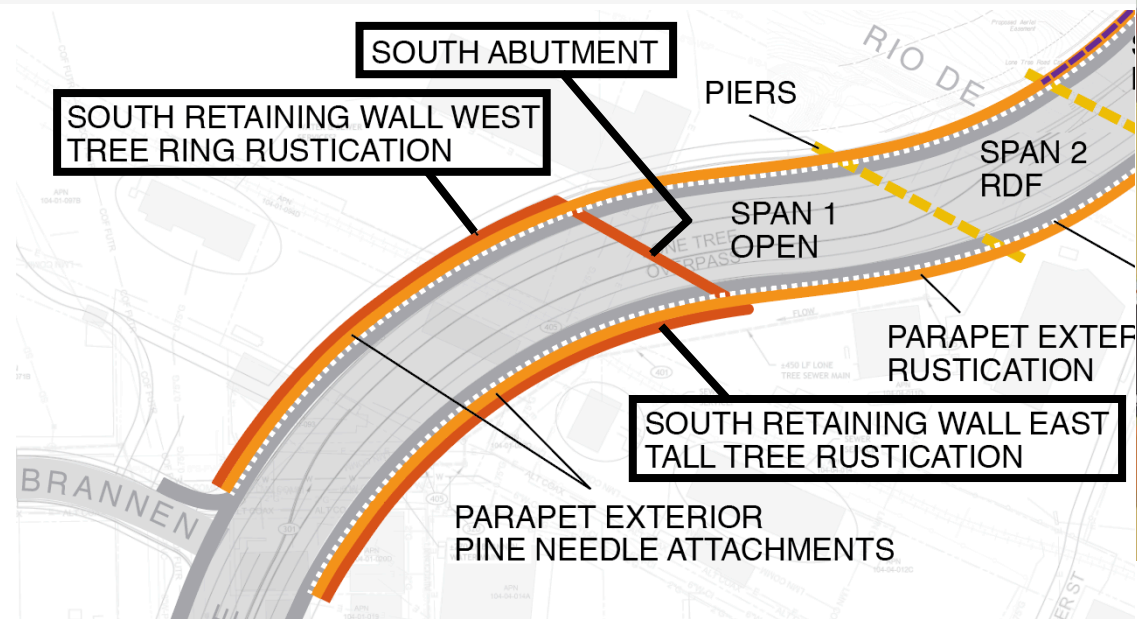
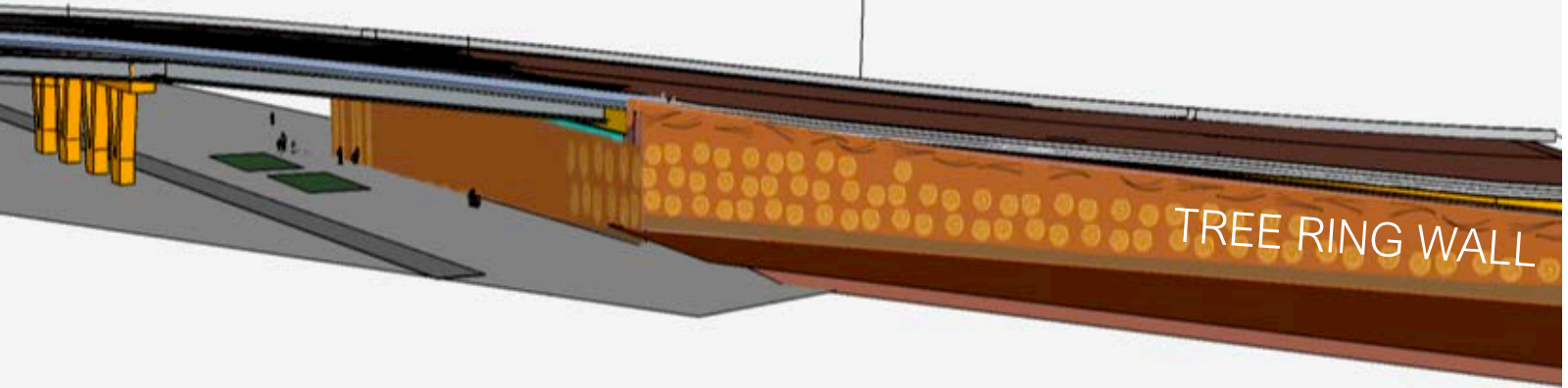


- Abutment Walls
- Retaining Walls
- FUTS Path Railing
- Parapet Walls
- BNSF Fencing
- Support Piers
- Entry Features

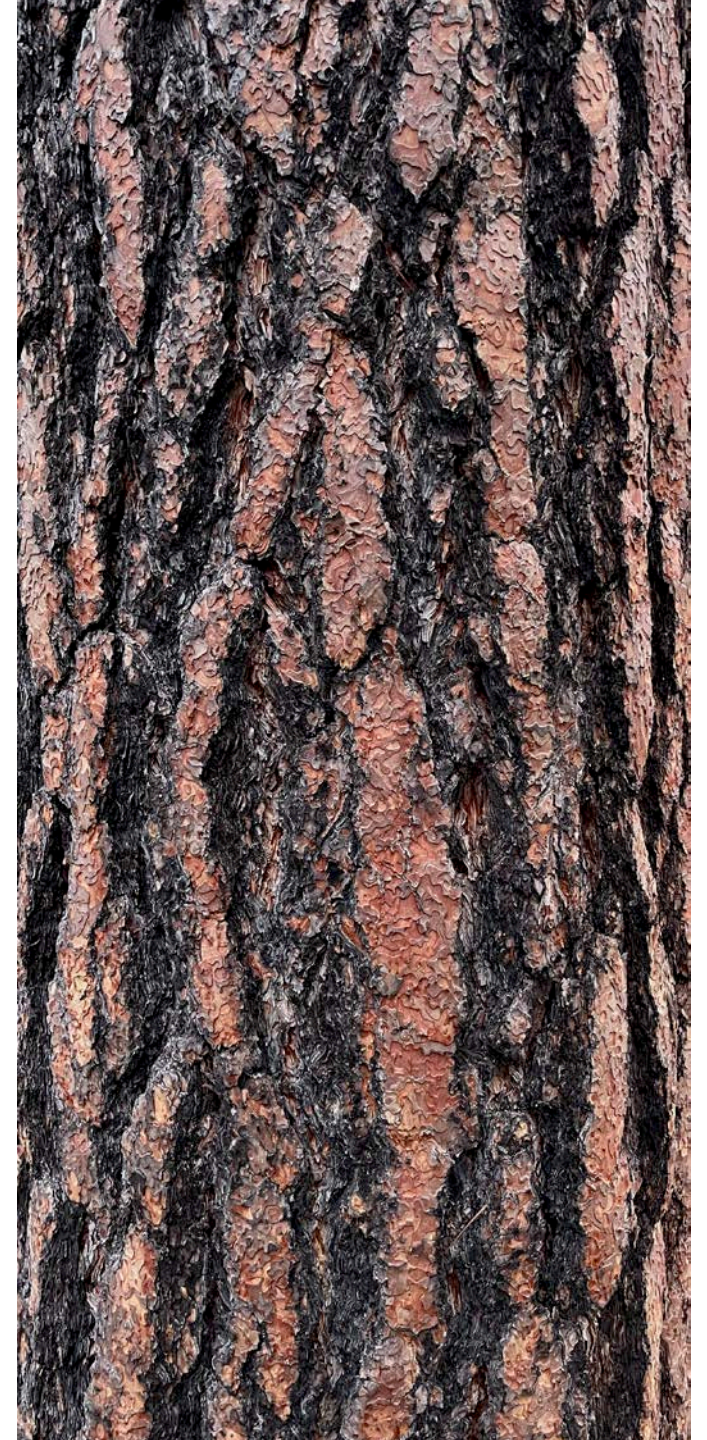
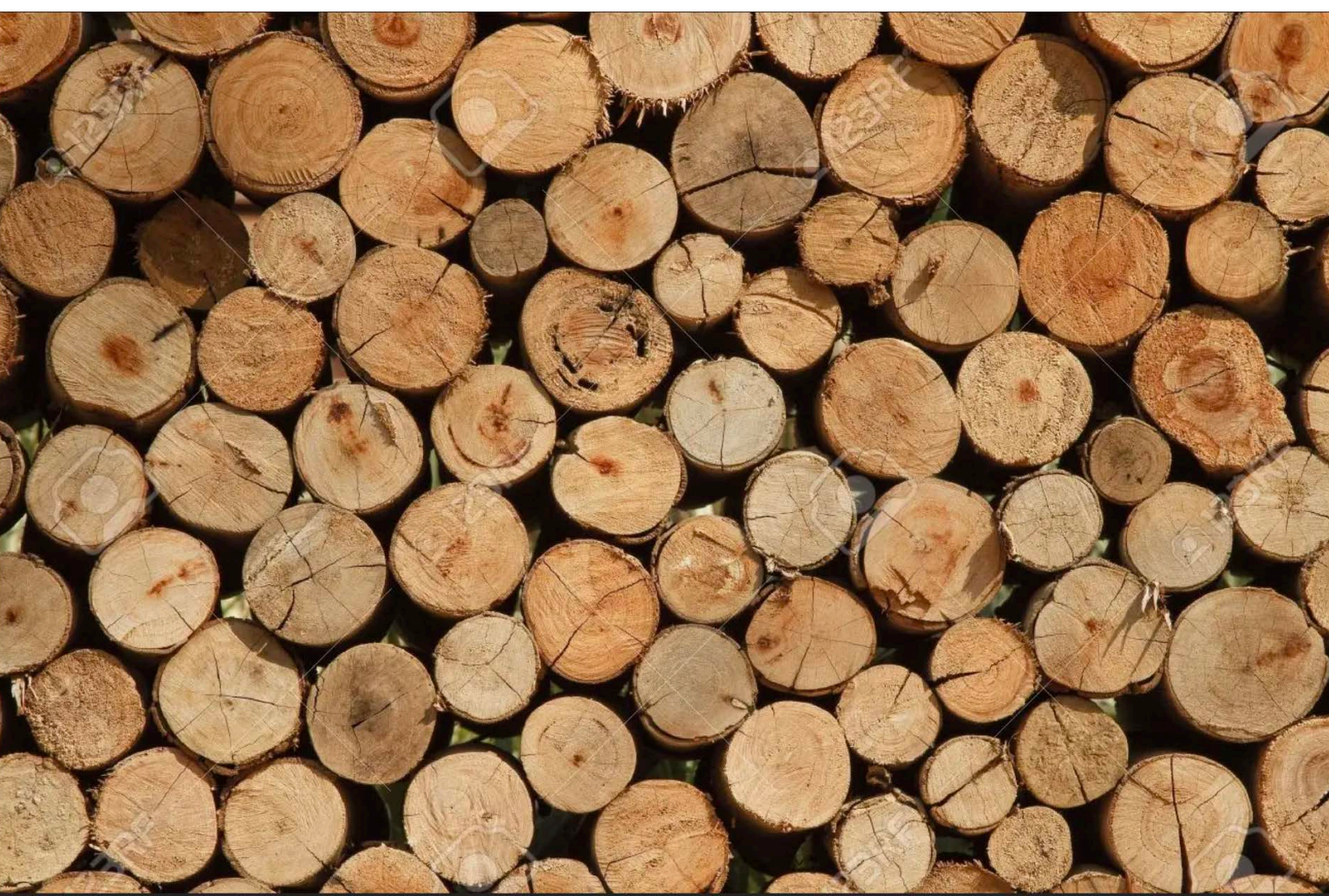
Overview



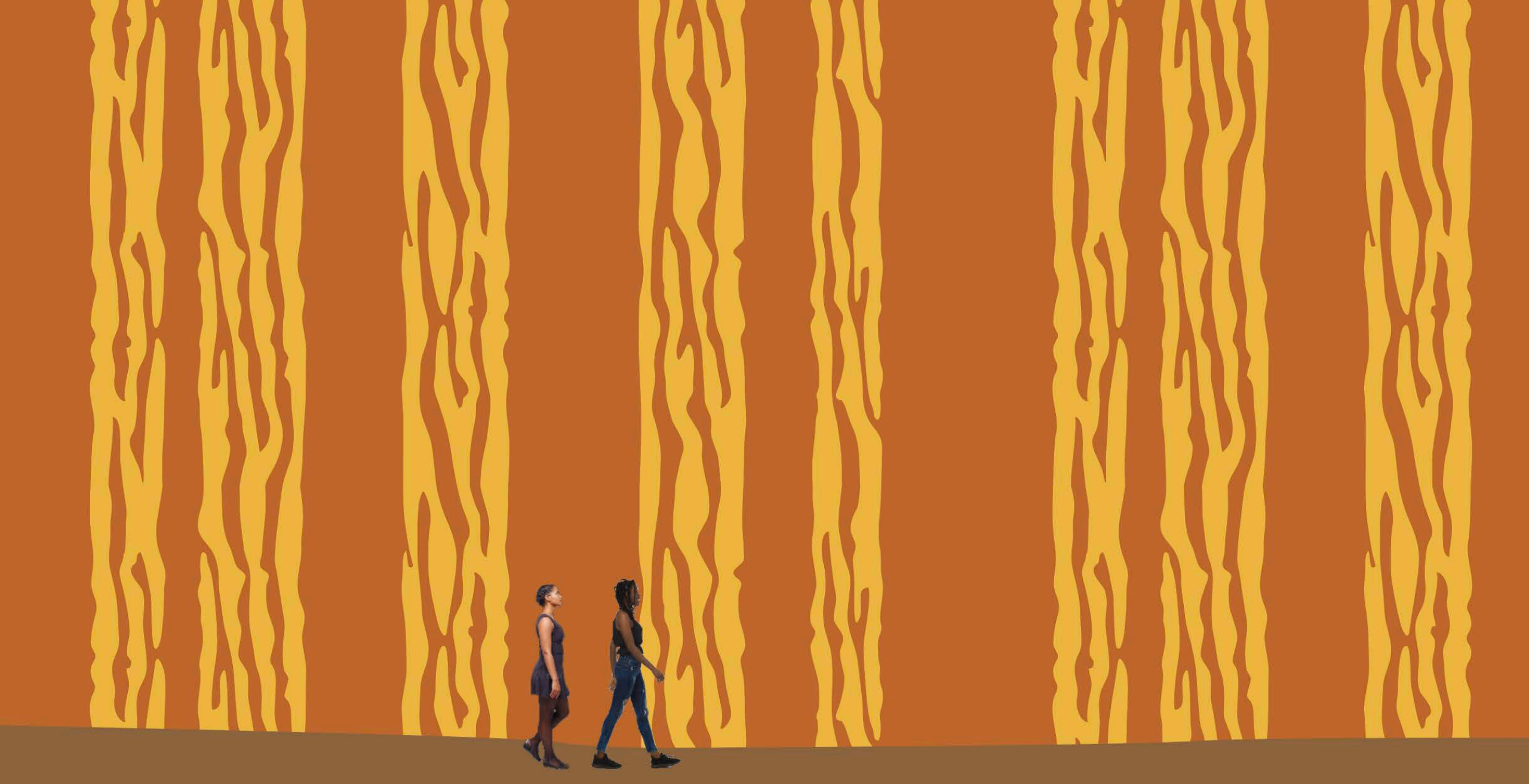
- Abutment Walls
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South Retaining+Abutment Walls



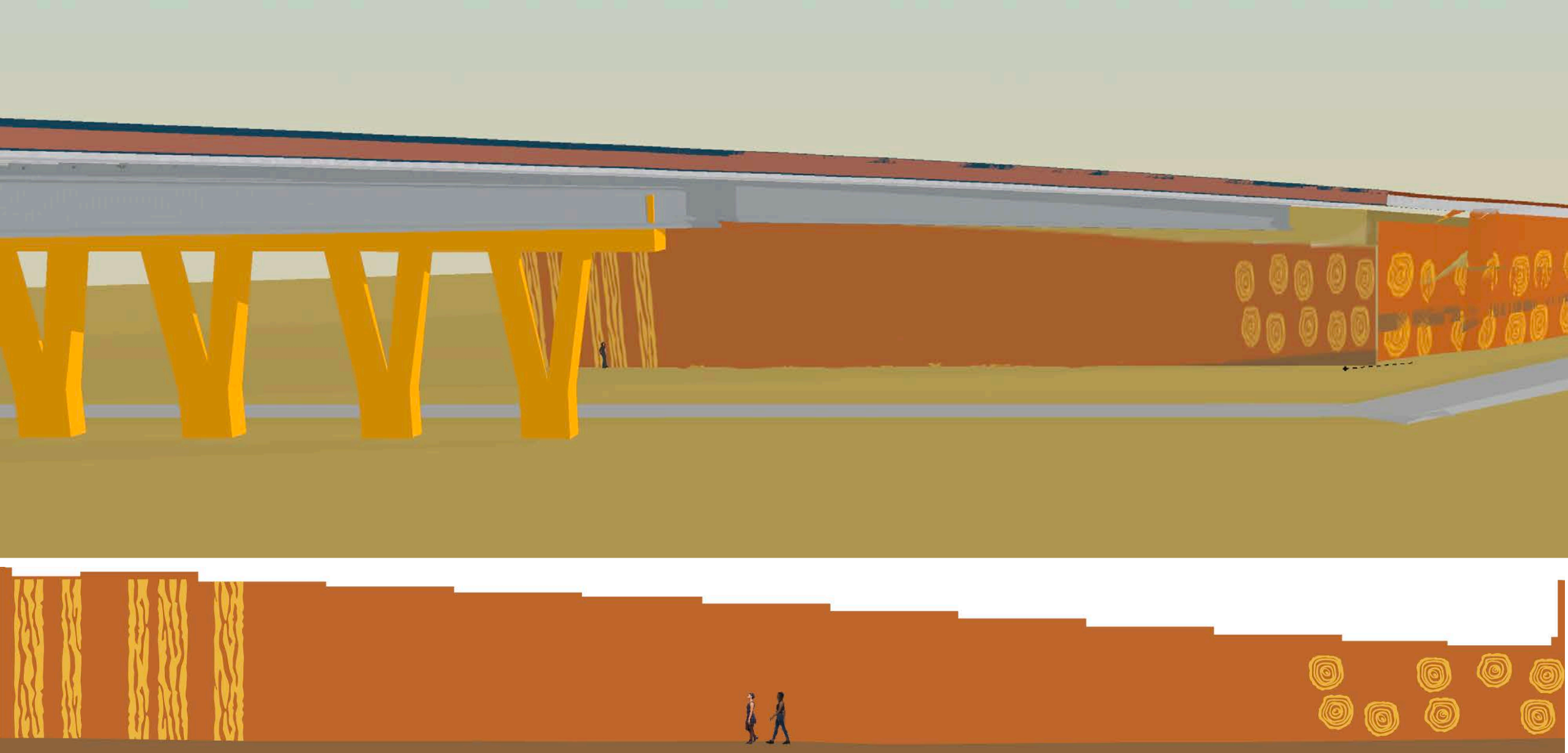
South Retaining Walls



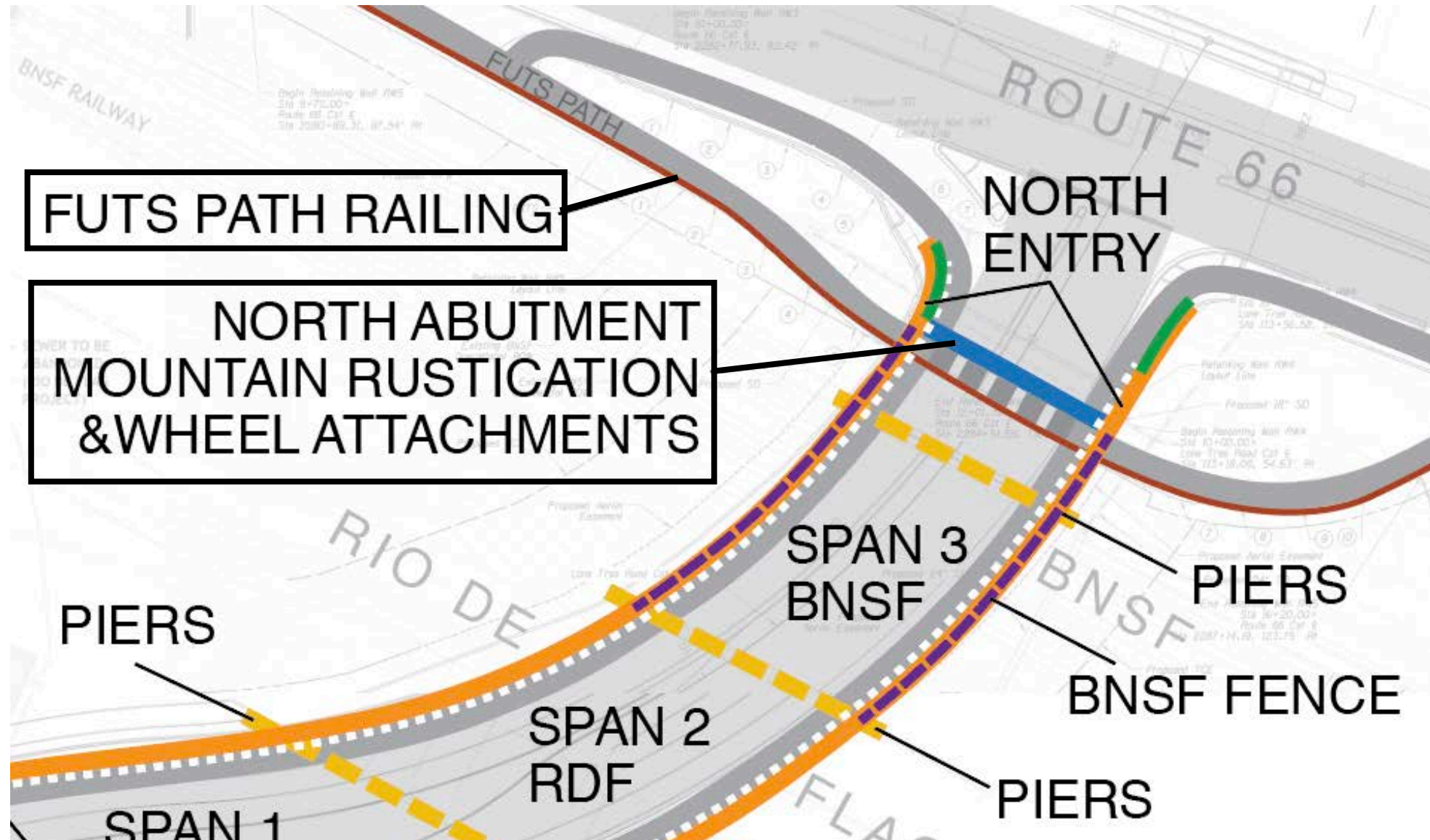
South Retaining Wall-Tall Tree Wall



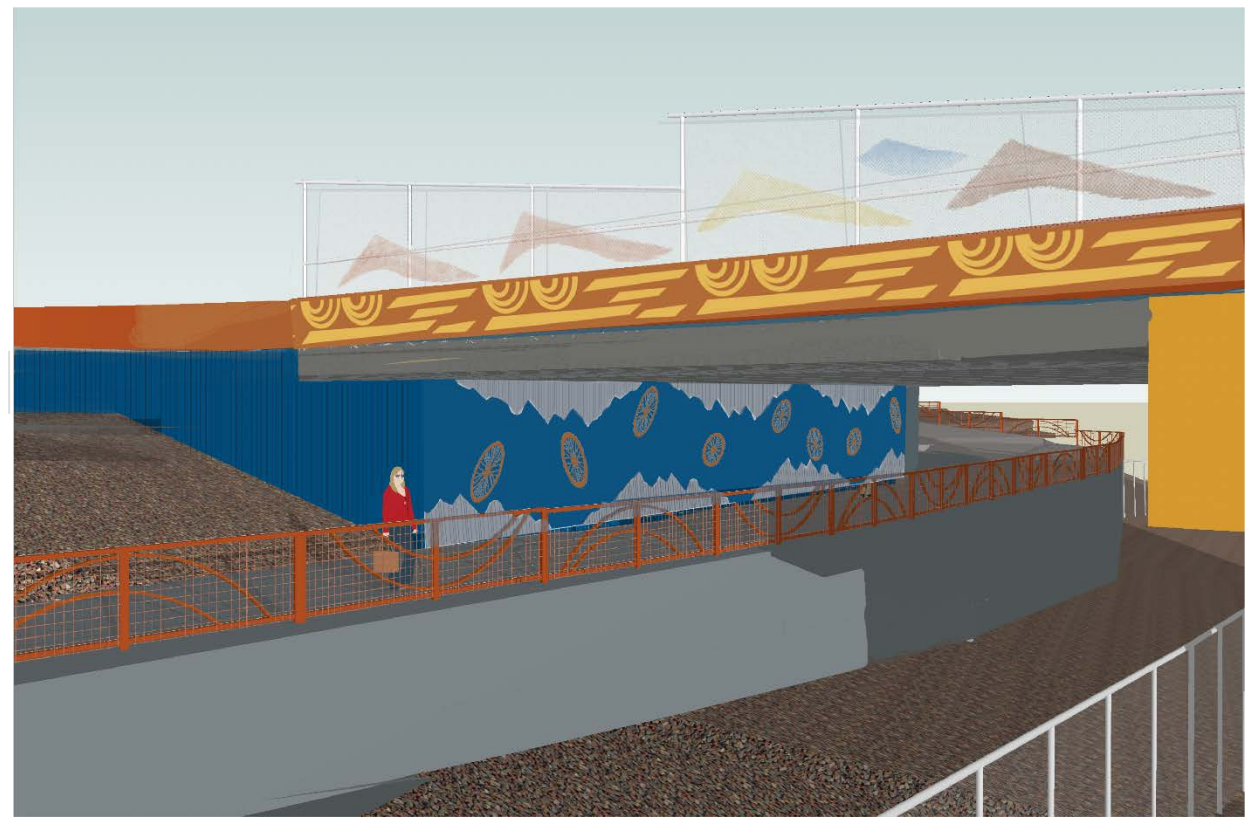
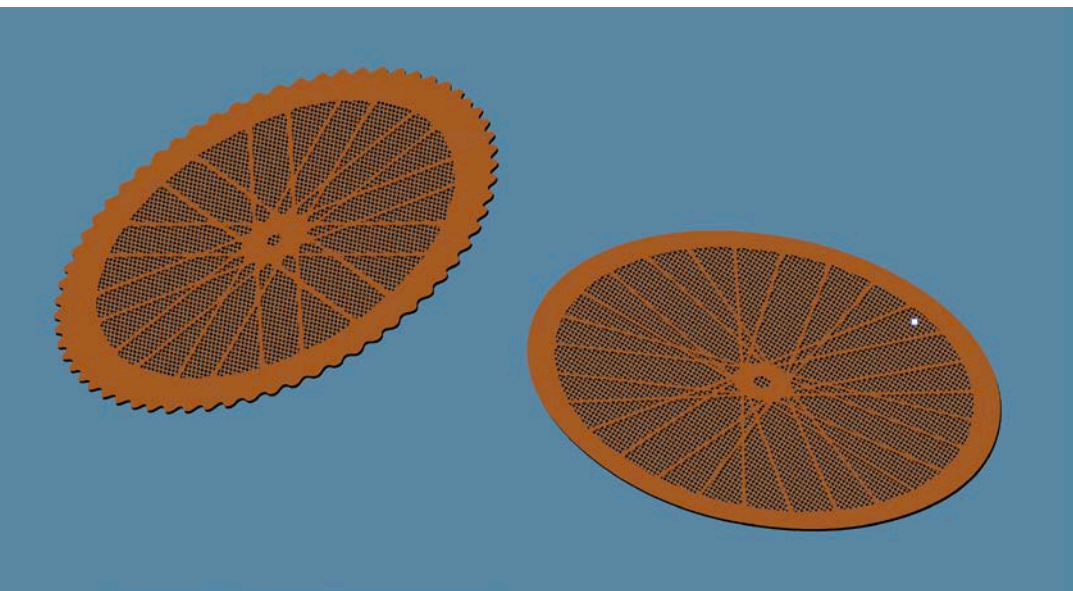
South Retaining Wall-Tree Ring Wall



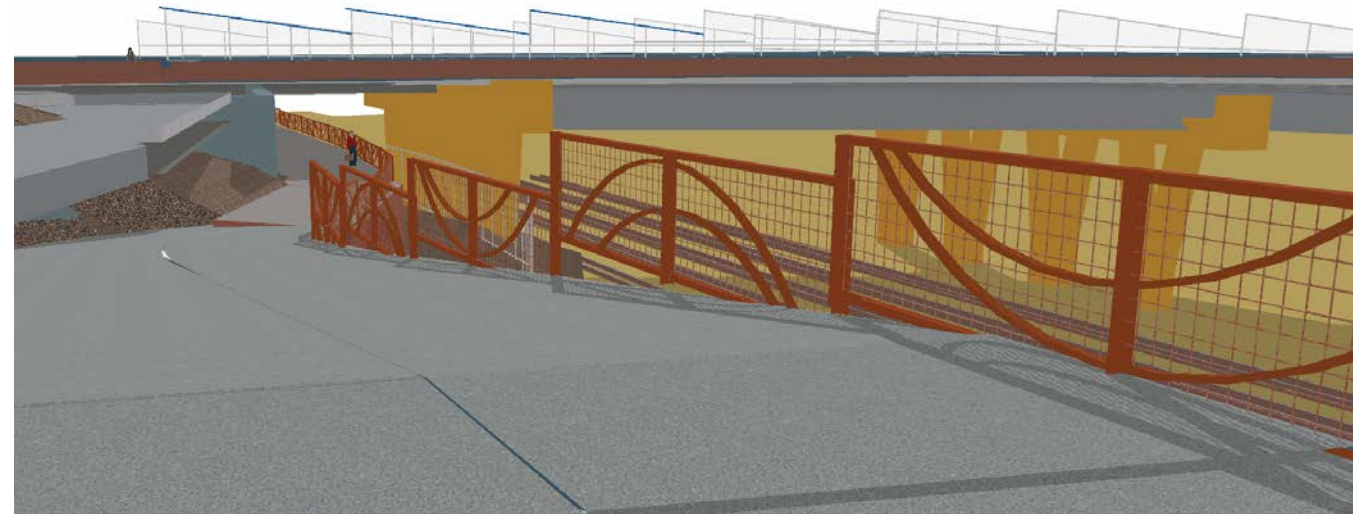
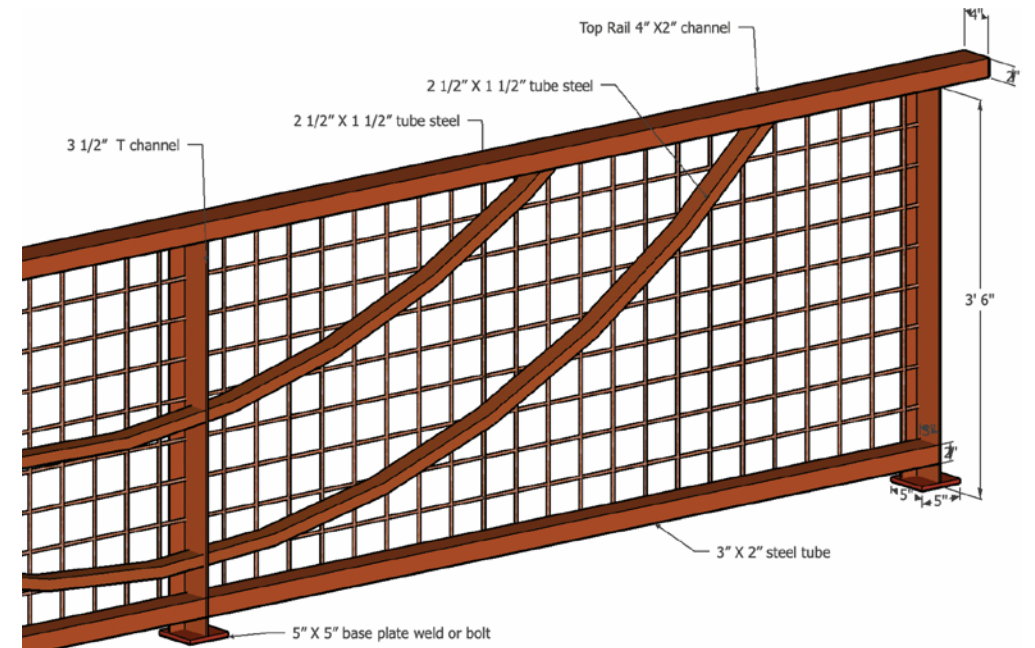
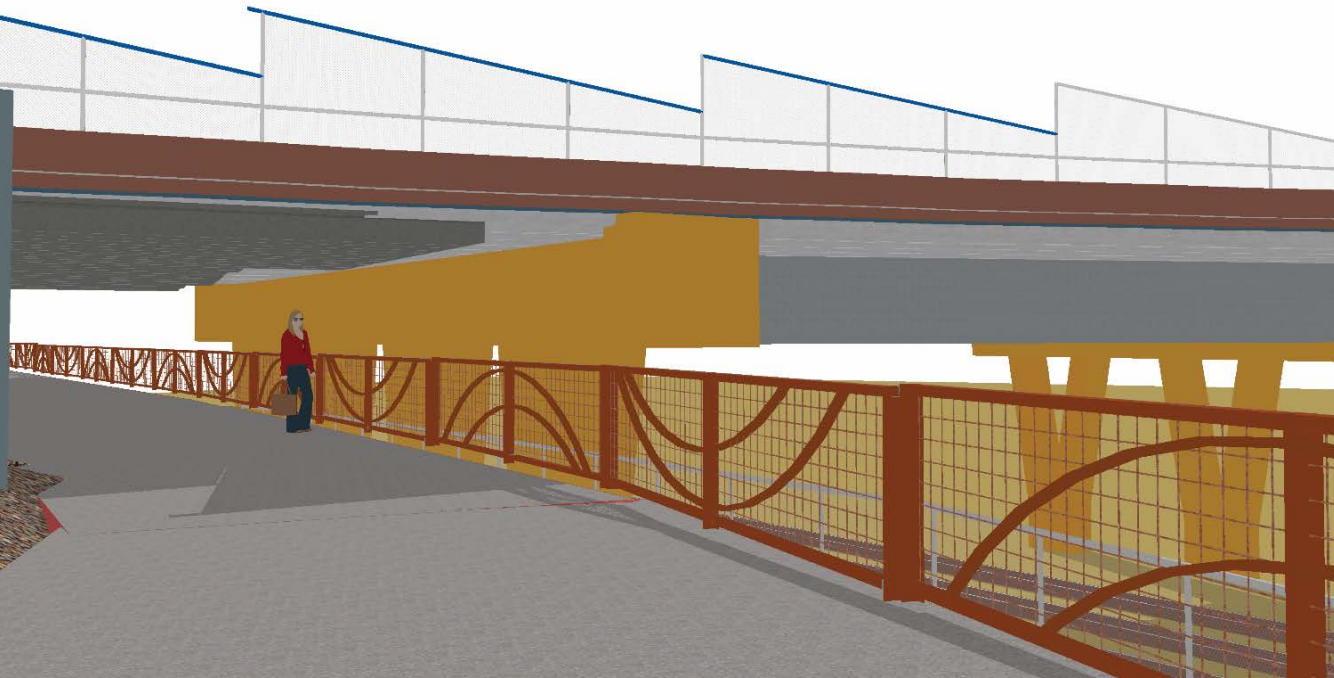
Underpass Wall (South Abutment)



North Abutment Wall and FUTS Path Railing



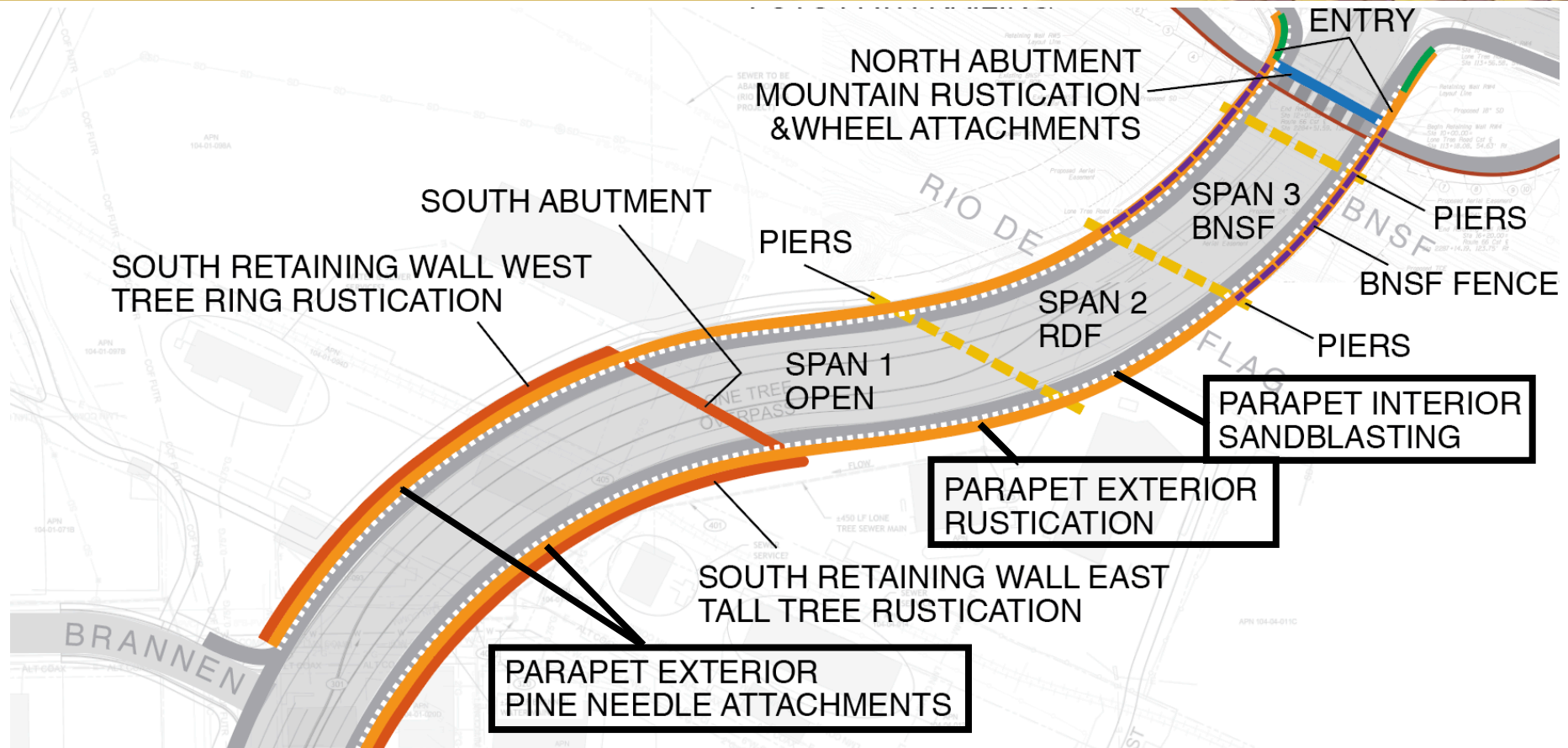
North Abutment Wall and FUTS Path Railing

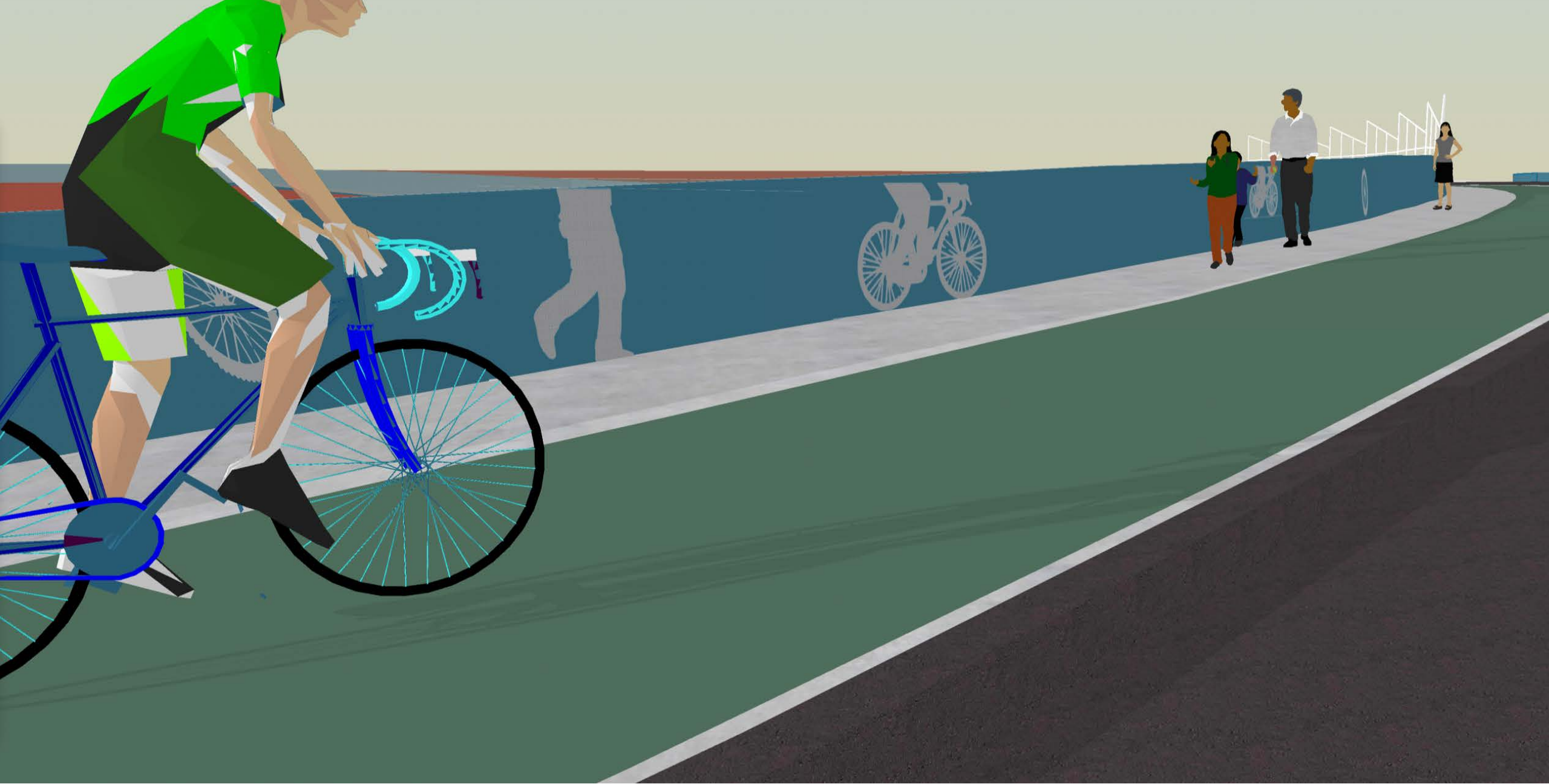


FUTS Path Railing

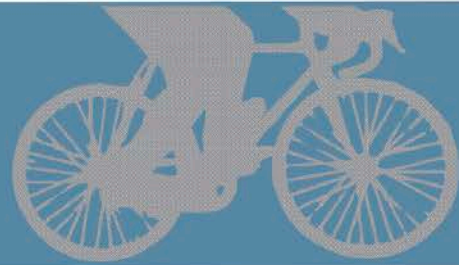


FUTS Path looking East with Railing, Parapet Rustication
and BNSF Fence above



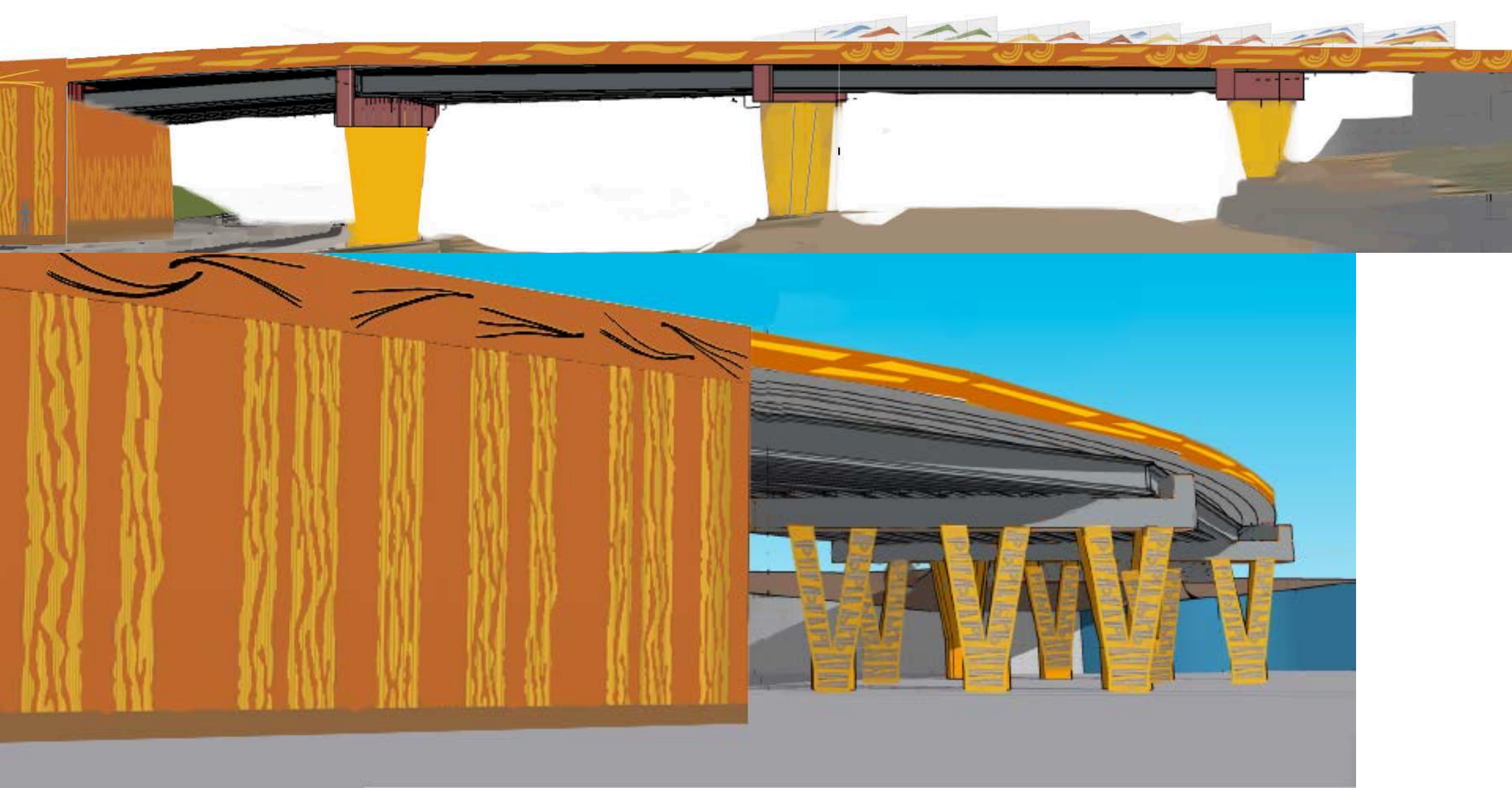


Parapet-Interior





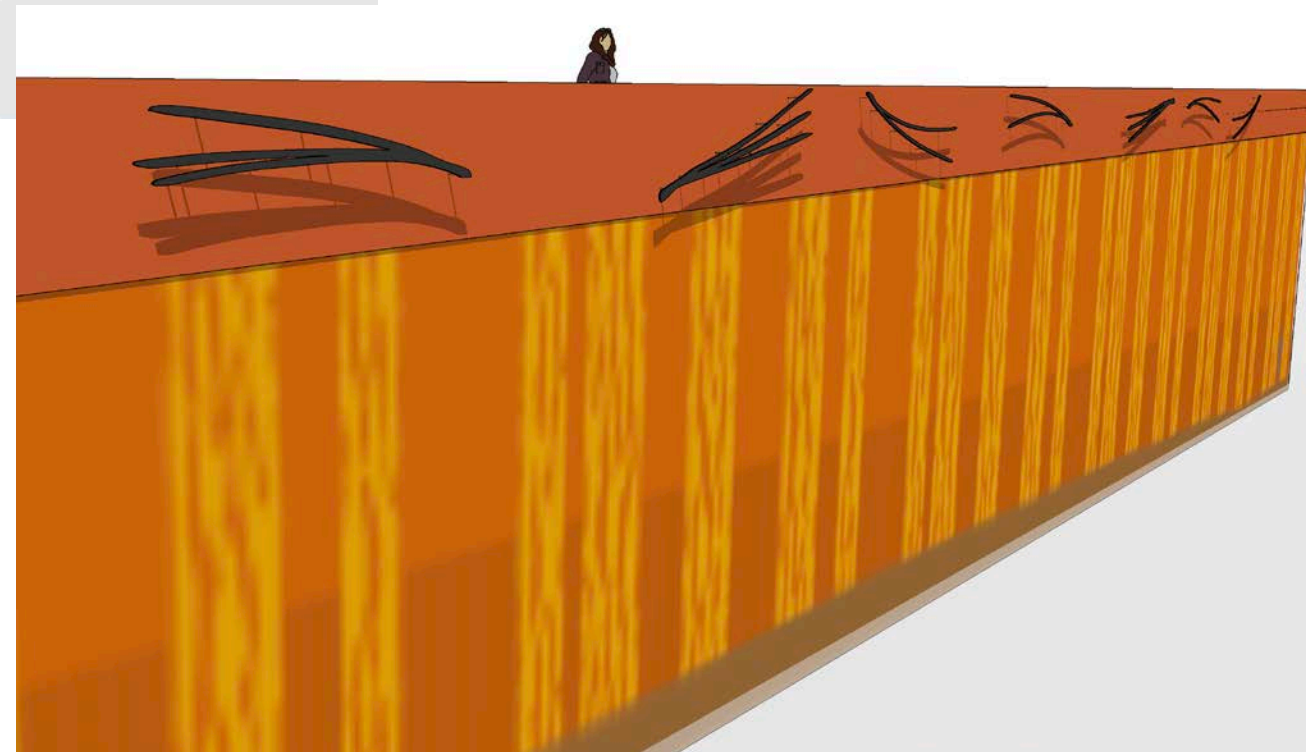
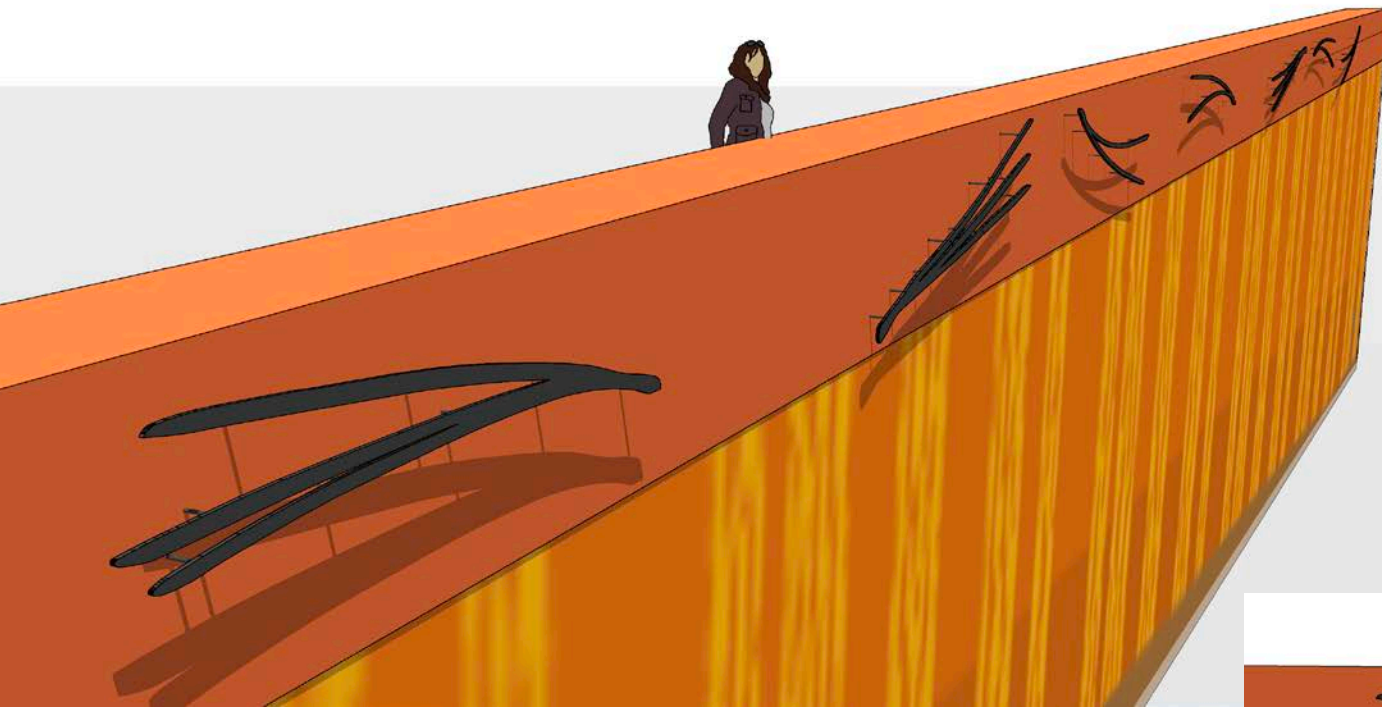
Parapet Interior-Accent Lighting



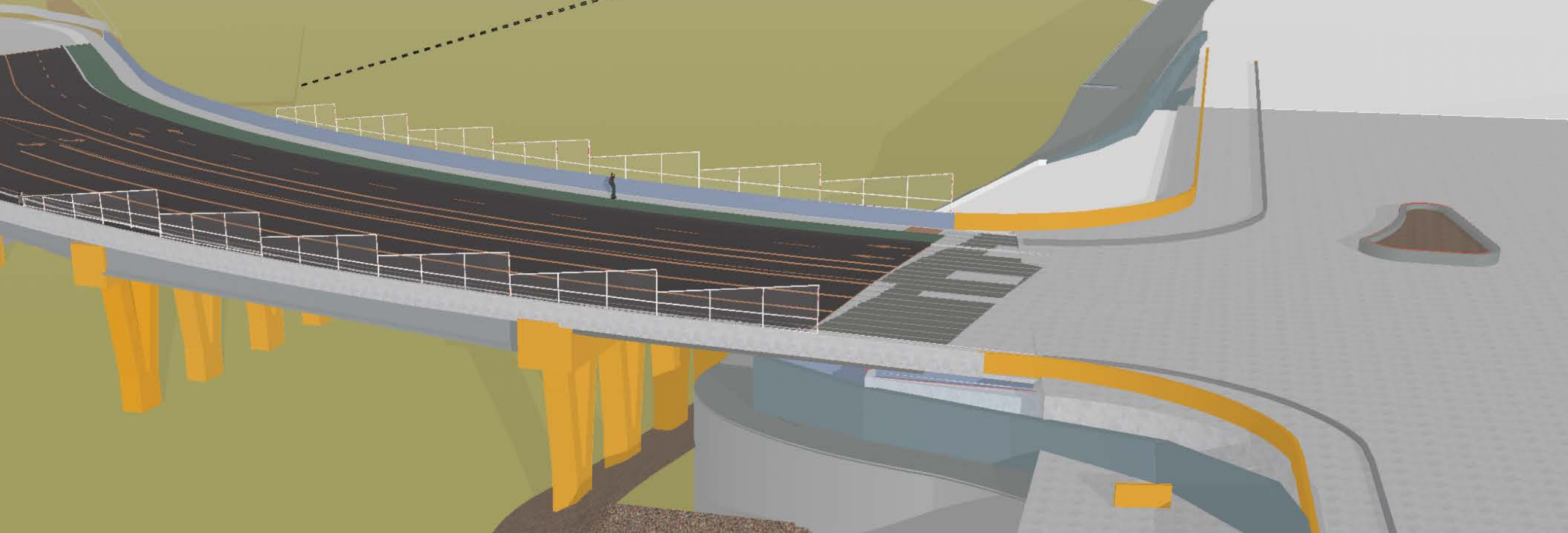
Parapet-Exterior



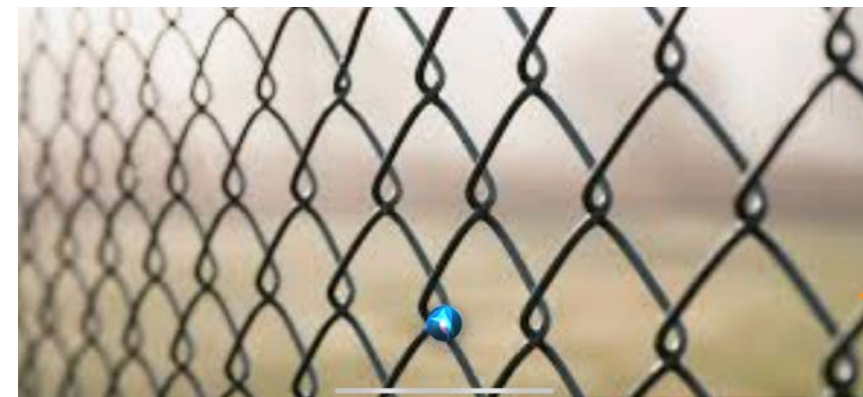
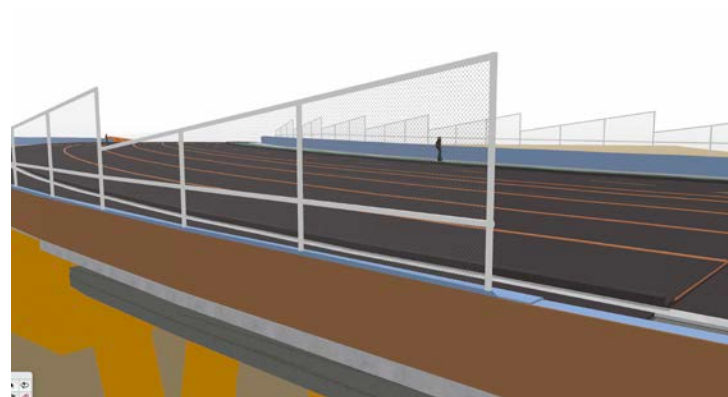
Parapet Exterior-Bridge Spans

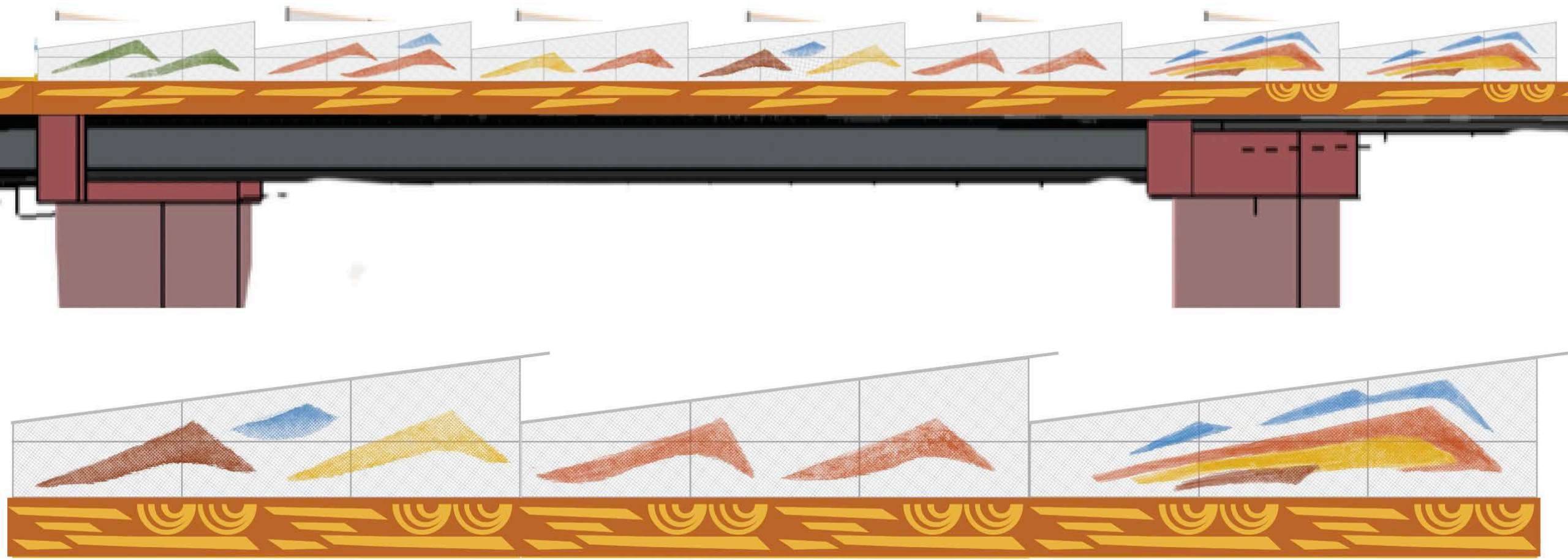


Parapet Exterior-Pine Needle Attachments

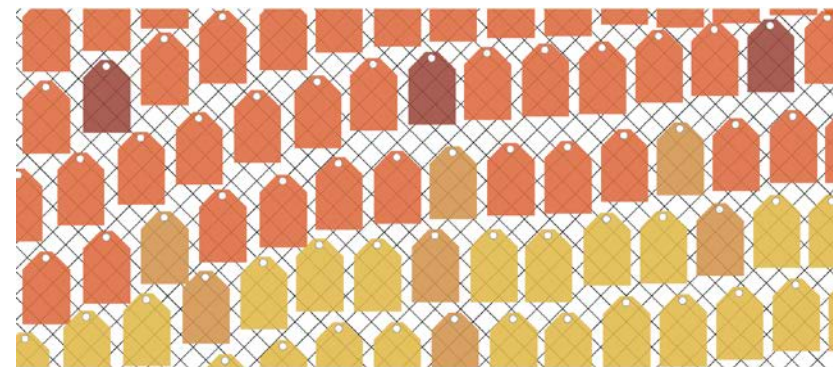
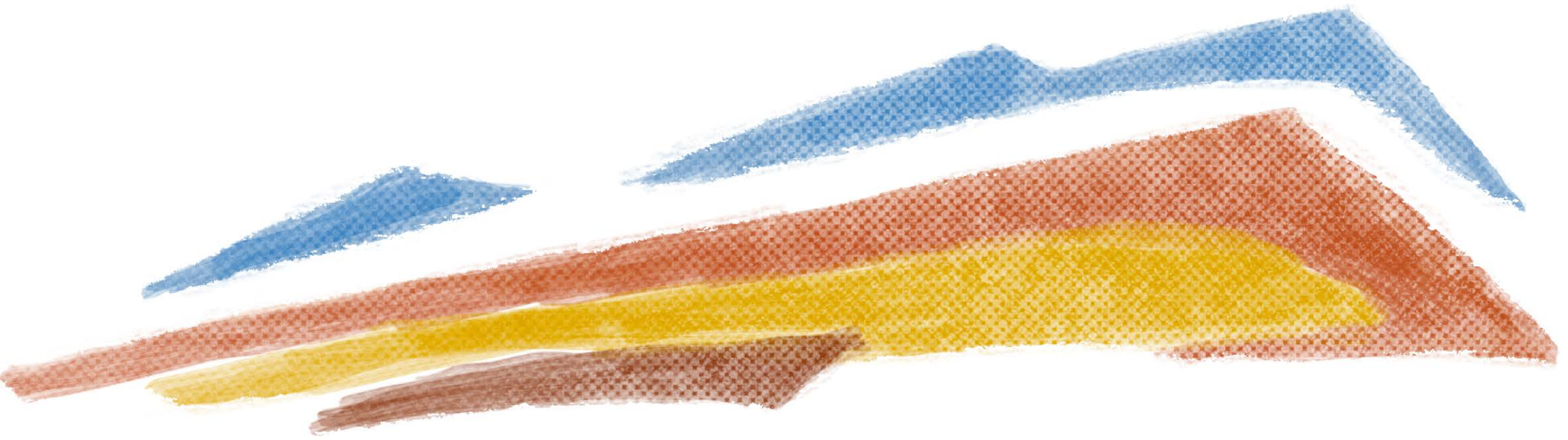


BNSF Railroad Span Fence

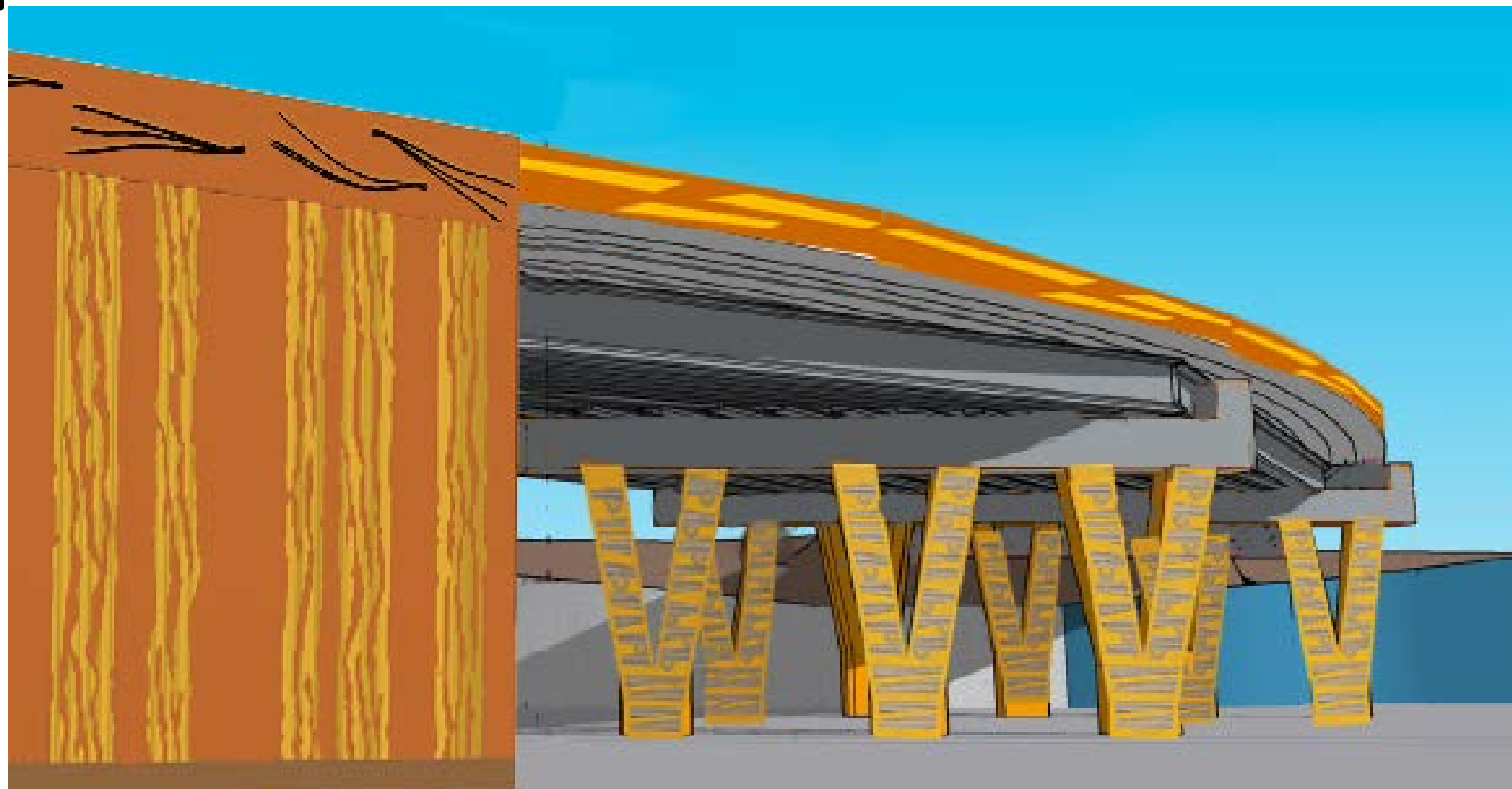
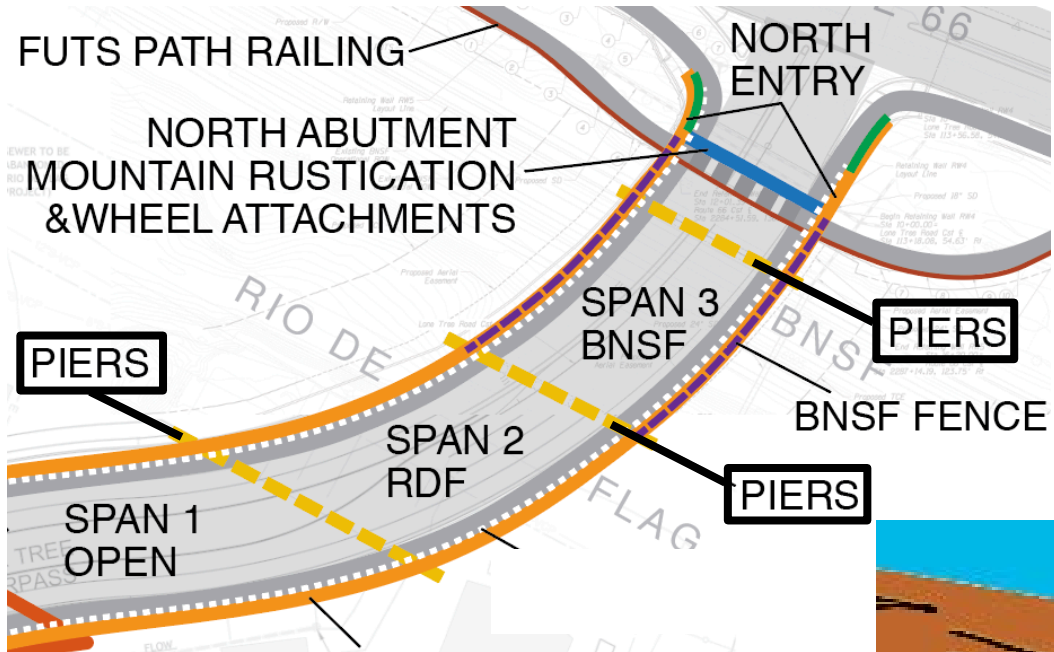




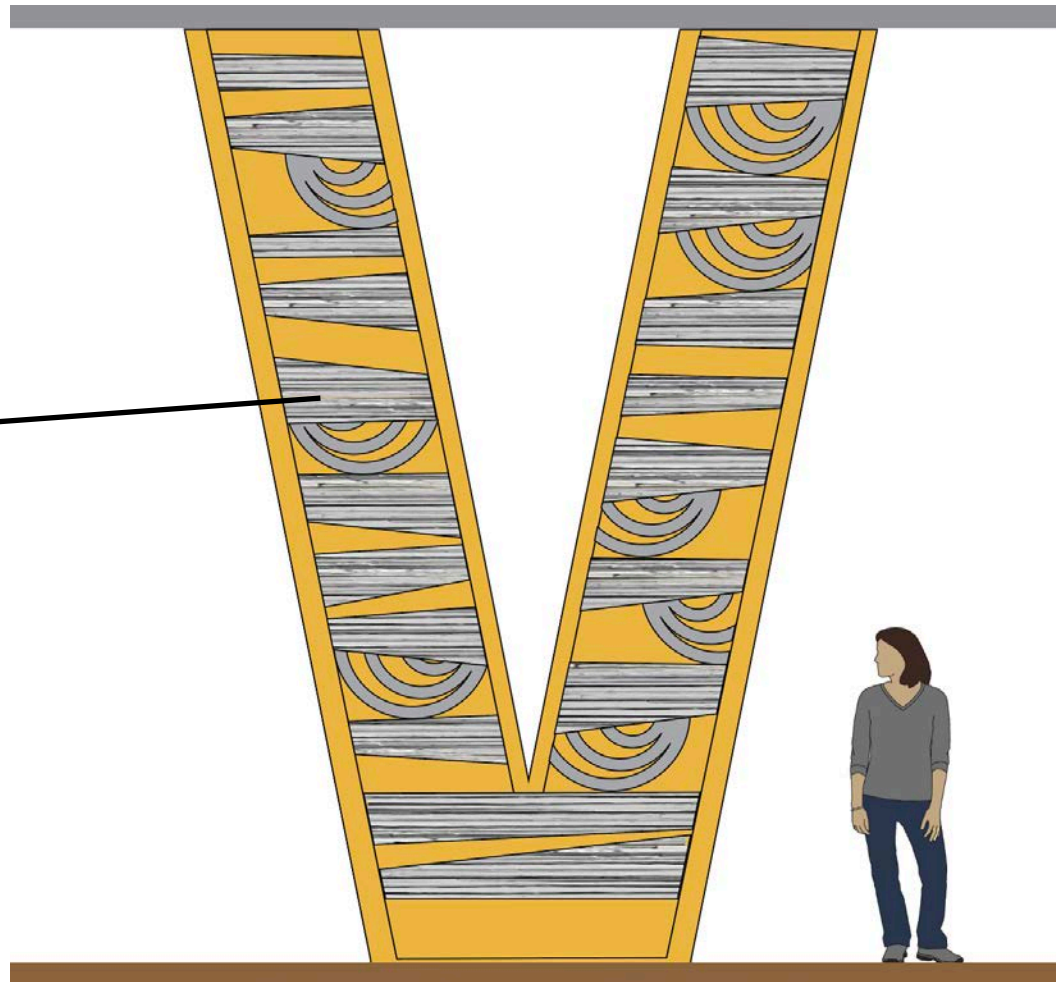
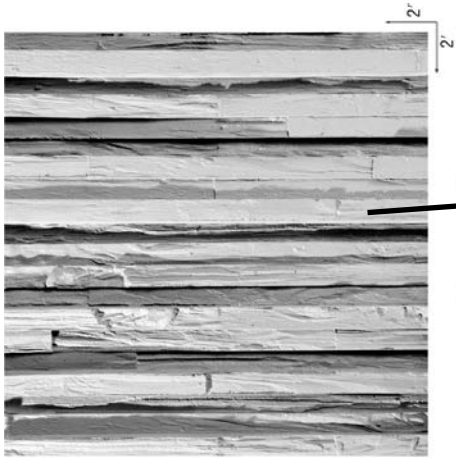
BNSF Railroad Span Fence



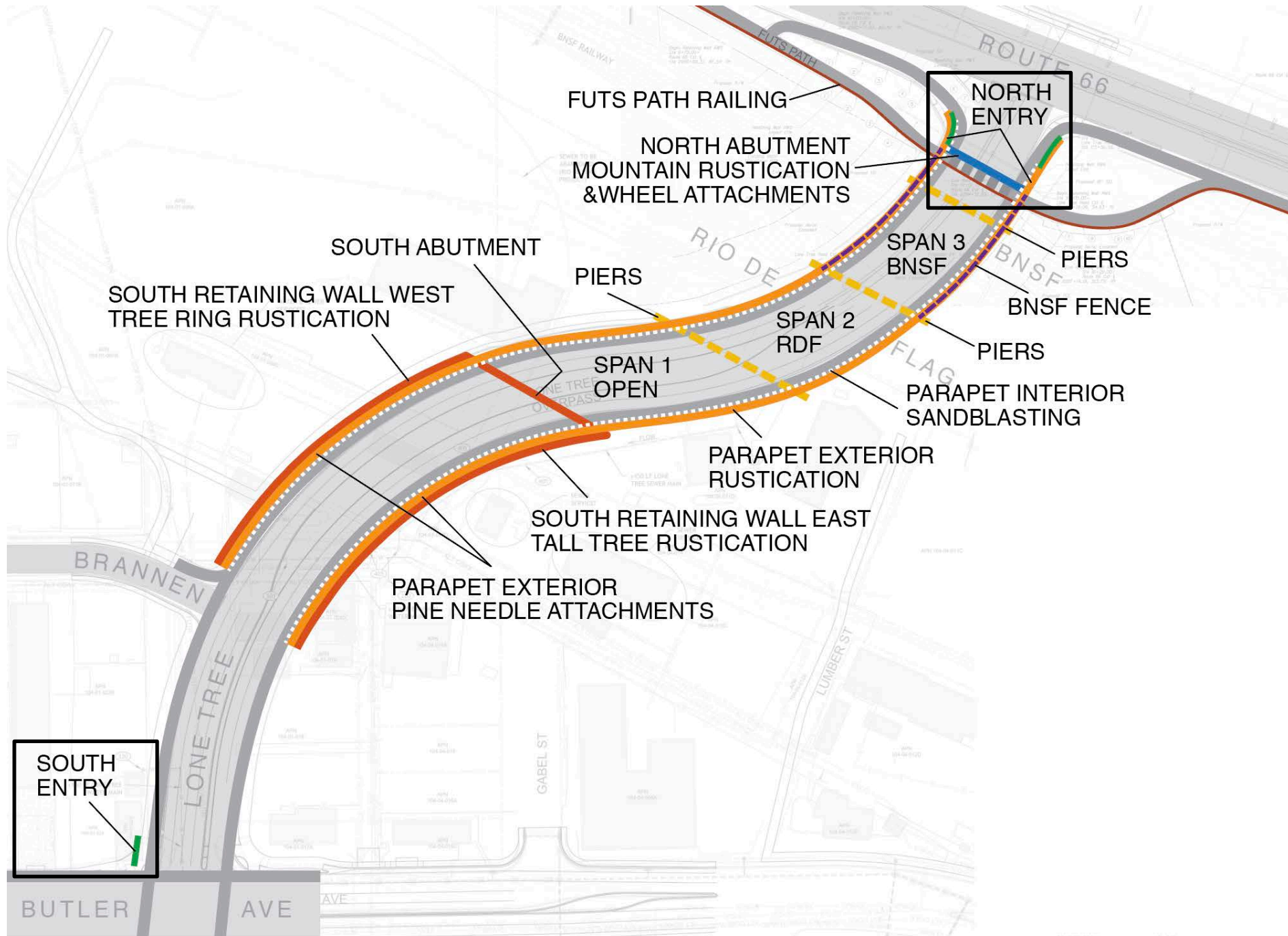
BNSF Railroad Span Fence



Piers



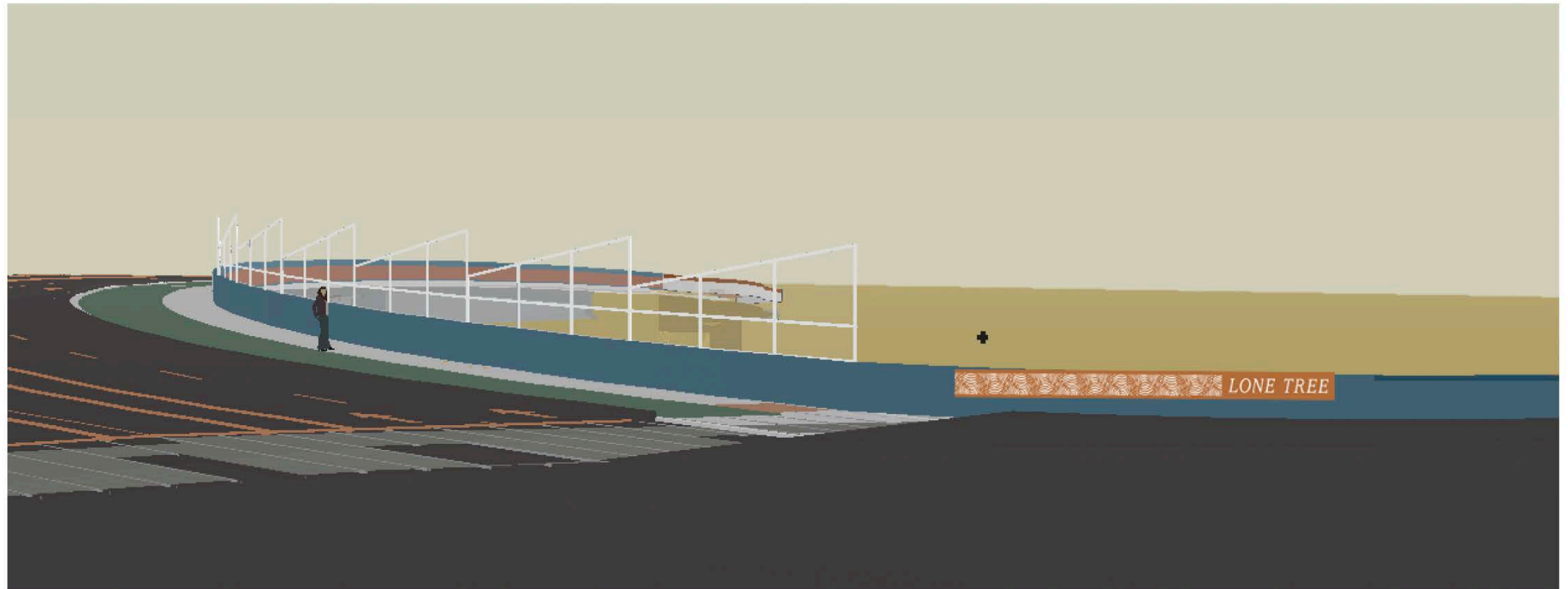
Piers



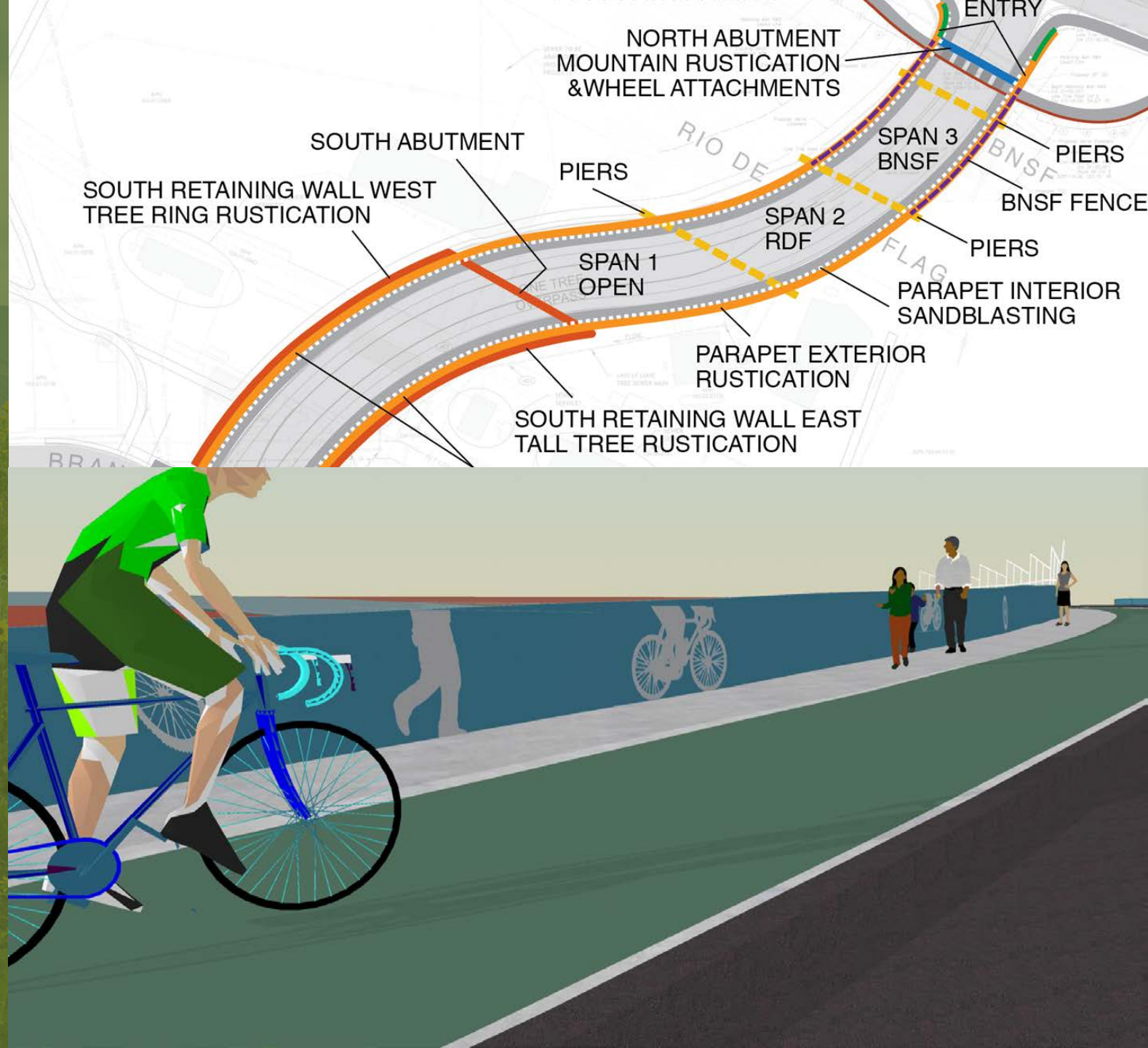
Entry



South Entry



Questions and Comments





BEAUTIFICATION AND PUBLIC ART COMMISSION APPROVED MINUTES

April 11, 2022 – 4:00 p.m.

City of Flagstaff – Microsoft Teams Remote Meeting

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact Creag Znetko, (928) 213-2906 (or 774-5281 TDD). Notification at least 48 hours in advance will enable the City to make reasonable arrangements.

City Staff: Eliza Kretzmann – Staff Liaison, Jana Weldon – Project Administrator, Creag Znetko – Recording Secretary, VISTA AmeriCorps Member MacKenzie Chase

- A. **The Public is Invited to Attend this Remote Meeting:** Please join us via Microsoft Teams by clicking on the following link, which brings you to the live meeting: [Click here to join the meeting](#)

Please turn your camera off and mute your microphone except when speaking. If you need an invitation to the meeting, email cznetko@flagstaffaz.gov prior to 3:00 p.m. on the Monday of the meeting.

Provide Public Comment Prior to the Meeting: Email eliza.kretzmann@flagstaffaz.gov with your public comment prior to 3:00 p.m. with PUBLIC COMMENT in the subject on the Monday of the meeting and it will be read during the public comment section or during the item to which your comment pertains.

- A. **CALL TO ORDER** Chair McCord called the meeting to order at 4:04 p.m.

B. ROLL CALL:

Carla McCord, Chair, *present*
Sandra Lubarsky, Vice-Chair, *present*
J Michael Cruz, *present*

Anthony Garcia, *present*
Matt McGrath, *present*
Tina Zecher, *present*

C. UPCOMING EVENTS:

1. Please look at flagstaff365.com for upcoming events in music, culture, art, and sciences.

D. PUBLIC PARTICIPATION

The Arizona Open Meeting Law prohibits the Commission from discussing or acting on an item which is not listed on the prepared agenda. Commissioners may, however, respond to criticism made by those addressing the Commission, ask staff to review a matter, or ask that a matter be placed on a future agenda. Public comment should be sent to eliza.kretzmann@flagstaffaz.gov, prior to 3:00 p.m. on the day of the meeting with PUBLIC COMMENT in the email subject or during the designated public participation section.

E. APPROVAL OF MINUTES

1. March Minutes.
Commissioner Cruz moved to approve as submitted. Commissioner McGrath seconded the motion; the motion passed unanimously.

F. ANNOUNCEMENTS

1. Reminder on the process for Beautification in Action grants to prep for the presentations at this meeting (time limits for presenters and how we'll remind people to stay on track, total

budget for grants each FY, etc.) – Eliza Kretzmann, Beautification, Arts and Sciences Manager.

Chair McCord announced the discussion item #2 will be tabled due to City Staff being unavailable for this meeting. There is also a request to introduce the commission to the presenter of the Lone Tree Overpass prior to the presentation.

Chair, Vice Chair and Commissioners introduced themselves to the presenter.

Staff announced the process for the BIA Grant presentations that will take place later in the meeting.

G. DISCUSSION ITEMS

1. **Lone Tree Overpass, Public Artist Introduction:** Jana Weldon, Beautification, Arts & Sciences Project Administrator; Laurie Lundquist, Artist. (25 minutes total for this item)

Public Artist Laurie Lundquist was selected after interview by the City's consultant for the project. Ms. Weldon will present an overview of the public art process for the artist and Ms. Lundquist will present her past work and her artistic practice in the public art field

Suggested Action: Listen to presentations, ask questions of the artist, discuss potential directions for the Lone Tree Overpass project

Staff presented briefly about the introduction of the artist that was recommended to work on the design team. Staff also informed the commission of the process being used for selecting an artist for the design team, receiving community input, and forming the focus group (which will also serve as an advisory group).

Laurie Lundquist presented some similar design overpasses that she worked on and helped design, including the Tempe Town Lake Bridge.

Commissioner Garcia: Is there a mockup of this project that we can compare with her other projects?

Staff: Did not bring that today but can send it to you if you like.

Chair McCord: What is your vision?

Ms. Lundquist: To make sure every angle of obscuring views or framing them is considered. The backdrop of Flagstaff is incredibly important.

Chair McCord: From a production standpoint, do you see any challenges that the team will need to look out for?

Ms. Lundquist: Not really, I only had the information from the RFQ. I think there are things that will be interesting to work out.

2. **Regional Plan Update and Creative Processes:** City of Flagstaff Planning (Mark Reavis, Neighborhood Planner, Jordan Hollinger, Associate Planner). (25 minutes for this item) – **Please note – we will HOLD this item until after the Beautification in Action Grant presentations (below)**

City of Flagstaff planning will provide an input opportunity for BPAC for the Regional Plan update.

Suggested Action: Listen to presentation, provide input as per the planning exercise.

This item has been tabled.

H. ACTION ITEMS

1. Beautification in Action Grants: Presentations from Applicants

Applicants will provide 5-minute presentations on their Beautification in Action grant proposals to the Commission. The Commission will have about 9 minutes to ask questions after each presentation. We will be keeping strict time with the number of applicants we have.

4:45 p.m.: Liz Hewat/Flagstaff Downtown Business Alliance, Leroux Alley Art Installation

5:00 p.m.: Dr. Ricardo Guthrie/NAU Ethnic Studies Program, Ms. Cleo's House at the Murdoch Center

5:15 p.m.: Vanessa Northway/The Juice Pub, Birch Ave. Butterfly Garden

5:30 p.m.: Kay Pifer, Cosmic Ray Brutti Tunnel-O-Time Memorial Mural

5:45 p.m.: Wendy White/Community Assistance Teams of Flagstaff, Community Assistance Teams of Flagstaff Outreach Bus Murals

Suggested Action: Listen to presentations, ask questions, and discuss. Determine which projects the Commission approves to move forward at this time. The Commission may also ask for additional information on projects before deciding.

Leroux Alley Art Installation

Liz Hewat: Presented a brief history of the DBA and an explanation of the application for the BIA grant in the Leroux Alley. This will be a vinyl wrap on some utility boxes.

Commissioner Cruz: Appreciates the project, supports it.

Commissioner Zecher: Supports this project. Has no idea of the cost and would like to know if the budget is reasonable.

Staff: The fees shown in the budget are in line with what we have done in the past for our wrapped cabinets.

Commissioner Garcia: This is an appropriate use of funding. Once an artist/design is selected, will it come back in front of BPAC?

Staff: Yes, that is absolutely possible.

Chair McCord: What is the timeline?

Ms. Hewat: Ideally would like to have it ready by summer, depending on the call to artists and review needs.

Chair McCord: Supports this project.

Ms. Cleo's House at the Murdoch Center

Dr. Ricardo Guthrie: Dr. Guthrie presented to the commission a brief history of the murals on the side of the Murdoch Center, the center itself and who Ms. Cleo is relative to the history of Flagstaff.

Chair McCord: Will this be a temporary project?

Dr. Guthrie: Yes, as we know we are in an expansion project. Although there will be elements that will be kept after the renovation.

Chair McCord: What is the timeline on that renovation?

Dr. Guthrie: It could be as far as five years out, but I would be ok if it started next year.

Commissioner Cruz: Can we fund the permanent items that won't be torn down?

Dr. Guthrie: The main fund will be for the ethnography and the artwork will be transferred to the new building.

Commissioner McGrath: The mural budget, \$250, seems low. What size mural would be painted with that amount?

Dr. Guthrie: It will be around 30 by 15 feet and acrylic paints are not expensive at the moment, but the bulk of the budget would be for the scaffolding and design.

Vice Chair Lubarsky: Can you expand on the administrative oversight in the budget?

Dr. Guthrie: I try to pass on as much as I can to the artists, but if they are not available, I may step in. That is where the admin part is.

The Juice Pub/Birch Ave Butterfly Garden

Vanessa Northway: Presented to the commission on a potential garden on the Northwest corner of Birch Ave and San Francisco St.

Chair McCord: What is the plan for long term maintenance?

Ms. Northway: Yes, we would water them for the first year and the hope is the perennials will come back year after year. After they are established, it may not need as much maintenance, but as long as the Juice Pub is here, we will take care of them.

Cosmic Ray Brutti Tunnel-O-Time Memorial Mural

Kay Pifer: Spoke to the commission on her vision for a mural on an underpass just south of Flagstaff on the urban trail system.

Chair McCord: The budget ask is a little unclear to me. Is the ask for funding for a mural and a plaque on one of the triangles of the tunnel?

Ms. Pifer: Yes, I would like to start at one end and eventually extend it through the tunnel to the other side.

Chair McCord: Have you considered an artist for the mural?

Ms. Pifer: Yes, I have spoken with the Mural Mice and would love to have them do it. They are interested and are the best around. They are not local to Flagstaff anymore.

Commissioner Garcia: Is that tunnel still in the city limits?

Staff: Yes, as the tunnel was a city funded project.

Community Assistance Teams of Flagstaff Outreach Bus Murals

Wendy White: Presented to the commission on an idea for painting and moralizing the outreach bus they use to serve the unsheltered population. The bus provides showers, a bathroom and volunteers help with connecting people to social services.

Chair McCord: Will the bus be operating in Flagstaff only or do you see it moving to other communities?

Ms. White: At the moment, the focus is on Flagstaff, as we are named The Community Assistance Team of Flagstaff. We will cover most of the Flagstaff community.

Commissioner Cruz: What will staffing levels be?

Ms. White: We will hire at least one person to supervise the bus and will have as many volunteers as we can. Hoping to expand the reach of other service providers by being mobile.

Chair McCord: What is the timeline?

Ms. White: would like to have the interior done before we start with the paint/wrap. We will meet the 12-month guideline for the grant. Probably 1-2 months before we tackle the exterior.

The commission discussed the applicants in the order they presented.

Leroux Alley Art Installation

Commissioner Zecher: In favor of this project.

Commissioner Cruz: Agree but concerned about the budget. It's a great project that will help beautify our downtown alleys but want more clarification on the funding.

Vice Chair Lubarsky: Supports the project, would like to see example images brought back to the commission for approval.

Chair McCord: It would be nice to see the images on this project first. The numbers presented for the budget include a quote from NOAZ for installation and that seems reasonable.

Commissioner Cruz: I missed that slide and was using the one sent without numbers. I can support this with the caveat of seeing the images.

MOTION: Commissioner Garcia moved to approve with the stipulation of art approval. Chair McCord seconded the motion; the motion passed unanimously.

Ms. Cleo's House at the Murdoch Center

Vice Chair Lubarsky: Question for staff about the admin oversight cost and is it in our purview to fund ethnographic research like this?

Staff: Only allowed to spend half the grant on fees (admin, artist, etc). As it is written now, it would not follow our guidelines. If the commission wishes to move forward, we would need to speak with Dr. Guthrie and work that out with them.

Vice Chair Lubarsky: Can we fund the public relations and outreach piece?

Staff: That would need to be within half of the amount he is asking for.

Commissioner Cruz: Do we have a sense of how many people attend events? It seems we have funded some murals that have been painted over and I am a little hesitant for spending more public money on temporary installations that may not have the intended visibility. I guess I am wondering how many people actually attend events held there.

Chair McCord: How does this project affect the last project we discussed at the last meeting regarding the expansion?

Commissioner Garcia: There definitely needs to be clarification on the two projects and the overlap. I also advocate for temporary art if the price tag isn't too big and these seem appropriately priced.

Commissioner Zecher: If the expansion is five years out, I feel more comfortable with the temporary aspect but would like to see a revised budget. I would like to let them know our concerns and have them get back to us.

Chair McCord: Staff, can we ask for more information about the intersecting of the two projects to gain more insight?

Staff: And also to include a revised budget that is in compliance as well?

Chair McCord: Yes, that too.

Staff: Yes, we can do that and bring the information back to you. Some of the expansion is contingent on the approval of the CDBG funding, too. Just to remind the commission of that.

Commissioner McGrath: Agrees with Commissioner Garcia and the temporary art installation. Would not support the budget as written today but would like more breakdown of responsibilities of the funding.

MOTION: Commissioner Zecher moved to ask for more information on the budget, how this interacts with the proposal approved last month and more details on the expansion. Commissioner Garcia seconded the motion; the motion passed unanimously.

The Juice Pub/Birch Ave Butterfly Garden

Chair McCord: Likes the project, is familiar with the species of plants.

Vice Chair Lubarsky: Supports, would like more info on what the maintenance would be.

Staff: We are good with this as the total cost is more than what they are asking. They are putting in their own money and it's a relatively small project. If it beautifies the space for a couple of years, that is wonderful. The commission needs to decide if they are comfortable with this level of risk.

Vice Chair Lubarsky: Yes, that's a good point. If they are putting in their own money, they will be more apt to maintain it.

Commissioner Garcia: Chair McCord, do you see any issues with the budget asked for?

Cahir McCord: It did seem a little low, but that's due to them investing some of their own funding.

Zecher: Support the project, will be ok even if maintenance is forgotten a little.

There was discussion regarding the ongoing maintenance.

MOTION: Commissioner Cruz moved to approve the grant; Commissioner Garcia seconded the motion; the motion passed unanimously.

Cosmic Ray Brutti Tunnel-O-Time Memorial Mural

McGrath: Great location, loves the idea, but there is no budget to approve at this time.

Cruz: Agrees, local person with a lot of community involvement. Would also like to see what the cost would be and what the final project would look like.

Garcia: I would like to ask staff to share past projects with the applicant and to encourage them to bring more of the criteria for a grant. There is a lot of information, but we need something viable to look at.

Vice Chair Lubarsky: I think they need some mentoring on how to develop this project. Likes that they will fundraise to help out. I affirm and encourage the project but would like to have a more detailed plan.

Cruz: It seems that we could use more consistency in our decision making.

McCord: Yes, you're right. It can be a gray area that we need to work through.

Garcia: We can help guide the applicant and mentor them on the guidelines.

Lubarsky: Not sure if we ask they bring it back now, but give more time to planning this project and develop the budget. I don't think they are ready to submit.

McCord: Agreed. Would like to recognize them for the effort put forth, but to come back with more detailed information.

Garcia: Staff, they could resubmit for a BIA grant in six months if they wanted to, correct?

Staff: Yes, they certainly can.

MOTION: Commissioner Cruz moved to approve with more clarifications; Commissioner Garcia seconded; the motion does not carry vote 1-5

MOTION: Chair McCord moved to not approve with suggestions to apply again; Commissioner Zecher seconded the motion; the motion carries; vote 4-2

Community Assistance Teams of Flagstaff Outreach Bus Murals

MOTION: Commissioner Garcia moved to approve; McGrath seconded the motion; the motion passed unanimously.

- I. **TO/FROM ITEMS:** These are for informational purposes only and the Commission may not discuss these items. The Commission may, however, request these as a future Discussion or Action item.
1. City Staff To/From and Updates: MacKenzie Chase, Eliza Kretzmann, Jana Weldon
 - a. No updates at this time. [NONE](#)
 2. Chair To/From and Updates: Carla McCord [NONE](#)
 3. City Council Liaison Updates
[Thank you for the engaged discussion and applicants for the BIA Grants.](#)
 4. Additional To/From Items from the Commission? [NONE](#)
 5. Requests for future agenda items? Please provide vote from additional 2 Commissioners to add to the list for future meetings.
 - a. Existing List: Presentation on why Creative Flagstaff decided not to pursue partnership with ArtWins/Art Prize.
[We should have these on the agenda in the next couple of meetings.](#)

J. **TIME/DATE FOR UPCOMING MEETINGS**

1. BPAC Meeting: Monday, May 9, 2022, at 4 p.m., Microsoft Teams Meeting.

K. **ADJOURNMENT**

[Chair McCord adjourned the meeting at 6:38 p.m.](#)



BEAUTIFICATION AND PUBLIC ART COMMISSION APPROVED MINUTES

December 12, 2022 – 4:00 p.m.

*City of Flagstaff – Microsoft Teams Remote Meeting/ Staff
Conference Room*

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact Creag Znetko, (928) 213-2906 (or 774-5281 TDD). Notification at least 48 hours in advance will enable the City to make reasonable arrangements.

City Staff: Jana Weldon – Staff Liaison, Creag Znetko – Recording Secretary.

The Public is Invited to Attend this Remote Meeting: Please join us via Microsoft Teams by clicking on the following link, which brings you to the live meeting: [Click here to join the meeting](#)

Please turn your camera off and mute your microphone except when speaking. If you need an invitation to the meeting, email cznetko@flagstaffaz.gov prior to 3:00 p.m. on the Monday of the meeting.

Provide Public Comment Prior to the Meeting: Email jana.weldon@flagstaffaz.gov with your public comment prior to 3:00 p.m. with **PUBLIC COMMENT** in the subject on the Monday of the meeting and it will be read during the public comment section or during the item to which your comment pertains.

A. CALL TO ORDER Chair Cruz called the meeting to order at 4:01 p.m.

B. ROLL CALL:

J Michael Cruz, Chair, *present*
Sandra Lubarsky, Vice-Chair, *present*
Anthony Garcia, *present*
Claire Johnson, *present (joined at 4:31)*

Matt McGrath, *present*
Chris Verrill, *present*
Tina Zecher, *present*

C. UPCOMING EVENTS:

1. Please look at flagstaff365.com for upcoming events in music, culture, art, and sciences.

D. PUBLIC PARTICIPATION

The Arizona Open Meeting Law prohibits the Commission from discussing or acting on an item which is not listed on the prepared agenda. Commissioners may, however, respond to criticism made by those addressing the Commission, ask staff to review a matter, or ask that a matter be placed on a future agenda. Public comment should be sent to jana.weldon@flagstaffaz.gov, prior to 3:00 p.m. on the day of the meeting with PUBLIC COMMENT in the email subject or during the designated public participation section.

E. APPROVAL OF MINUTES

1. November Minutes.

MOTION: Vice Chair Lubarsky moved to approve the minutes as submitted. Commissioner Garcia seconded the motion; the motion passed unanimously.

F. ANNOUNCEMENTS

1. Traffic Signal Cabinet Phase Three initiating with call to artists set to be active in January 2023 with selection panels convening in February.

Staff announced the selection panels to approve art proposals and hopes to have the commissioners join a panel when the invitations go out in the next few weeks .

2. Art Collections and Beautification Coordinator in-person interviews of four applicants on December 16, 2023.

Staff announced that the in-person interviews for the new role will be conducted on Friday, Dec. 16th. There were six candidates for the phone interviews and four moved on to in-person.

3. Request to take Item H1 before Item G1 to accommodate presenter's schedule.

Staff announced the order for the agenda will be revised to accommodate the presenter's schedule.

4. Commissioners' Announcements

NONE

G. ACTION ITEMS

1. **Lone Tree Overpass: Integrated Art Concepts:** Jana Weldon, Beautification, Arts & Sciences Program Manager; Christine Cameron, Engineering and Capital Improvements Project Manager; Jason Carlaftes, Structures Manager | Project Manager, WSP.

At the January 2022 Christine Cameron, Engineering and Capital Improvements Project Manager, gave an overview of the Lone Tree Overpass project; Laura Mielcarek, Wheat Design Group Principal, highlighted the aesthetic enhancement possibilities; and staff outlined a revised public art process for the project that would have the City consultant, WSP, hire that artist. At the April 2022 BPAC meeting the selected artist, Laurie Lundquist, presented her past work and her artistic practice in the public art field. The artist added Marie Jones, the artist who created *Among Trees* at the Courthouse, to her team in the Fall. Ms. Weldon will give an overview of the community input process and present the integrated aesthetic enhancement concepts and direction that the artist is developing after community and design team input. Ms. Cameron and Mr. Carlaftes will be present to answer any questions concerning the overpass project.

Suggested Action: Listen to presentation, ask questions, and discuss. Approve for Recommendation to City Council of Laurie Lundquist's aesthetic enhancement concepts and direction to the Lone Tree Overpass.

Staff presented the art concepts for the Lone Tree Overpass. Presentation included a tweak to the process of the consulting hiring the artist, the feedback from the community survey, the focus group input, complexities of the project, aesthetic aspects of the overpass, the size of the retaining walls, the colors that will be used, the art motifs, the difference between a fence and a railing, the type of lighting that has been recommended, and the potential locations for entry markers. Discussion included the Commissioners in the focus group showing support for how the design developed to these concepts and how important having BPAC involved early in the process is, the issues surrounding the future civic space which is not part of this project, support for more detail for the pedestrian space, and questions about the lighting for under deck areas.

MOTION: Commissioner Zecher moved to approve the design for recommendation to City Council for approval. Commissioner McGrath seconded the motion; the motion passed unanimously.

H. DISCUSSION ITEMS

1. **Five Year Plan and Budget Process:** Gretchen Povlsen, Management Services Accountant

Building on Community Investment Director Dave McIntire's overview at this year's budget retreat, Ms. Povlsen will review the Five Year Plan and Budget Process in more detail.

Suggested Action: Listen to the presentation, ask questions, give comments.

Staff presented an overview of the Five-Year Plan and budget process. Presentation included the budget calendar due dates, the purpose of having an annual budget process, carrying forward funding to the next fiscal year, responsibilities for each division, capital expenditures, source of funds, and the allowable use of funds. Discussion included what happens to the interest on unspent funding (it stays in the budget), metrics for tracking, the overall vision for the current and future staff, and when the BBB tax is up for renewal. There was discussion only.

2. **Downtown Mile Beautification and Public Art Opportunities:** Jason Carlaftes, Structures Manager | Project Manager, WSP; Jana Weldon, Beautification, Arts & Sciences Program Manager; Christine Cameron, Engineering and Capital Improvements Project Manager

The Downtown Mile project is initiating design that will be completed in the upcoming year. Mr. Carlaftes will highlight the main structural components of the project and review the BNSF railroad restrictions. Ms. Weldon highlight opportunities discussed with City Capital Project Manager, Ms. Cameron, for Beautification and Public Art involvement that might work within the restrictions of BNSF and the project schedule. Ms. Weldon will include an image of placemaking sign from Reno, Nevada so that BPAC can include Commissioner Verrill's idea within the discussion of the opportunities. Ms. Cameron will be present to answer any questions about the project parameters.

Suggested Action: Listen to the presentation, ask questions, give comments.

Mr. Carlaftes gave an overview of the Downtown Mile project including the grant funding. The current train bridge connecting Milton Rd and Route 66 will be realigned slightly to the north and will give more clearance for vehicular traffic underneath. There will be different traffic patterns as well to clean up the intersection on Sitgreaves and Old Santa Fe, which is could support a public art project. The FUTS will be extended in this area and run underneath Route 66 to the Downtown Connection Center and may have an opportunity for public art. Due to the structural nature of the railroad, all public art components will be discussed with BNSF, which has many restrictions. Another pedestrian underpass will connect Walnut St on the North side of the tracks to Florence St in La Plaza Vieja and is another potential place for public art. Discussion included having conversations with BNSF to which staff responded with the difficulties of that path; the possibilities of the types of public art projects that can be created in each of the potential locations; an idea for a gateway sign like Reno Nevada's which didn't receive consensus support; what kind of materials can be used; and how art should enhance and not deter connectivity. There was discussion only.

I. **TO/FROM ITEMS:** These are for informational purposes only and the Commission may not discuss these items. The Commission may, however, request these as a future Discussion or Action item.

1. City Staff To/From Items: Jana Weldon, Susan Hardiman **NONE**
2. Chair To/From Items: Chair Cruz – **Happy Holidays**
3. City Council Liaison To/From Items: Vice Mayor Sweet – **Thank you for what you do**
4. Additional To/From Items from the Commission? **Commissioner Garcia informed the commission of a media lab he has been a part of and the last class is this Saturday at 9:30 a.m. at Creative Flagstaff (Coconino Center for the Arts). All are welcome to come.**
5. Requests for Future Agenda Items? Please provide vote from additional 2 Commissioners to add to the list for future meetings. **NONE**

J. **TIME/DATE FOR UPCOMING MEETINGS**

1. BPAC Meeting: Monday, January 9th, 4 p.m., Hybrid at Upstairs Staff Conference Room at City Hall.

K. **ADJOURNMENT** **Chair Cruz adjourned the meeting at 6:01 p.m.**

CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Sam Beckett, Public Works Streets Section Director
Date: 06/06/2023
Meeting Date: 06/13/2023



TITLE:

Part 1- Streets and Parks Snow Operations Discussion

DESIRED OUTCOME:

General review and healthy discussion about city snow operations.

EXECUTIVE SUMMARY:

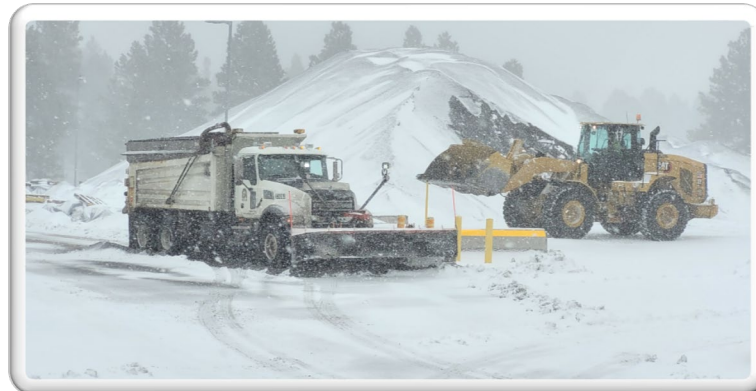
General review and discussion in relation to city snow operations, policies and procedures.

INFORMATION:

See PowerPoint presentation.

Attachments: Part 1- Snow Presentation

City Snow Operations



Presentation Objectives

- Review of City Snow Operations
- Streets Snowplow Equipment
- Streets Staffing
- Parks Snowplow Equipment
- Parks Staffing
- Current Snow Operations Policy
- Community Expectations and Parking Ordinance
- Post-event Operations
- Financial Impacts



Streets Snowplow Fleet

- 20- 10-Wheel Snowplows
- 4- 6-Wheel Plow Trucks
- 9- Motor Graders
- 5- Front-end Loaders
- 2- Bobcat Toolcats
- 1- Truck Mounted Snow Thrower





Streets Staffing



Streets has 24 (32 fully staffed) dedicated team members

1-Administrative Specialist

1- Manager

4- Supervisors

9- Streets Operations Technician III

7- Streets Operations Technician II (1- Vacancy)

8- Streets Operations Technician I (5-Vacancies)

1- Traffic Signal Technician II (Vacant)

1- Traffic Signal Technician I (Vacant)

18- Operational Staff
member through the snow
season

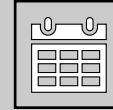




Snow Shifts- Equip & Staffing



Day Operations 10am-10pm



Night Operations 10pm-10am



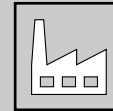
2- Snow shift supervisors



2- Snow shift supervisors



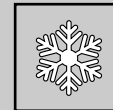
9- Operators



9- Operators



3-5 Snow temps (as available)



3-5 Snow temps (as available)



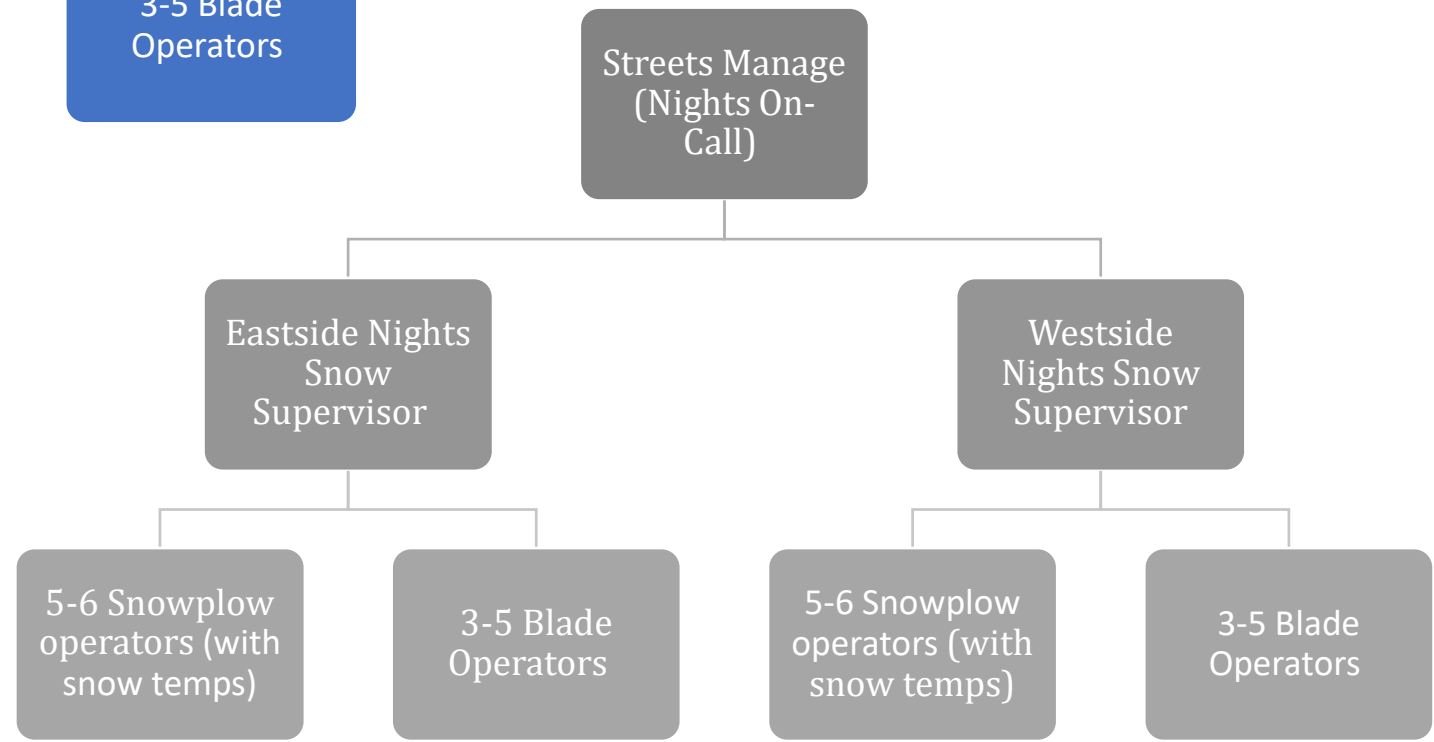
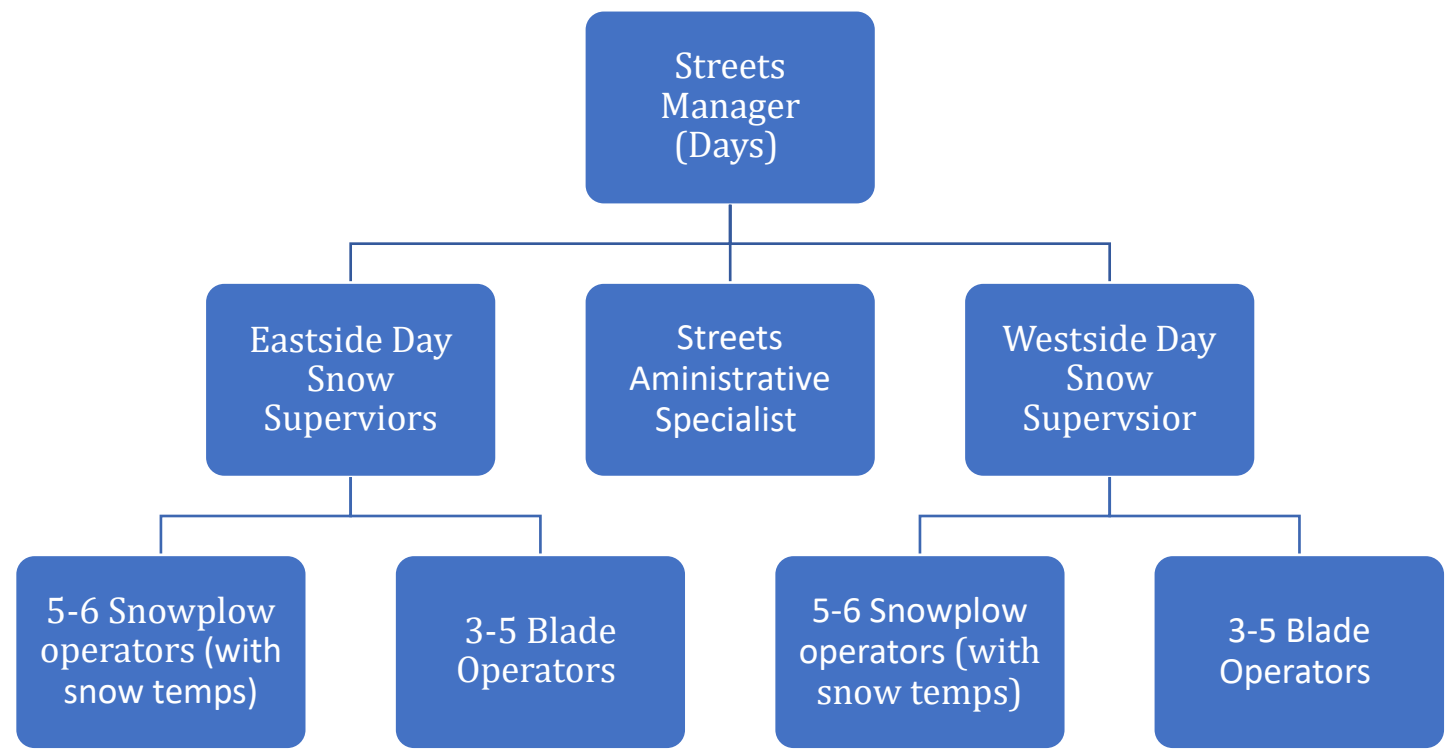
Our Goal -

12 Snowplow trucks
5 Motor Graders
1-2 Bobcat Toolcats



Our Goal

12 Snowplow trucks
9 Motor Graders
1-2 Bobcat Toolcats

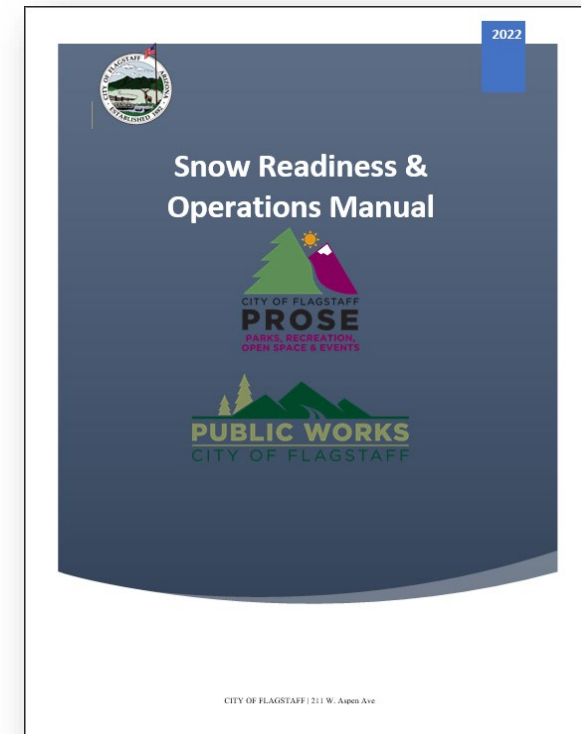




Snow Response Policy

2022 Snow Readiness & Operations Manual

- An operational guide which is updated annually.
 - This manual is distributed to all operators and snow temps.
- The purpose of this document is track and enhance best practices while giving structure to snow operations.
- Each year, we review nationwide policies, best practices, and technology to ensure we align and provide the best public services possible





Streets- Snow Plowing Priorities

Priority Routes – Open and Passable at all times

- Main Routes and Arterials
- Major Hills
- Downtown Core
- FUSD & Mountain Line Bus Routes

Secondary Priority Routes - Residential Streets & Cul-de-sacs

Residential streets are not plowed until priority one routes are completed and more than four inches of snow has accumulated on residential roadways.

❖ Ice control for the duration of each storm event.



Streets- Snow Plowing Priorities

Residential Streets and Cul-de-sacs

Residential streets are not plowed until priority one routes are completed and more than four inches of snow has accumulated on residential roadways.

Second priorities will be completed:

within 12 hours after up to 8 inches of accumulation

within 18 hours after 8 to 12 inches of accumulation

within 36 hours after more than 12 inches of accumulation

Snow Operations Public Works Internal

Streets - Priority Arterial Routes

Priority Arterial Routes

- Truck 52
- Truck 53
- Truck 54
- Truck 55
- Truck 65
- Trucks 52 and 54

Streets - Priority Collector Routes

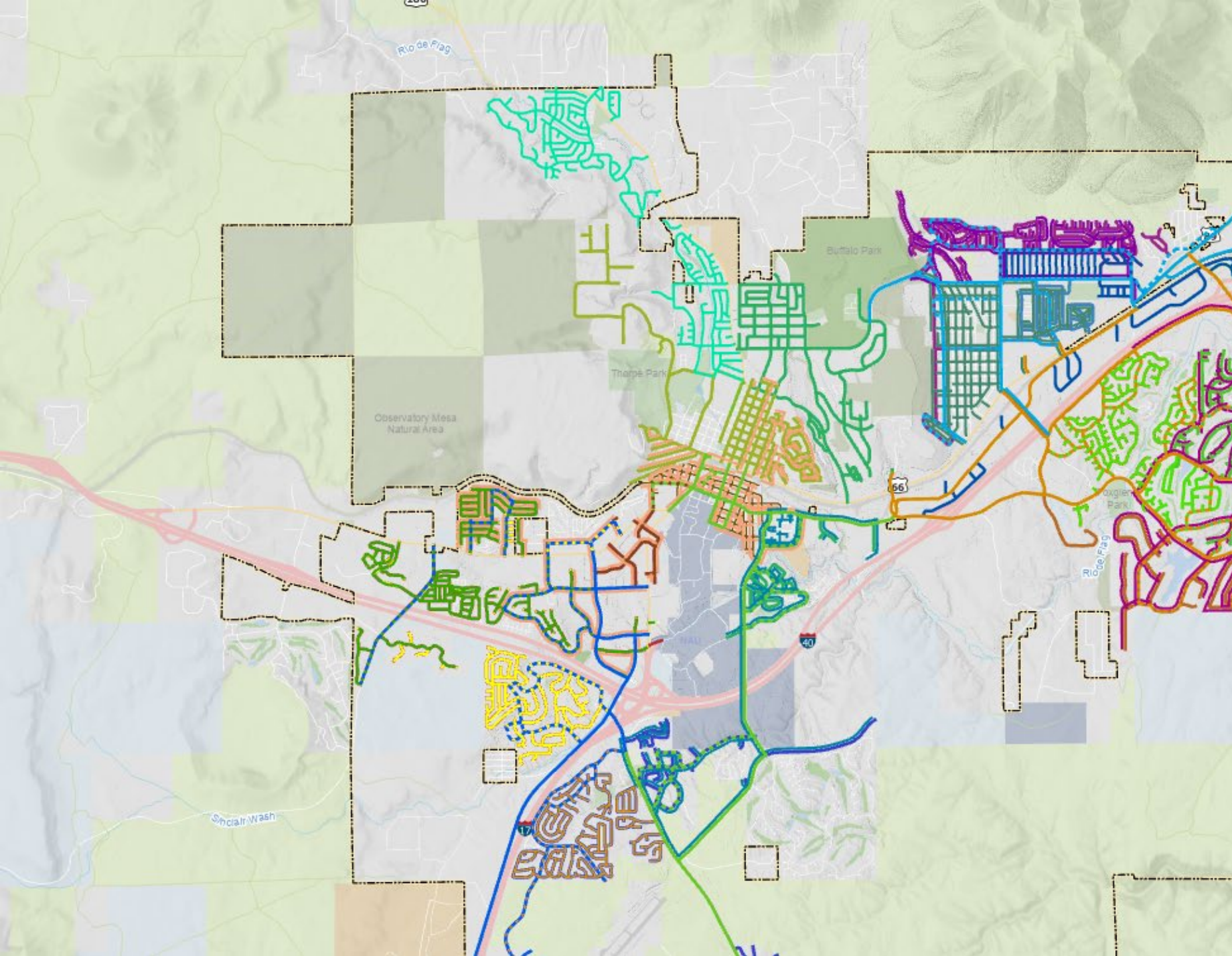
Priority Collector Routes

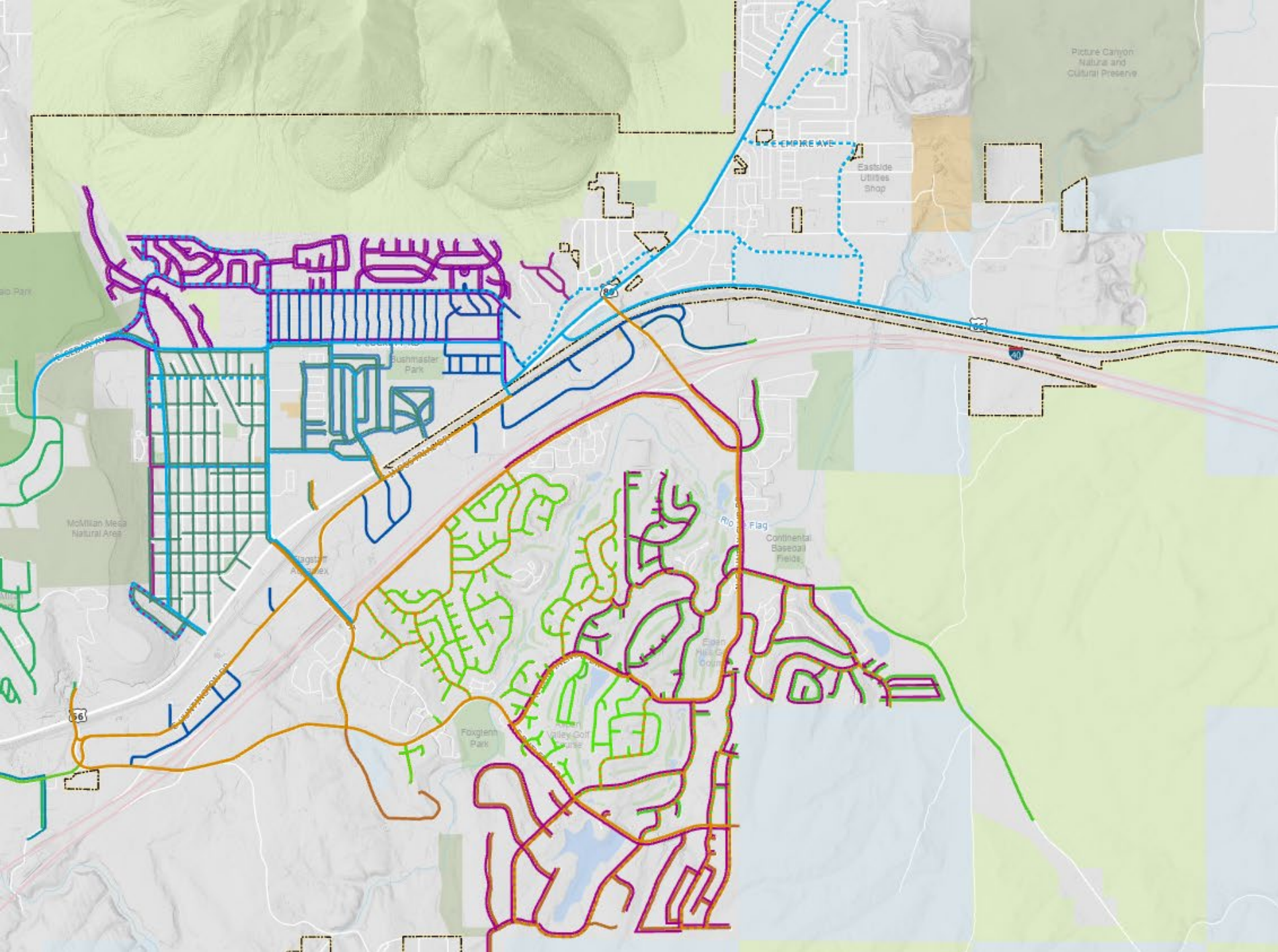
- Truck 52
- Truck 53
- Truck 54
- Truck 55
- Truck 65

Streets - Truck Routes

Residential Routes

- Truck 50
- Truck 51
- Truck 56
- Truck 57
- Truck 58
- Truck 61
- Truck 62
- Truck 63
- Truck 64
- Truck 66
- Truck 146
- Truck 147
- Truck 150





Snow Operations Public Works Internal

Streets - Priority Arterial Routes

Priority Arterial Routes

- Truck 52
- Truck 53
- Truck 54
- Truck 55
- Truck 65
- Trucks 52 and 54

Streets - Priority Collector Routes

Priority Collector Routes

- Truck 52
- Truck 53
- Truck 54
- Truck 55
- Truck 65

Streets - Truck Routes

Residential Routes

- Truck 50
- Truck 51
- Truck 56
- Truck 57
- Truck 58
- Truck 61
- Truck 62
- Truck 63
- Truck 64
- Truck 66
- Truck 146
- Truck 147
- Truck 150
- Truck 152

Streets - Grader Routes

Parks Snow Equipment & Staffing

Equipment

10– Plows on pickup trucks

1--Toolcat

1--Cinder Spreader

6 –Multi Purpose Landscape Tractors & Backhoes –
(Competing Operations)

4 – Snow throwers



Parks Snow Equipment & Staffing

Parks Staffing

1-- Parks Manager

4-- Parks Supervisors

10-- Parks Technicians

12-- Parks Maintenance Workers (2 current vacancies)

6-- Temporary/Seasonal Workers (5-6 current vacancies)

Completed Assignments:

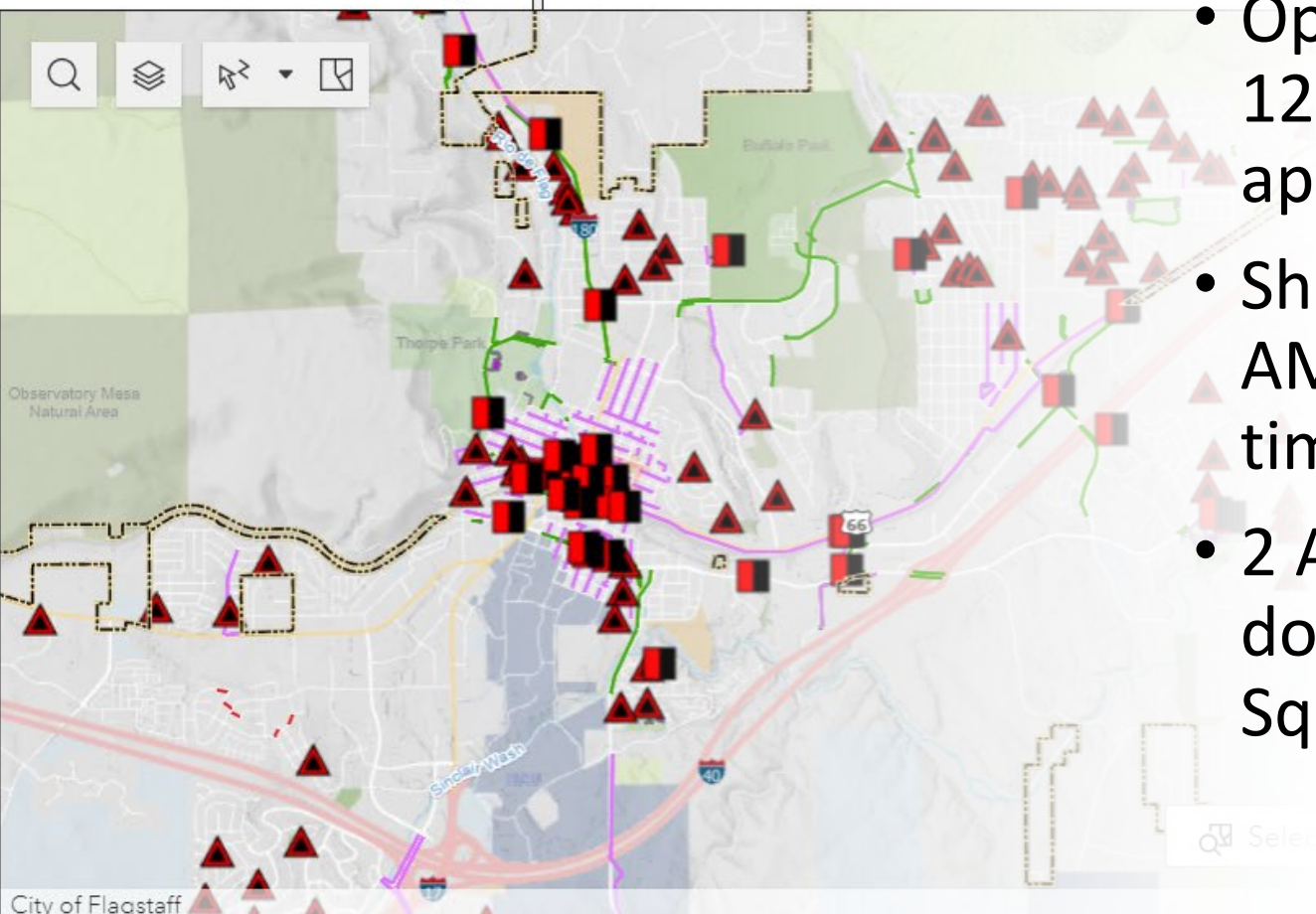
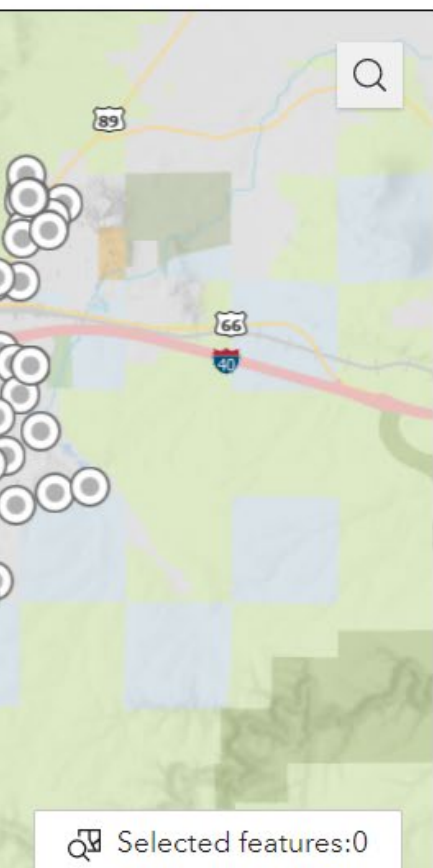
0%

Assigned:
342Declined:
0Unassigned:
0

Paused: 0

Parks Snow Shift Staffing

- Operation is 24/7 with 12-hour shifts when applicable
- Shifts typically 4 AM, 6 AM and 9 AM start times
- 2 AM hauling time for downtown/Heritage Square





Parks Responsibilities



Priorities of routes, in order – over 340 assignments

- Parking lots of City-owned buildings – 63 parking lots
- City-owned sidewalks and FUTS system (concrete/asphalt sections)
- Heritage Square
- Dedicated City Alleys
- Courtesy Berm Service, when applicable
- Entrances to FUTS – non aggregate only
- Parking lots at park locations
- Stairways, walkways, skate tracks and BMX track in City parks



Streets Responsibilities



Event Responsibilities

- Streets Plow 700+ Lane miles of roadway.
- This equates to 2600 miles of traveled to plow roads 1 time.
 - This includes emergency lanes, shoulders, (when possible), bike lanes, and turn lanes

Post-event Responsibilities

- Ice cinders are applied to roadways after the heaviest snow has fallen for more effective and efficient use.
- Snow hauling operations from, downtown core, Butler ave, 345 Cul-de-sacs



Day Time Snow Deviations

- Community Expectations vs. Policy
 - Community calls for service that led to deviation of snow routes
 - Day time traffic, accidents and parking conflicts create route disruption
 - Severe weather and suspended operations for safety
- Day time Emergencies
 - Accident scene at the request of PD or Fire
 - Signalized intersection/sign issues





Post Event

- Snow hauling operations
 - Downtown Parking
 - Main arterial roads
 - Cul-de-sac snow removal
- Intersection clean up and push back
- Signage and damage repairs
- Prolonged Ice control and trouble spots
- Ice Cinder sweeping
- Roadway damages and Potholes



Financial Impacts



Streets sole operational funding source is from the Highway User Revenue Fund (HURF)

Operational allocations for Snow and Maintenance

- **\$50,000** in annual snow operational funds (not including personnel) for snow operations.
 - Funding supports snow maintenance supplies and materials such as, Ice cinders, pothole patch, snow equipment & parts.
 - All work must directly be related to vehicle transportation network and must have a maintenance agreement or ROW designation.
- **\$118,000** general maintenance dollars for the entire fiscal year.

Streets Strategic Vision and Goals

To provide the most effective and safe snow operations to our community.

Enhance best practices through training, proper equipment, and staffing.

3-5 yr. goals are to meet the staffing needs of our current infrastructure and to better support the residents of Flagstaff.

Questions?



CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Amy Hagin, Assistant Parks and Recreation Director

Co-Submitter: Samuel Beckett

Date: 05/30/2023

Meeting Date: 06/13/2023




TITLE:
Bicycle and Pedestrian (Multi-Modal) Snow Operations

DESIRED OUTCOME:
Discussion on current snow operations and expectations

EXECUTIVE SUMMARY:
With the variety of assignments that circle the realm of multi-modal for snow operations, a discussion regarding current practices, peer city reviews, resources and impacts, as well as future growth, are all necessary to hold a robust discussion as to how the snow operation response meets the expectations of the community.

INFORMATION:
Please see the attached presentation

Attachments: [Presentation](#)



PROSE and Multi-Modal Snow Operation

- 
- A grayscale photograph of a city street covered in snow. Several cars are parked along the side of the road. A signpost with a 'DOWNTOWN' sign is visible in the foreground. The background shows buildings and bare trees. The image is used as a background for a list of bullet points.
- The Shift in Snow Operations
 - Future and Growth with the Community
 - Undefined Expectations
 - Courtesy Berm Relocation Program
 - FUTS – Multi-Modal – Sidewalks
 - Impacts and Resources
 - Peer Review – Best Practices
 - Next Steps

An aerial photograph of a dense forest of evergreen trees covered in a thick layer of snow. The trees are closely packed, and the snow is a bright white, contrasting with the dark green of the foliage. The perspective is from directly above, looking down on the canopy.

The Shift – the movement toward a growing community's desires and needs

Changes in climate and accumulation

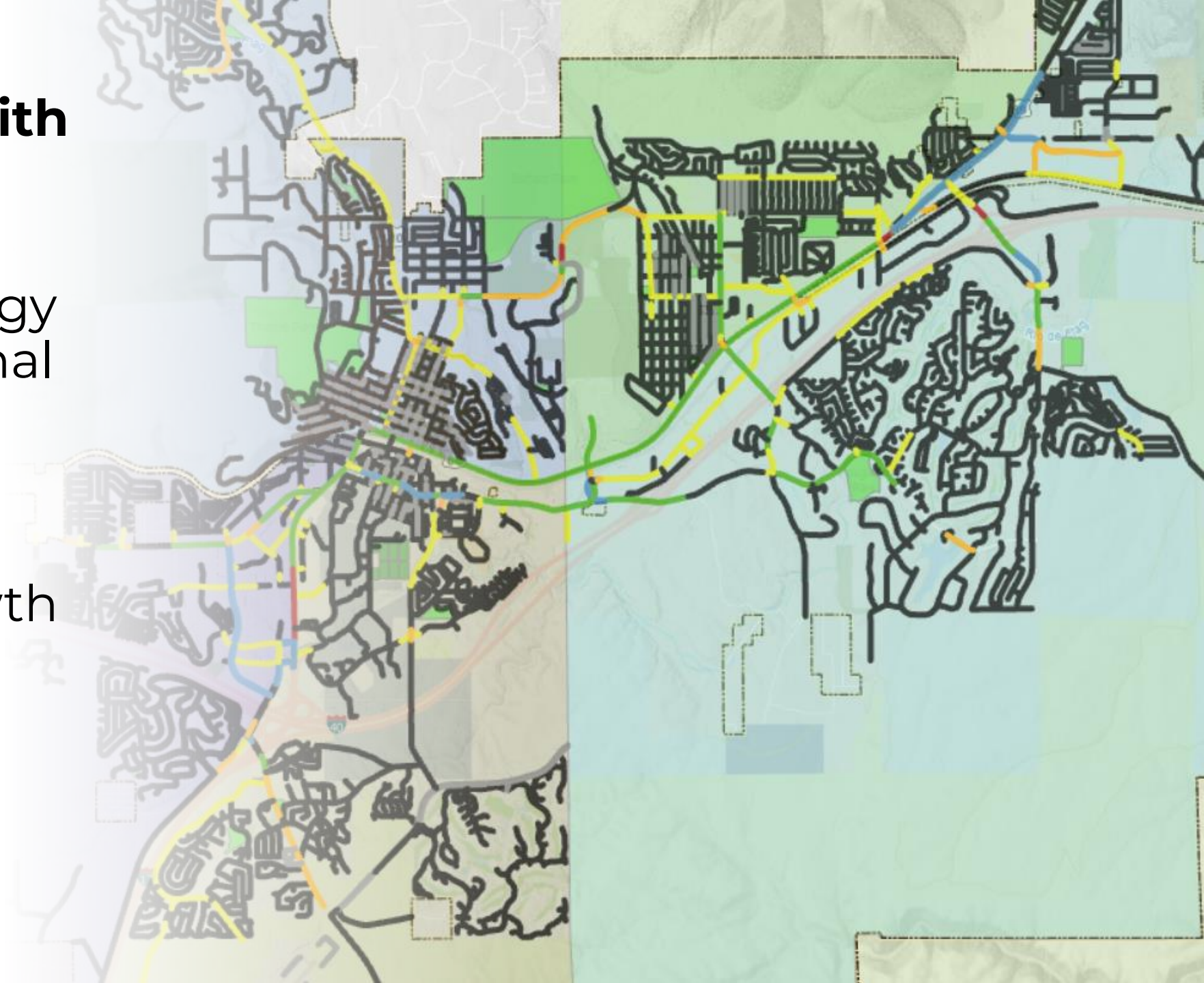
Review of prioritization of routes/assignments

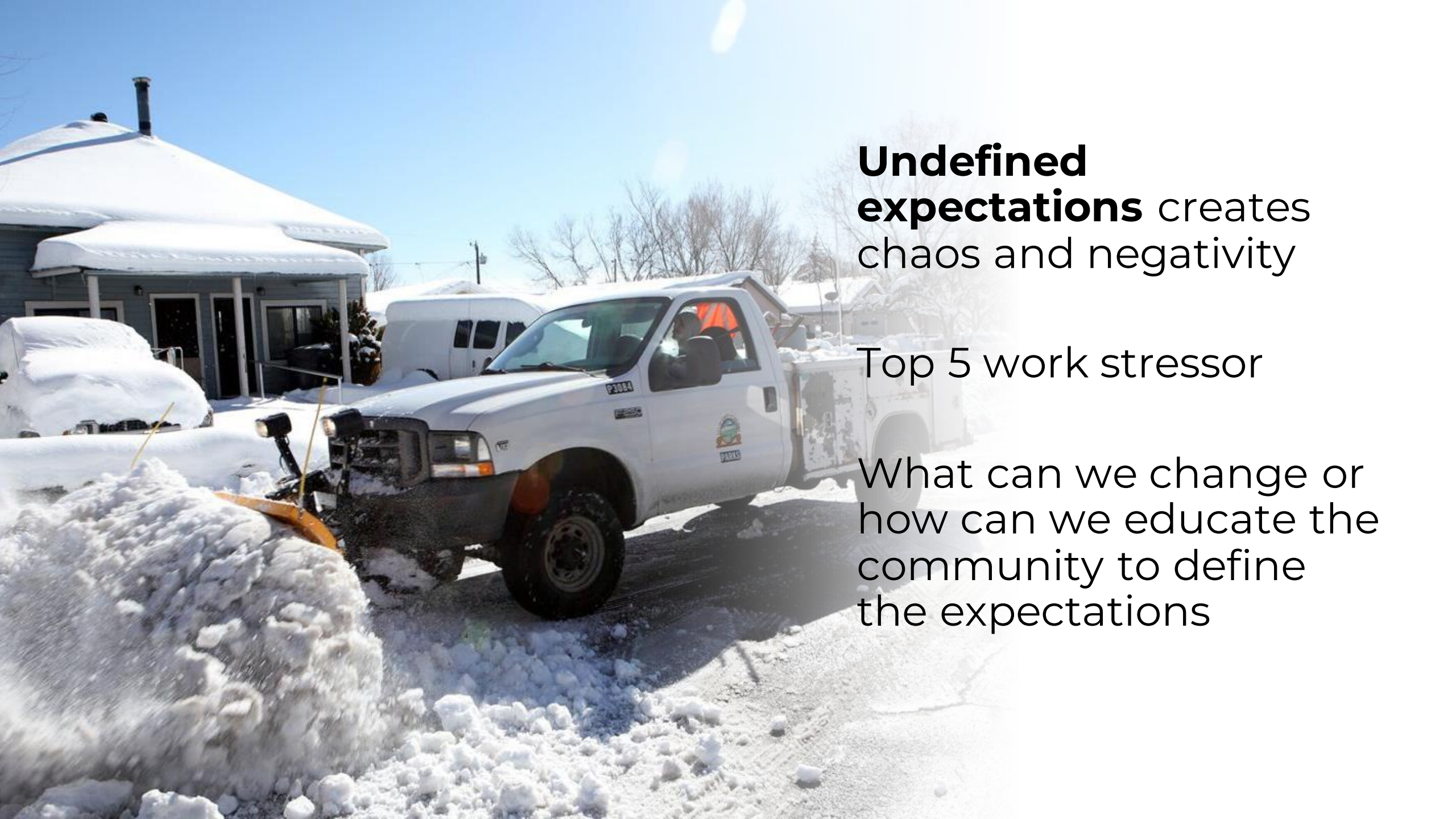
Post storm obstacles

Future Growth with the Community

What is the strategy to service additional multi-modal infrastructure

How will the growth match the community need





Undefined expectations creates chaos and negativity

Top 5 work stressor

What can we change or how can we educate the community to define the expectations



Courtesy Berm Relocation Program

Definition of program

In 2021/22, there were
86 residences. In
2022/23 165 residences

PROSE innovation this
season

Outlook and Future

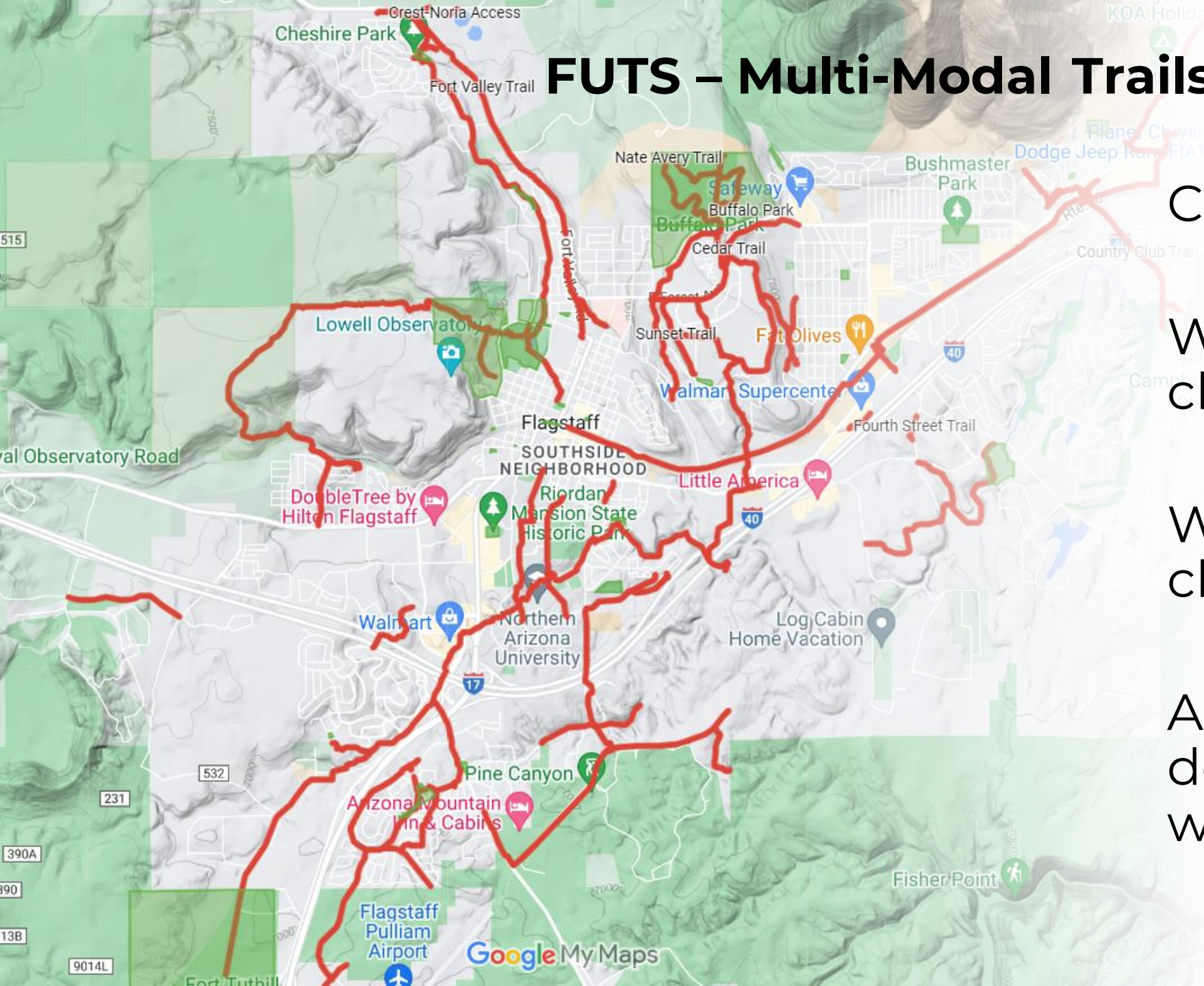
FUTS – Multi-Modal Trails and Sidewalks

Current operation

What **could** we change

What **should** we change

As more miles are developed how do we manage





Impacts and Resources

Minimal change to resources over the decades yet maximum change to impacts

Without a financial model to cover these additional impacts on the resources how do we manage?

Peer Review and Best Practices

What are the “common practices” in similar climates?

Street priority levels

Emergency zones

Accumulation method

GIS mapping to inform/educate





THIS WAY

THAT WAY

Next steps

ANOTHER WAY

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Dan Folke, Community Development Director
Date: 06/03/2023
Meeting Date: 06/13/2023



TITLE:

Update and Discussion on Building and Property Care Ordinance and associated Code Amendments

DESIRED OUTCOME:

Discussion of proposed amendments and review of the updated schedule.

EXECUTIVE SUMMARY:

Staff received direction at the September 27, 2022 City Council work session to prepare an ordinance with standards for the care of property and buildings. While the attached Building and Property Care Standards address issues identified as important through the community process, it was also recommended to review existing sections of code that address littering, nuisances (dangerous and abandoned buildings), and abandoned vehicles.

Attached to this report is proposed text for a new Chapter 7-06 Building and Property Care Standards, in Title 7 Health and Sanitation of the City Code. Staff also reviewed City Code Chapter 6-06 Littering and recommends it be removed from Title 6 Police Regulations, and placed in Title 7 Health and Sanitation. Recommended text amendments for a new Chapter 7-11 Littering are attached to this report.

INFORMATION:

Staff took the property care standards presented at the September 27, 2022 work session and created Chapter 7-06 Building and Property Care Standards. The chapter includes a purpose and intent, definitions, standards for property, standards for buildings and structures, and a section with exemptions.

Definitions are short and consistent with those found in a dictionary. The property standards address adequate storage of litter and debris, accumulation of litter and debris, storage of inoperable vehicles/equipment/appliances, hazards and securing of vacant properties. The Building and Structures standards are intended to address abandonment, deterioration and attractive nuisances. Because securing abandoned and dangerous buildings continues to require significant staff resources, creates attractive nuisances to the community and can become dangerous, the draft allows broken doors and windows to be temporarily secured for no more than 30 days. Staff recognizes this is a significant change from current practices, which allow buildings to be indefinitely boarded up, and that additional community engagement and discussion is required on this detail.

Also included in the packet are recommended amendments to the Littering Chapter that include new definitions of litter, the elimination of confusing definitions, removal of unnecessary and repetitive

sections, and removal of enforcement procedures specific to litter. Enforcement will utilize the Civil Enforcement Procedures in the City Code in an effort to make procedures and penalties consistent. Because the Littering Chapter is about private property and the Police Department does not utilize this chapter for littering enforcement within rights-of-way, staff recommends removing Littering from the Police Regulations and move them to the Health and Sanitation Title.

At this time staff would like comments and questions on the material provided in the work session. Because these chapters are related and all work to support the Building and Property Care Standards, it is staff's recommendation that we work on the Nuisances (Abandoned and Dangerous Buildings) and Abandoned Vehicle sections during the summer Council break. We will re-engage the citizens working group, and provide informational presentations to select Commissions. It is staff's goal to bring the remaining code amendments, along with the Building and Property Care Standards ordinance to a City Council work session in the fall of 2023.

Staff has included the presentation from the September 27, 2022 Work Session as additional background information.

Attachments: [Building & Property Standards](#)
 [Chapter 07-11 Littering](#)
 [Related City Code](#)
 [Sept 27 2022 Presentation](#)
 [June 13 2023 Presentation](#)

PZ-23-00094 Updates to City Code - Property Care Standards

Division 7-06 Building and Property Care Standards

7-06-001-0001 Short Title

This Chapter shall be known and may be cited as the “Building and Property Care Standards of the City of Flagstaff”. While these standards apply to buildings, structures and property, they shall be referred as the “PCS”.

7-06-001-0002 Purpose

The purpose of the Building and Property Care Standards (PCS) is to improve and maintain the appearance of the City of Flagstaff and improve quality of life by protecting public health, safety, and welfare. These standards establish minimum exterior maintenance standards for all residential and non-residential buildings and properties in the City to protect against hazardous, deteriorating, and other dangerous conditions.

7-06-001-0003 Intent

These standards shall be applied and enforced fairly and consistently. The City shall provide adequate notice to affected property owners to resolve conditions and the City may provide resources to assist property owners with compliance as they are available. It is the intent of the City to work with property owners and tenants to preserve existing buildings and housing.

7-06-001-0004 Definitions

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.

ABANDONMENT: To cease from maintaining or using.

ATTRACTIVE NUISANCE: A condition or thing that might attract a person onto land thereby causing a risk to their safety.

DEBRIS: The remains of something broken down or destroyed.

DETERIORATION: The action or process of becoming impaired or inferior in quality, function, or condition.

CONTAINERS: Receptacles (bins, carts, etc.) used to hold solid waste or recyclables for residential and commercial solid waste and recycling collection.

GARBAGE: Food waste; discarded or useless material.

HAZARD: A source of danger or risk.

INOPERABLE: Not able to be operated.

LITTER: Trash, wastepaper, debris, or garbage lying scattered about. An untidy accumulation of objects.

TRASH: Things that are no longer useful or wanted and have been thrown away; something in a deteriorated or broken condition.

7-06-001-0005 Property Care Standards

Every person who owns or leases any land, building, or structure within Flagstaff shall keep and maintain the land or building in a manner consistent with these standards.

- A. **Property Standards:** These standards shall provide for the elimination of Litter, Debris, Inoperable equipment, Hazards, and Attractive Nuisances, for the purpose of protecting public health, safety, and welfare:
 - 1. Property owners shall provide Container capacity adequate to meet the Garbage and recycling removal needs of the property to prevent the accumulation of uncontained Litter and Debris. Containers shall be secured on the property and maintained in good working condition.
 - 2. Properties shall be kept free from the accumulation of Litter, Trash, Debris, or Garbage.
 - 3. Inoperable equipment, vehicles, and appliances shall not be stored on a property where it is visible from the public right-of-way or accessible to members of the public.
 - 4. Properties shall remain free from Hazards including but not limited to damaged or dead trees or vegetation, unsecured, exposed, or inoperable private utility infrastructure, or walls and fencing that are structurally unsound.
 - 5. Unoccupied properties shall be posted "No Trespassing" or adequately secured to prevent unauthorized use of the property.
- B. **Buildings and Structures Standards:** These standards shall provide for the elimination of conditions of Abandonment, Deterioration, and Attractive Nuisance, for the purpose of protecting public health, safety, and welfare:
 - 1. Windows and doors shall be maintained in proper working condition. Where damaged windows or doors require repair or replacement, temporary security measures may be installed for no more than 30 days.
 - 2. All buildings and structures shall be maintained to prevent Deterioration or the appearance of Abandonment that threatens the buildings longevity. This includes but is not limited to general building maintenance such as repairs of windows, doors, roofs, and exterior structural elements.
 - 3. Unoccupied buildings shall be posted "No Trespassing" or adequately secured to prevent unauthorized use of the property.

7-06-001-0006 Exemptions

It shall be the sole discretion of the City of Flagstaff to suspend enforcement of these standards due to circumstances beyond the control of the property owner, such as community events, natural disasters, fires, flooding and managing through recovery.

PZ-23-00094 UPDATES TO CITY CODE – LITTERING
TITLE 6 POLICE REGULATIONS
TITLE 7 HEALTH AND SANITATION

Provisions that are being deleted are shown in bold strikethrough.

Provisions that are being added are shown in bold text.

Section 1: Delete Chapter 6-06 Littering from Title 6 Police Regulations, and move to Title 7 Health and Sanitation, create a new Chapter 7-11 Littering with the following modifications:

Chapter 7-11 Littering

7-11-001-0001 DEFINITIONS:

For the purposes of this Chapter, the following terms, phrases and words and their derivations shall have the meaning given herein when not inconsistent with the context; words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

ADJACENT PROPERTY: The term "adjacent property" shall mean that segment of an alley, sidewalk, or public utility easement from the centerline of the alley, sidewalk or public utility easement to the outermost corner of the private property abutting the alley, sidewalk or public utility easement, and continuing the length of the private property to the end in which the private property no longer abuts the alley, sidewalk or public utility easement.

ADJACENT PROPERTY OWNER: The term "adjacent property owner" shall mean any owner, occupant, licensee or lessee of private property in which any segment of the private property abuts an alley, sidewalk, or public utility easement.

AUTHORIZED CONTAINER: The term "authorized container" shall mean any container provided by the City of Flagstaff or an authorized private refuse collector for the collection of refuse.

HANDBILL: The term "handbill" means any advertising circular, folder, booklet, letter, card, pamphlet, sheet, poster, sticker, sample or device, leaflet, paper, notice or other written, printed or painted matter of a temporary nature calculated to attract the attention of the public. The term "Handbill" does not include newspaper. "Handbill" does not come within the definition of a sign for purposes of Chapter 10-08 and Chapter 10-14 of the City Code.

HAZARD TO THE PUBLIC HEALTH AND SAFETY: The term "hazard to public health and safety" shall mean but is not limited to the following conditions:

- ~~(1) an accumulation of litter in excess of eight (8) cubic feet per one quarter (1/4) acre; or~~
- ~~(2) an accumulation of litter which materially hampers or interferes with the prevention of, or suppression of fire; or~~
- ~~(3) an accumulation of litter which is infested or exhibits an infestation with insects, rodents, vermin or other noxious pests; or~~
- ~~(4) an accumulation of litter which creates an attractive nuisance; or~~
- ~~(5) an accumulation of litter which is foul or malodorous to a reasonable person of normal sensibilities; or~~
- ~~(6) an accumulation of litter which presents an immediate likelihood of causing or which may cause personal physical harm; or~~
- ~~(7) an accumulation of litter which interferes with passage of any street, sidewalk, or alley within the City, or visibility of any traffic, traffic control device or signal.~~

JUNK VEHICLE: The term "junk vehicle" means any vehicle (see A.R.S. § ~~28-101~~(52)), trailer (see A.R.S. § ~~28-101~~(49)), semitrailer (see A.R.S. § ~~28-101~~(44)), truck tractor (see A.R.S. § ~~28-101~~(51)), mobile home (see A.R.S. § ~~28-2063~~(E)), or watercraft (see A.R.S. § ~~5-301~~(16));

- ~~(1) that is in such a state of deterioration that it cannot be profitably dismantled or salvaged for parts and cannot be profitably restored to an operable condition; or~~
- ~~(2) that is a hazard to the public health and safety as defined herein.~~

LITTER: Trash, wastepaper, debris, or garbage lying scattered about. An accumulation of objects that may create a hazard by interfering with the prevention or suppression of fire, allowing an infestation of insects, rodents, vermin, or other noxious pests, creating an attractive nuisance, creating foul odors, or the potential for causing personal physical harm. ~~The word "litter" shall mean "refuse" and "rubbish" as defined herein, and all other waste materials which, if thrown or deposited as herein prohibited, constitutes a hazard to the public health and safety. Litter shall not include "refuse", or~~

~~"rubbish", as defined herein, or other waste materials authorized to be stored or otherwise kept by a conditional use permit or which constitutes a permissible use within the applicable zoning district and is in compliance with the Land Development Code.~~

PERSON: The word "person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind, public or private.

PRIVATE PROPERTY: The term "private property" shall mean any private property, including vacant land, a dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, or for commercial use whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any tract, lot, yard, grounds, walk, driveway, porch, steps, vestibules or mail box belonging or appurtenant to such vacant land, dwelling, house, building or other structures.

PUBLIC PLACE: The term "public place" shall mean any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

~~REFUSE: The word "Refuse" shall mean all putrescible and nonputrescible solid, semi-solid, and liquid wastes including but not limited to garbage, rubbish, ashes, liquid waste, street cleanings, dead animals, junk vehicles or parts thereof, and solid market and industrial waste.~~

RESPONSIBLE PARTY: The term "Responsible Party" means any Person who directs, permits, allows, causes or otherwise benefits from the posting, affixing, displaying, painting or otherwise attaching of handbills to or on public objects, public structures, public buildings, Public Places or utility poles; or to or on Private Property or upon any vehicle. For purposes of this section, the following Persons shall be deemed to be Responsible Parties:

- (1) The Person whose name, telephone number or address appears as the contact on any matter contained in a Handbill.
- (2) The Person whose name, telephone number or address appears as the sponsor or contact for a sporting event, theatrical performance, concert, band or musical performance, or other performance, or similar activity or event which is the subject of the Handbill advertising the subject activity or event;

- (3) The owner or lessee, if the property is leased, of property used for a commercial activity or event advertising the subject commercial activity or event in a Handbill;
- (4) The owner or lessee, if the property is leased, of property used for a yard or garage sale which property is the address at which the yard or garage sale is advertised in a Handbill;
- (5) The real estate agent, broker, brokerage firm or other Person whose name or telephone number appears on the Handbill advertising real or personal property for sale, lease or rent.

~~RUBBISH: The word "rubbish" shall mean nonputrescible solid wastes consisting of either combustible or noncombustible wastes including paper, wrappings, cigarettes, cardboard, tin cans, construction materials of no apparent economic value, yard clippings, dead leaves, tree trimmings, glass, bedding, crockery, paper cartons, aluminum foil, plastic materials, trash, ashes or other accumulation of filth or debris.~~

SHOPPING CENTER: A group of commercial establishments planned, developed, and managed as a unit with off-street parking provided on the property. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

7-11-001-0002 UNAUTHORIZED ACCUMULATION OF LITTER ON PRIVATE PROPERTY:

~~It shall be unlawful for any owner, occupant, or lessee of Private Property to allow Litter to accumulate on the Private Property unless the same is kept in covered bins or other Authorized Container. However, dead vegetative matter including grass clippings, leaves and tree trimmings may be permitted to remain on the property for the purpose of composting, provided such compost is regularly maintained and confined so as to prevent the compost from drifting, blowing, or generating obnoxious odors onto adjoining Private Properties or Public Places.~~

It shall be a violation of this section ~~for if~~ the owner, occupant, or lessee of Private Property ~~to allow Litter to accumulate on their property. has not cleared away accumulated Litter on that property by 9:00 AM of each day from the previous day's use.~~ Organic matter may remain on the property for the purposes of composting, provided the compost is regularly maintained and confined to prevent impacts to adjoining properties. Each day that the owner, occupant, or lessee fails to comply with the requirements of this section shall constitute a separate violation.

~~6-06-001-0005 UNINHABITED OR VACANT PRIVATE PROPERTY:~~

~~It shall be unlawful for the owner or lessee of any uninhabited or vacant private property to abandon, neglect or disregard the condition of the property so as to permit the accumulation of litter. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)~~

7-11-001-0003 LOADING OR UNLOADING DOCKS:

The person owning, operating or in control of a loading or unloading dock shall maintain private containers for collection of litter and shall maintain the dock area free of litter in such a manner that litter or offensive odors from ~~Litter rubbish or refuse~~ will be prevented from being carried by the elements to adjoining private properties or public places.

7-11-001-0004 PRIVATE RECEPTACLES, SHOPPING CENTERS:

It shall be the responsibility of the management group or persons(s) in control of a shopping center to provide one (1) receptacle for litter at a minimum of every 100 feet of store frontage allowing public ingress and egress. The minimum size of the receptacle shall be sixty (60) gallons. The receptacle shall be of sufficient weight to prohibit the container from tipping over, and shall include a lid. The design of the receptacles shall be consistent with the architectural style of the shopping center. The receptacles shall be placed not more than twenty (20) feet from the building. It shall be the responsibility of the shopping center management group or person(s) in control of the shopping center to service the receptacles.

7-11-001-0005 POSTING OF HANDBILLS ON PUBLIC AND PRIVATE PROPERTY:

A. Public Property: It is a violation of this Chapter 6-06 to post, affix, display, paint or otherwise attach any Handbill to or upon any street lamp post, street sign, traffic signal, traffic sign, traffic-control device, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light, power, telephone, or other utility pole, or on any other public object, public structure, public building, or Public Place except as may be otherwise required or provided by law. Handbills may be handed directly to persons in Public Places.

B. Private Property: No Person shall affix, deposit, throw or distribute any Handbill upon any Private Property, except by handing or transmitting any such Handbill directly to the owner or occupant of such Private Property. In the case of private premises which are not posted against the receiving of Handbills or solicitations, Handbills may be placed upon the premises in a non-permanent manner so as to prevent such Handbill from being deposited by the elements upon any Public Place or other Private Property, but in a manner which does no damage to the property where the Handbill has been placed. Examples of acceptable means of placing handbills on private property include but are not limited to use

of plastic bags containing handbills hung from doorknobs or depositing handbills under doormats. The use of nails, staples, tacks or adhesives is forbidden.

C. Vehicles: No Person shall deposit any Handbill upon any vehicle on a Public Place without the express consent of the owner or person in control of such vehicle.

D. Clean Up: It shall be the responsibility of any person distributing Handbills to maintain the area which is utilized free of any Litter caused by or related to distribution of the Handbills. The person distributing the Handbills and the Responsible Party, as defined in 06-06-001-0001, shall be jointly and individually liable for the Litter created by the distribution of Handbills and for any verified costs incurred by the City associated with the removal of the Handbills deposited or thrown upon Public Places.

E. Whenever a Handbill is illegally posted or deposited in violation of this section, the Person(s) who illegally posted the Handbill(s) and the Responsible Party, as defined in 6-06-001-0001, shall be jointly and individually liable for the violation and for any verified costs associated with the removal of the illegally posted Handbill(s).

1. Nothing contained in this section shall apply to the posting of notices or markings on public structures, public objects, public buildings, Public Places or utility poles which may be otherwise authorized, permitted or required by law or serve a specified safety or warning purpose.

2. Any Handbill found posted, deposited, or otherwise affixed upon any property contrary to the provisions of this section may be removed by the City Manager's designee. In addition, the City's costs of removal shall be assessed against the persons who illegally posted the Handbill(s), or against the Responsible Party in accordance with the provisions of this chapter.

7-11-001-0006 ENFORCEMENT AUTHORITY:

The City Manager of the City of Flagstaff, or designee, is hereby authorized and directed to enforce all of the provisions of this Chapter. ~~For such purposes the City Manager shall have the powers of a law enforcement officer. Peace officers shall, in addition to all powers granted to peace officers by the State of Arizona, have the same authority as the City Manager's designee in the enforcement of this Chapter.~~

7-11-001-0007 INSPECTIONS:

The City Manager's designee is hereby authorized and directed to make inspections in the normal course of job duties; or in response to a complaint that an alleged violation of the provisions of this Code may exist; or when there is a reason to believe that a violation of this Code has been or is being committed. Unscreened exterior areas may be inspected at any time with or without the involvement of, or notice to, the owner, occupant, licensee or lessee.

~~7-11-001-0008 VIOLATIONS:~~

~~It shall be unlawful for any person to cause, facilitate, or aid or abet any violation of any provision of this Chapter or to fail to perform any act or duty required by this Chapter. A violation of a provision of this Chapter may be enforced by an administrative proceeding or by a complaint for criminal penalties.~~

- A. Any responsible party that allows, permits, facilitates, suffers, or aids or abets any violation of any provision of this City Code Chapter or fails to perform any act or duty required by this City Code Chapter shall be responsible for a civil violation unless otherwise specified.
- B. Every civil action or proceeding in compliance with this division shall be commenced and prosecuted in compliance with City Code Title 1, Administration, Chapter 1-15, Municipal Court, Section 1-15-001-0011, Civil Enforcement Procedures.

~~6-06-001-0012 NOTICE OF VIOLATION:~~

~~A. The City Manager or designee may cause to be issued a Notice of Violation to any person alleged to be in violation of this Chapter.~~

~~B. If a Notice of Violation is issued, such notice shall contain the following:~~

~~1. Date of the violation, the legal description of the property, the Chapter and Section which is being violated and a description of the unlawful condition.~~

~~2. Notification of possible criminal proceedings being brought against the person by the City of Flagstaff if the unlawful condition is not abated within thirty (30) days from receipt of the Notice.~~

~~3. Notice to the alleged violator that, in addition to any fine or penalty which may be imposed for a violation of this ordinance, the alleged violator will be liable for all costs which may be assessed pursuant to this ordinance for removing, abating or enjoining the rubbish, trash, filth or debris. The Notice of Violation shall contain an estimated statement of the cost of removal or abatement of the violation including labor, disposal fees, and equipment rentals. The Notice of Violation shall state that unless the person has brought the unlawful condition into compliance with the ordinance within thirty (30) days from the receipt of the Notice of Violation, the City of Flagstaff may, at the expense of the person, perform the necessary work at a cost not to exceed the estimate given in the notice, plus a five (5) percent surcharge for an additional inspection and other administrative and incidental costs in connection therewith.~~

~~C. If the unlawful condition is not abated, the City Manager or designee may cause to be issued a criminal complaint or a Notice of Civil Violation. Each day that the alleged violator fails or refuses to comply with the requirements of this Chapter after expiration of the thirty (30) day period from receipt of the Notice of Violation shall constitute a separate violation and shall not require further notice to the owner, occupant or lessee of the property upon which the violation exists.~~

~~6-06-001-0013 SERVICE OF NOTICE:~~

~~A. The Notice of Violation shall be personally served on the owner or person controlling such property by any duly authorized official, in the manner provided in Rule 4(d) of the Arizona Rules of Civil Procedure, or mailed to the owner or person controlling such property at the last known address by certified or registered mail, or the address to which the tax bill for the property was last mailed.~~

~~B. If the owner does not reside on such property, a duplicate notice shall also be sent by certified or registered mail at the last known address of the owner or person controlling of such property.~~

~~6-06-001-0014 APPOINTMENT OF HEARING OFFICER:~~

~~The hearing officer for administrative hearings under this ordinance shall be a judge of the Municipal Court of the City of Flagstaff.~~

~~6-06-001-0015 CIVIL VIOLATION AND ADMINISTRATIVE HEARING:~~

~~A. If the City chooses to proceed on a civil violation of the ordinance, the City shall serve or mail a Notice of Civil Violation and Administrative Hearing to the owner or person controlling the property upon which an unlawful condition exists upon expiration of the initial thirty (30) day notice period as~~

~~set forth in 6-06-001-0013. A hearing shall be held no sooner than five (5) days after the date the Notice of Civil Violation and Administrative Hearing is mailed or served. The date of mailing shall be excluded in computing the time period for a hearing under this rule. Neither the City nor the party served is required to be represented by counsel at the administrative hearing, but may be if they so choose. No pre-trial discovery shall be permitted absent extraordinary circumstances. Immediately before the hearing, both parties shall produce for inspection any exhibits and written or recorded statements of any witness which are to be offered at the hearing. Failure to produce exhibits or statements may result in the hearing officer denying admission of the evidence not produced. The hearing officer may call and examine witnesses, including the party served. All testimony shall be given under oath or affirmation. No person may be examined or cross-examined at a hearing except by the hearing officer, an attorney for a party, or the party served with the Notice of Civil Violation and Administrative Hearing. The Arizona Rules of Evidence shall not apply in the hearing; any evidence offered may be admitted subject to a determination by the hearing officer that the offered evidence is relevant, material, and has some probative value to a fact at issue. The hearing officer may enter a finding for the City if the party served fails to appear for the hearing.~~

~~B. If the hearing officer determines, after hearing the parties and considering their evidence, that the City's notice to the party served was accurate, delivered to the proper party or parties, and that the estimated assessment for the actual cost of removal is supported by the City's evidence, then the hearing officer shall make a finding for the City.~~

~~C. The hearing officer shall issue a decision within five (5) days of the hearing. Intermediate Saturdays, Sundays and legal holidays shall be excluded in computing the time period for issuing a decision under this rule. The decision shall be in writing, set forth the factual basis for the decision, and be served in accordance with the provisions of 6-06-001-0013.~~

~~6-06-001-0016 APPEAL OF DECISION AND COST OF REMOVAL:~~

~~A. The City Council shall hear and determine all appeals from a civil violation. A Notice of Appeal must be in writing and filed in the office of the City Clerk within five (5) days of receipt of the hearing officer's decision. The date of receipt, and intermediate Saturdays, Sundays and legal holidays shall be excluded in computing the time period for timely appeal.~~

~~B. The Notice of Appeal shall specify the grounds for reversal of the hearing officer's decision or cost of removal. The Council shall, at its next regular meeting after receiving the appeal, hear and~~

~~determine the same by motion and resolution. The decision of the Council shall be final and may be appealed to Superior Court~~

~~6-06-001-0017 SCOPE OF REVIEW:~~

~~The City Council shall have authority to affirm, reverse, amend or remand the matter to the Hearing Officer if it finds that the Hearing Officer's decision or the cost of removal is not supported by substantial evidence, is arbitrary and capricious or is not in conformance with the law.~~

~~7-11-001-0009 VOLUNTARY ABATEMENT; REMOVAL BY CITY:~~

A. When a person alleged to be in violation of this Chapter elects to voluntarily abate the unlawful condition within thirty (30) days as provided under Section 6-06-001-0012, the person shall notify the City Manager's designee after the condition has been abated. The City Manager's designee shall thereafter inspect the private or adjacent property to determine whether the condition has been brought into compliance with this Chapter.

B. If the City Manager's designee determines that the person is no longer in violation of this Chapter, the City Manager's designee shall issue a Notice of Voluntary Abatement and Compliance to the person alleged to be in violation and the administrative proceeding shall be deemed closed.

~~C. When any such person on whom a Hearing Officer's finding of violation has been served fails, neglects or refuses to bring the unlawful condition into compliance within ten (10) days from receipt of the Hearing Officer's finding of violation, the Public Works Director is authorized and directed to remove and dispose of the litter.~~

~~D. In the event an appeal has been filed pursuant to 6-06-001-0016, no action shall be taken by the City until the Council has heard and determined all matters contained in the Notice of Appeal.~~

~~6-06-001-0019 LIEN FOR REMOVAL:~~

~~If no appeal is taken from the amount assessed for removal, or if an appeal is taken and the Council has affirmed or modified the amount of the assessment, the assessment shall be recorded in the office of the County Recorder of Coconino County, Arizona, including the date and amount of the assessment and the legal description of the property. From the date of its recording, the assessment shall be a lien on said private property and the several amounts assessed against such private property until paid.~~

~~A.—Any assessment recorded under this Chapter is prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes. A sale of the property to satisfy a lien obtained under the provisions of this Section shall be made upon judgment of foreclosure or order of sale. The City shall have the right to bring an action to enforce the lien in the Superior Court of Coconino County at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this Section shall not be a bar to subsequent assessment or assessments for such purposes, and any number of liens on the same private property may be enforced in the same action.~~

~~B.—Assessments that are imposed under this section 6-06-001-0019 run against the property until paid and are due and payable in equal annual installments as follows:~~

~~1.—Assessments of less than five hundred dollars shall be paid within one year after the assessment is recorded.~~

~~2.—Assessments of five hundred dollars or more but less than one thousand dollars shall be paid within two years after the assessment is recorded.~~

~~3.—Assessments of one thousand dollars or more but less than five thousand dollars shall be paid within three years after the assessment is recorded.~~

~~4.—Assessments of five thousand dollars or more but less than ten thousand dollars shall be paid within six years after the assessment is recorded.~~

~~5.—Assessments of ten thousand dollars or more shall be paid within ten years after the assessment is recorded.~~

~~C.—An assessment that is past due accrues interest at the rate prescribed by Arizona Revised Statutes, Section 44-1201.~~

~~6-06-001-0020 CRIMINAL PENALTIES:~~

~~A.—A person who is convicted of a violation of this Ordinance is guilty of a Class 1 misdemeanor and shall be sentenced as follows:~~

~~First offense not less than twenty five dollars (\$25.00), nor more than one hundred dollars (\$100.00);~~

~~Second offense not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00);~~

~~Third offense not less than five hundred dollars (\$500.00), nor more than twenty five hundred dollars (\$2,500.00).~~

~~A judge shall not suspend any or all of the impositions of the sentence required by this Section.~~

~~B. Notwithstanding Subsection A of this Section, if a judge finds at the time of sentencing that by a preponderance of the evidence the violations for which the defendant has been convicted have been corrected by the defendant, and that now the defendant is in compliance with the Code, the Court may suspend all or part of the fine.~~

~~6-06-001-0020 SEVERABILITY:~~

~~Each section and each provision of any section of this Chapter shall be deemed severable and the invalidity of any portion of this Chapter shall not affect the validity or enforceability of any other portion.~~

CHAPTER 6-04 NUISANCES

SECTIONS:

- 6-04-001-0001 NUISANCES DESIGNATED:
- 6-04-001-0002 ABATEMENT OF NUISANCES:
- 6-04-001-0003 FAILURE TO COMPLY:
- 6-04-001-0004 HEARING:
- 6-04-001-0005 SERVICE OF NOTICE:
- 6-04-001-0006 JUDGMENT:
- 6-04-001-0007 DUTY OF STREET SUPERINTENDENT:

6-04-001-0001 NUISANCES DESIGNATED:

Any building, shed or other structure of any kind which is or may hereafter become dilapidated or so unsanitary or out of repair from age, neglect or other cause as to render it unfit or unsafe for habitation for occupancy, or which constitutes a dangerous fire hazard or which is otherwise dangerous or detrimental to the public or injurious to the health and morals of the community is hereby declared a nuisance and the same shall not be occupied or maintained and shall be abated as hereinafter provided.

6-04-001-0002 ABATEMENT OF NUISANCES:

The Mayor and Council may, on its own motion or upon complaint being made in writing by three (3) or more persons, owners of real estate residing in the City, cause any building, shed or other structure which may be reasonably regarded as a nuisance for any of the reasons set forth in the preceding Section to be inspected by the Health Authority, City Engineer and the Chief of the Fire Department, as a committee of inspectors, and if said inspectors, or a majority thereof shall report the same to be a nuisance, within the meaning of the preceding Section, setting forth the facts upon which they base their report, the Mayor and Council shall, if said report after due consideration be adopted, cause to be served by the Chief of Police upon the occupants and owners of any such premises, a notice in writing to abate said nuisance, either by repairing the same or removing it from the premises within twenty (20) days after receiving notice so to do, which said notice shall set forth the grounds for abatement and shall be signed by the Mayor and shall be served by delivering or offering to deliver a copy to the person to whom it is directed, or if such person cannot be found, by delivering a copy to his agent or by posting a copy in a conspicuous place on the premises sought to be abated.

6-04-001-0003 FAILURE TO COMPLY:

Upon the failure of the owner to abate said nuisance within the time required by said notice, the Chief of Police or any member of the Health Department may file in the Police Court a complaint against such owner charging a violation of this Chapter, whereupon the Police Judge shall cause to be served upon the owner a notice commanding him to appear before said Police Judge to show cause why said building, shed or other structure should not be abated as a nuisance.

6-04-001-0004 HEARING:

The time and place of said hearing shall be set forth in said notice and the hearing shall not be had in less than five (5) days after the service of such notice.

6-04-001-0005 SERVICE OF NOTICE:

The said notice may be served upon the owner or his agent by any member of the Police Department by delivering a copy of said notice to the agent or owner, or by leaving a copy of said notice at his usual place of

residence. And, in the event that the owner or agent as aforesaid is a nonresident of the City, said notice shall be served by publishing the same in the official newspaper of the City, one publication each week for at least two (2) weeks prior to the date set for the hearing, and a copy of such notice shall be mailed to the last known address of the nonresident agent or owner.

6-04-001-0006 JUDGMENT:

If, upon a trial of the charge, the party against whom the said complaint is issued shall be convicted, he shall be subject to a fine and the judgment of conviction, in addition to the fine, shall order the abatement of the nuisance by repair or removal of the building, shed or other structure designated in said complaint; provided, however, that if the owner be a nonresident of the City and cannot be served personally with the notice herein provided, the fine shall not be imposed and the judgment of the Court shall only require the abatement of the nuisance by repair or removal of the structure so designated.

6-04-001-0007 DUTY OF STREET SUPERINTENDENT:

Whenever there shall be a conviction under the preceding Section, if said nuisance shall not have been abated within five (5) days after judgment, the Street Superintendent shall abate and remove the structure designated in the complaint upon which said conviction was had or he may contract with some suitable person or persons for said purpose, and the same shall be at the cost of the owner or owners thereof, which cost if not paid by the owner may be paid by the City and the amount so expended may be recovered by the City by suit in any court of competent jurisdiction. (Ord. 297, 10-14-36)

The Flagstaff City Charter and City Code are current through Ordinance 2022-04, passed March 1, 2022.

Disclaimer: The City Clerk's Office has the official version of the Flagstaff City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

CHAPTER 6-06 LITTERING

SECTIONS:

<u>6-06-001-0001</u>	DEFINITIONS:
<u>6-06-001-0002</u>	LITTERING PROHIBITED:
<u>6-06-001-0003</u>	UNAUTHORIZED ACCUMULATION OF LITTER ON PRIVATE PROPERTY:
<u>6-06-001-0004</u>	LITTERING PROHIBITED, ALLEYS, SIDEWALKS AND PUBLIC UTILITY EASEMENTS:
<u>6-06-001-0005</u>	UNINHABITED OR VACANT PRIVATE PROPERTY:
<u>6-06-001-0006</u>	LOADING OR UNLOADING DOCKS:
<u>6-06-001-0007</u>	PRIVATE RECEPTACLES, SHOPPING CENTERS:
<u>6-06-001-0008</u>	POSTING OF HANDBILLS ON PUBLIC AND PRIVATE PROPERTY:
<u>6-06-001-0009</u>	ENFORCEMENT AUTHORITY:
<u>6-06-001-0010</u>	INSPECTIONS:
<u>6-06-001-0011</u>	VIOLATIONS:
<u>6-06-001-0012</u>	NOTICE OF VIOLATION:
<u>6-06-001-0013</u>	SERVICE OF NOTICE:
<u>6-06-001-0014</u>	APPOINTMENT OF HEARING OFFICER:
<u>6-06-001-0015</u>	CIVIL VIOLATION AND ADMINISTRATIVE HEARING:
<u>6-06-001-0016</u>	APPEAL OF DECISION AND COST OF REMOVAL:
<u>6-06-001-0017</u>	SCOPE OF REVIEW:
<u>6-06-001-0018</u>	VOLUNTARY ABATEMENT; REMOVAL BY CITY:
<u>6-06-001-0019</u>	LIEN FOR REMOVAL:
<u>6-06-001-0020</u>	CRIMINAL PENALTIES:
<u>6-06-001-0021</u>	SEVERABILITY:

6-06-001-0001 DEFINITIONS:

For the purposes of this Chapter, the following terms, phrases and words and their derivations shall have the meaning given herein when not inconsistent with the context; words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

ADJACENT PROPERTY: The term "adjacent property" shall mean that segment of an alley, sidewalk, or public utility easement from the centerline of the alley, sidewalk or public utility easement to the outermost corner of the private property abutting the alley, sidewalk or public utility easement, and continuing the length of the private property to the end in which the private property no longer abuts the alley, sidewalk or public utility easement.

ADJACENT PROPERTY OWNER: The term "adjacent property owner" shall mean any owner, occupant, licensee or lessee of private property in which any segment of the private property abuts an alley, sidewalk, or public utility easement.

AUTHORIZED CONTAINER: The term "authorized container" shall mean any container provided by the City of Flagstaff or an authorized private refuse collector for the collection of refuse.

HANDBILL: The term "handbill" means any advertising circular, folder, booklet, letter, card, pamphlet, sheet, poster, sticker, sample or device, leaflet, paper, notice or other written, printed or painted matter of a temporary nature calculated to attract the attention of the public. The term "Handbill" does not include newspaper. "Handbill" does not come within the definition of a sign for purposes of Chapter 10-08 and Chapter 10-14 of the City Code.

HAZARD TO THE PUBLIC HEALTH AND SAFETY: The term "hazard to public health and safety" shall mean but is not limited to the following conditions:

- (1) an accumulation of litter in excess of eight (8) cubic feet per one-quarter (1/4) acre; or
- (2) an accumulation of litter which materially hampers or interferes with the prevention of, or suppression of fire; or
- (3) an accumulation of litter which is infested or exhibits an infestation with insects, rodents, vermin or other noxious pests; or
- (4) an accumulation of litter which creates an attractive nuisance; or
- (5) an accumulation of litter which is foul or malodorous to a reasonable person of normal sensibilities; or
- (6) an accumulation of litter which presents an immediate likelihood of causing or which may cause personal physical harm; or
- (7) an accumulation of litter which interferes with passage of any street, sidewalk, or alley within the City, or visibility of any traffic, traffic control device or signal.

JUNK VEHICLE: The term "junk vehicle" means any vehicle (see A.R.S. § 28-101(52)), trailer (see A.R.S. § 28-101(49)), semitrailer (see A.R.S. § 28-101(44)), truck tractor (see A.R.S. § 28-101(51)), mobile home (see A.R.S. § 28-2063(E)), or watercraft (see A.R.S. § 5-301(16)):

- (1) that is in such a state of deterioration that it cannot be profitably dismantled or salvaged for parts and cannot be profitably restored to an operable condition; or
- (2) that is a hazard to the public health and safety as defined herein.

LITTER: The word "litter" shall mean "refuse" and "rubbish" as defined herein, and all other waste materials which, if thrown or deposited as herein prohibited, constitutes a hazard to the public health and safety. Litter shall not include "refuse", or "rubbish", as defined herein, or other waste materials authorized to be stored or otherwise kept by a conditional use permit or which constitutes a permissible use within the applicable zoning district and is in compliance with the Land Development Code.

PERSON: The word "person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind, public or private.

PRIVATE PROPERTY: The term "private property" shall mean any private property, including vacant land, a dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, or for commercial use whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any tract, lot, yard, grounds, walk, driveway, porch, steps, vestibules or mail box belonging or appurtenant to such vacant land, dwelling, house, building or other structures.

PUBLIC PLACE: The term "public place" shall mean any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

REFUSE: The word "Refuse" shall mean all putrescible and nonputrescible solid, semi-solid, and liquid wastes including but not limited to garbage, rubbish, ashes, liquid waste, street cleanings, dead animals, junk vehicles or parts thereof, and solid market and industrial waste.

RESPONSIBLE PARTY: The term "Responsible Party" means any Person who directs, permits, allows, causes or otherwise benefits from the posting, affixing, displaying, painting or otherwise attaching of handbills to or on public objects, public structures, public buildings, Public Places or utility poles; or to or on Private Property or upon any vehicle. For purposes of this section, the following Persons shall be deemed to be Responsible Parties:

- (1) The Person whose name, telephone number or address appears as the contact on any matter contained in a Handbill.
- (2) The Person whose name, telephone number or address appears as the sponsor or contact for a sporting event, theatrical performance, concert, band or musical performance, or other performance, or similar activity or event which is the subject of the Handbill advertising the subject activity or event;
- (3) The owner or lessee, if the property is leased, of property used for a commercial activity or event advertising the subject commercial activity or event in a Handbill;
- (4) The owner or lessee, if the property is leased, of property used for a yard or garage sale which property is the address at which the yard or garage sale is advertised in a Handbill:
- (5) The real estate agent, broker, brokerage firm or other Person whose name or telephone number appears on the Handbill advertising real or personal property for sale, lease or rent.

RUBBISH: The word "rubbish" shall mean nonputrescible solid wastes consisting of either combustible or noncombustible wastes including paper, wrappings, cigarettes, cardboard, tin cans, construction materials of no apparent economic value, yard clippings, dead leaves, tree trimmings, glass, bedding, crockery, paper cartons, aluminum foil, plastic materials, trash, ashes or other accumulation of filth or debris.

SHOPPING CENTER: A group of commercial establishments planned, developed, and managed as a unit with off-street parking provided on the property. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 17811, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0002 LITTERING PROHIBITED:

No person shall throw or deposit litter on any public place or private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized containers for collection in such a manner that litter will be prevented from being carried or deposited by the elements or animals upon any private property or any public place. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1871, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0003 UNAUTHORIZED ACCUMULATION OF LITTER ON PRIVATE PROPERTY:

It shall be unlawful for any owner, occupant, or lessee of Private Property to allow Litter to accumulate on the Private Property unless the same is kept in covered bins or other Authorized Container. However, dead vegetative matter including grass clippings, leaves and tree trimmings may be permitted to remain on the property for the purpose of composting, provided such compost is regularly maintained and confined so as to prevent the compost from drifting, blowing, or generating obnoxious odors onto adjoining Private Properties or Public Places.

A. It shall be a violation of this section if the owner, occupant, or lessee of Private Property has not cleared away accumulated Litter on that property by 9:00 AM of each day from the previous day's use. Each day that the

owner, occupant, or lessee fails to comply with the requirements of this section shall constitute a separate violation.

(Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99); (Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0004 LITTERING PROHIBITED, ALLEYS, SIDEWALKS AND PUBLIC UTILITY

EASEMENTS:

It shall be unlawful for an Adjacent Property Owner to allow Litter to accumulate or exist on alleys, sidewalks, or public utility easements unless the same is kept in covered bins or Authorized Containers. An individual may qualify as exempt from this Section if the individual meets guidelines established under Section 7-04-001-0007.A.1.a.

A. Each Person who is an Adjacent Property Owner will be responsible for removing Litter and cleaning the Adjacent Property, as well as that Person's own premises by 9:00 AM of each day from the previous day's use. This includes sweeping and picking up any Litter on the sidewalk and washing the sidewalk, if there is semi-solid or liquid waste on the sidewalk.

1. It shall be a violation of this section if the Adjacent Property has not been cleaned by 9:00 AM of each day from the previous day's use. Each day that the owner, occupant, or lessee fails to comply with the requirements of this section shall constitute a separate violation. (Ord. 1992, 06/01/99)

(Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0005 UNINHABITED OR VACANT PRIVATE PROPERTY:

It shall be unlawful for the owner or lessee of any uninhabited or vacant private property to abandon, neglect or disregard the condition of the property so as to permit the accumulation of litter. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0006 LOADING OR UNLOADING DOCKS:

The person owning, operating or in control of a loading or unloading dock shall maintain private containers for collection of litter and shall maintain the dock area free of litter in such a manner that litter or offensive odors from rubbish or refuse will be prevented from being carried by the elements to adjoining private properties or public places. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0007 PRIVATE RECEPTACLES, SHOPPING CENTERS:

It shall be the responsibility of the management group or persons(s) in control of a shopping center to provide one (1) receptacle for litter at a minimum of every 100 feet of store frontage allowing public ingress and egress. The minimum size of the receptacle shall be sixty (60) gallons. The receptacle shall be of sufficient weight to prohibit the container from tipping over, and shall include a lid. The design of the receptacles shall be consistent with the

architectural style of the shopping center. The receptacles shall be placed not more than twenty (20) feet from the building. It shall be the responsibility of the shopping center management group or person(s) in control of the shopping center to service the receptacles. (Ord. 1781, 11/17/92) (Ord. 1992, 6/1/99)

(Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0008 POSTING OF HANDBILLS ON PUBLIC AND PRIVATE PROPERTY:

A. Public Property: It is a violation of this Chapter 6-06 to post, affix, display, paint or otherwise attach any Handbill to or upon any street lamp post, street sign, traffic signal, traffic sign, traffic-control device, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light, power, telephone, or other utility pole, or on any other public object, public structure, public building, or Public Place except as may be otherwise required or provided by law. Handbills may be handed directly to persons in Public Places.

B. Private Property: No Person shall affix, deposit, throw or distribute any Handbill upon any Private Property, except by handing or transmitting any such Handbill directly to the owner or occupant of such Private Property. In the case of private premises which are not posted against the receiving of Handbills or solicitations, Handbills may be placed upon the premises in a non-permanent manner so as to prevent such Handbill from being deposited by the elements upon any Public Place or other Private Property, but in a manner which does no damage to the property where the Handbill has been placed. Examples of acceptable means of placing handbills on private property include but are not limited to use of plastic bags containing handbills hung from doorknobs or depositing handbills under doormats. The use of nails, staples, tacks or adhesives is forbidden.

C. Vehicles: No Person shall deposit any Handbill upon any vehicle on a Public Place without the express consent of the owner or person in control of such vehicle.

D. Clean Up: It shall be the responsibility of any person distributing Handbills to maintain the area which is utilized free of any Litter caused by or related to distribution of the Handbills. The person distributing the Handbills and the Responsible Party, as defined in 6-06-001-0001, shall be jointly and individually liable for the Litter created by the distribution of Handbills and for any verified costs incurred by the City associated with the removal of the Handbills deposited or thrown upon Public Places.

E. Whenever a Handbill is illegally posted or deposited in violation of this section, the Person(s) who illegally posted the Handbill(s) and the Responsible Party, as defined in 6-06-001-0001, shall be jointly and individually liable for the violation and for any verified costs associated with the removal of the illegally posted Handbill(s).

1. Nothing contained in this section shall apply to the posting of notices or markings on public structures, public objects, public buildings, Public Places or utility poles which may be otherwise authorized, permitted or required by law or serve a specified safety or warning purpose.

2. Any Handbill found posted, deposited, or otherwise affixed upon any property contrary to the provisions of this section may be removed by the City Manager's designee. In addition, the City's costs of removal shall be assessed against the persons who illegally posted the Handbill(s), or against the Responsible Party in accordance with the provisions of this chapter. (Ord. 1992, 06/01/99)

(Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0009 ENFORCEMENT AUTHORITY:

The City Manager of the City of Flagstaff, or designee, is hereby authorized and directed to enforce all of the provisions of this Chapter. For such purposes the City Manager shall have the powers of a law enforcement officer. Peace officers shall, in addition to all powers granted to peace officers by the State of Arizona, have the same authority as the City Manager's designee in the enforcement of this Chapter. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0010 INSPECTIONS:

The City Manager's designee is hereby authorized and directed to make inspections in the normal course of job duties; or in response to a complaint that an alleged violation of the provisions of this Code may exist; or when there is a reason to believe that a violation of this Code has been or is being committed. Unscreened exterior areas may be inspected at any time with or without the involvement of, or notice to, the owner, occupant, licensee or lessee. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

6-06-001-0011 VIOLATIONS:

It shall be unlawful for any person to cause, facilitate, or aid or abet any violation of any provision of this Chapter or to fail to perform any act or duty required by this Chapter. A violation of a provision of this Chapter may be enforced by an administrative proceeding or by a complaint for criminal penalties. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

6-06-001-0012 NOTICE OF VIOLATION:

A. The City Manager or designee may cause to be issued a Notice of Violation to any person alleged to be in violation of this Chapter.

B. If a Notice of Violation is issued, such notice shall contain the following:

1. Date of the violation, the legal description of the property, the Chapter and Section which is being violated and a description of the unlawful condition.
2. Notification of possible criminal proceedings being brought against the person by the City of Flagstaff if the unlawful condition is not abated within thirty (30) days from receipt of the Notice.
3. Notice to the alleged violator that, in addition to any fine or penalty which may be imposed for a violation of this ordinance, the alleged violator will be liable for all costs which may be assessed pursuant to this ordinance for removing, abating or enjoining the rubbish, trash, filth or debris. The Notice of Violation shall contain an estimated statement of the cost of removal or abatement of the violation including labor, disposal fees, and equipment rentals. The Notice of Violation shall state that unless the person has brought the unlawful condition into compliance with the ordinance within thirty (30) days from the receipt of the Notice of Violation, the City of Flagstaff may, at the expense of the person, perform the necessary work at a cost not to exceed the estimate given in the notice, plus a five (5) percent surcharge for an additional inspection and other administrative and incidental costs in connection therewith.

C. If the unlawful condition is not abated, the City Manager or designee may cause to be issued a criminal complaint or a Notice of Civil Violation. Each day that the alleged violator fails or refuses to comply with the

requirements of this Chapter after expiration of the thirty (30) day period from receipt of the Notice of Violation shall constitute a separate violation and shall not require further notice to the owner, occupant or lessee of the property upon which the violation exists.

(Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99); (Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0013 SERVICE OF NOTICE:

A. The Notice of Violation shall be personally served on the owner or person controlling such property by any duly authorized official, in the manner provided in Rule 4(d) of the Arizona Rules of Civil Procedure, or mailed to the owner or person controlling such property at the last known address by certified or registered mail, or the address to which the tax bill for the property was last mailed.

B. If the owner does not reside on such property, a duplicate notice shall also be sent by certified or registered mail at the last known address of the owner or person controlling of such property. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0014 APPOINTMENT OF HEARING OFFICER:

The hearing officer for administrative hearings under this ordinance shall be a judge of the Municipal Court of the City of Flagstaff.

(Ord. 2001-02, Amended, 02/06/2001)

6-06-001-0015 CIVIL VIOLATION AND ADMINISTRATIVE HEARING:

A. If the City chooses to proceed on a civil violation of the ordinance, the City shall serve or mail a Notice of Civil Violation and Administrative Hearing to the owner or person controlling the property upon which an unlawful condition exists upon expiration of the initial thirty (30) day notice period as set forth in 6-06-001-0013. A hearing shall be held no sooner than five (5) days after the date the Notice of Civil Violation and Administrative Hearing is mailed or served. The date of mailing shall be excluded in computing the time period for a hearing under this rule. Neither the City nor the party served is required to be represented by counsel at the administrative hearing, but may be if they so choose. No pre-trial discovery shall be permitted absent extraordinary circumstances. Immediately before the hearing, both parties shall produce for inspection any exhibits and written or recorded statements of any witness which are to be offered at the hearing. Failure to produce exhibits or statements may result in the hearing officer denying admission of the evidence not produced. The hearing officer may call and examine witnesses, including the party served. All testimony shall be given under oath or affirmation. No person may be examined or cross-examined at a hearing except by the hearing officer, an attorney for a party, or the party served with the Notice of Civil Violation and Administrative Hearing. The Arizona Rules of Evidence shall not apply in the hearing; any evidence offered may be admitted subject to a determination by the hearing officer that the offered evidence is relevant, material, and has some probative value to a fact at issue. The hearing officer may enter a finding for the City if the party served fails to appear for the hearing.

B. If the hearing officer determines, after hearing the parties and considering their evidence, that the City's notice to the party served was accurate, delivered to the proper party or parties, and that the estimated assessment for the actual cost of removal is supported by the City's evidence, then the hearing officer shall make a finding for the City.

C. The hearing officer shall issue a decision within five (5) days of the hearing. Intermediate Saturdays, Sundays and legal holidays shall be excluded in computing the time period for issuing a decision under this rule. The decision shall be in writing, set forth the factual basis for the decision, and be served in accordance with the provisions of 6-06-001-0013. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92)

(Ord. 2001-02, Amended, 02/06/2001; Ord. 1992, Amended, 06/01/1999)

6-06-001-0016 APPEAL OF DECISION AND COST OF REMOVAL:

A. The City Council shall hear and determine all appeals from a civil violation. A Notice of Appeal must be in writing and filed in the office of the City Clerk within five (5) days of receipt of the hearing officer's decision. The date of receipt, and intermediate Saturdays, Sundays and legal holidays shall be excluded in computing the time period for timely appeal.

B. The Notice of Appeal shall specify the grounds for reversal of the hearing officer's decision or cost of removal. The Council shall, at its next regular meeting after receiving the appeal, hear and determine the same by motion and resolution. The decision of the Council shall be final and may be appealed to Superior Court. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Enacted, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0017 SCOPE OF REVIEW:

The City Council shall have authority to affirm, reverse, amend or remand the matter to the Hearing Officer if it finds that the Hearing Officer's decision or the cost of removal is not supported by substantial evidence, is arbitrary and capricious or is not in conformance with the law. (Ord. 1781, 11/17/92)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0018 VOLUNTARY ABATEMENT; REMOVAL BY CITY:

A. When a person alleged to be in violation of this Chapter elects to voluntarily abate the unlawful condition within thirty (30) days as provided under Section 6-06-001-0012, the person shall notify the City Manager's designee after the condition has been abated. The City Manager's designee shall thereafter inspect the private or adjacent property to determine whether the condition has been brought into compliance with this Chapter.

B. If the City Manager's designee determines that the person is no longer in violation of this Chapter, the City Manager's designee shall issue a Notice of Voluntary Abatement and Compliance to the person alleged to be in violation and the administrative proceeding shall be deemed closed.

C. When any such person on whom a Hearing Officer's finding of violation has been served fails, neglects or refuses to bring the unlawful condition into compliance within ten (10) days from receipt of the Hearing Officer's finding of violation, the Public Works Director is authorized and directed to remove and dispose of the litter.

D. In the event an appeal has been filed pursuant to 6-06-001-0016, no action shall be taken by the City until the Council has heard and determined all matters contained in the Notice of Appeal. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

6-06-001-0019 LIEN FOR REMOVAL:

If no appeal is taken from the amount assessed for removal, or if an appeal is taken and the Council has affirmed or modified the amount of the assessment, the assessment shall be recorded in the office of the County Recorder of Coconino County, Arizona, including the date and amount of the assessment and the legal description of the property. From the date of its recording, the assessment shall be a lien on said private property and the several amounts assessed against such private property until paid.

A. Any assessment recorded under this Chapter is prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes. A sale of the property to satisfy a lien obtained under the provisions of this Section shall be made upon judgment of foreclosure or order of sale. The City shall have the right to bring an action to enforce the lien in the Superior Court of Coconino County at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this Section shall not be a bar to subsequent assessment or assessments for such purposes, and any number of liens on the same private property may be enforced in the same action. (Ord. 1781, 11/17/92)

B. Assessments that are imposed under this section 6-06-001-0019 run against the property until paid and are due and payable in equal annual installments as follows:

1. Assessments of less than five hundred dollars shall be paid within one year after the assessment is recorded.
2. Assessments of five hundred dollars or more but less than one thousand dollars shall be paid within two years after the assessment is recorded.
3. Assessments of one thousand dollars or more but less than five thousand dollars shall be paid within three years after the assessment is recorded.
4. Assessments of five thousand dollars or more but less than ten thousand dollars shall be paid within six years after the assessment is recorded.
5. Assessments of ten thousand dollars or more shall be paid within ten years after the assessment is recorded.

C. An assessment that is past due accrues interest at the rate prescribed by Arizona Revised Statutes, Section 44-1201. (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

6-06-001-0020 CRIMINAL PENALTIES:

A. A person who is convicted of a violation of this Ordinance is guilty of a Class 1 misdemeanor and shall be sentenced as follows:

First offense--not less than twenty-five dollars (\$25.00), nor more than one-hundred dollars (\$100.00);

Second offense--not less than one-hundred dollars (\$100.00), nor more than five-hundred dollars (\$500.00);

Third offense--not less than five-hundred dollars (\$500.00), nor more than twenty-five hundred dollars (\$2,500.00).

A judge shall not suspend any or all of the impositions of the sentence required by this Section.

B. Notwithstanding Subsection A of this Section, if a judge finds at the time of sentencing that by a preponderance of the evidence the violations for which the defendant has been convicted have been corrected by the defendant, and that now the defendant is in compliance with the Code, the Court may suspend all or part of the fine. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)(Ord. No. 1992, Amended, 06/01/99)

6-06-001-0021 SEVERABILITY:

Each section and each provision of any section of this Chapter shall be deemed severable and the invalidity of any portion of this Chapter shall not affect the validity or enforceability of any other portion. (Ord. 1992, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

The Flagstaff City Charter and City Code are current through Ordinance 2022-04, passed March 1, 2022.

Disclaimer: The City Clerk's Office has the official version of the Flagstaff City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

CHAPTER 6-07 ABANDONED VEHICLES

SECTIONS:

- 6-07-001-0001 DEFINITIONS:
- 6-07-001-0002 UNSHELTERED STORAGE OF AN ABANDONED OR JUNKED VEHICLE PROHIBITED:
- 6-07-001-0003 EXEMPTION OF CERTAIN VEHICLES:
- 6-07-001-0004 ABATEMENT OF NUISANCE:
- 6-07-001-0005 NOTICE OF REQUEST FOR VOLUNTARY ABATEMENT AND REMOVAL BY CITY:
- 6-07-001-0006 REMOVAL BY CITY:
- 6-07-001-0007 PENALTY:
- 6-07-001-0008 ADDITIONAL POWERS:

6-07-001-0001 DEFINITIONS:

In this Chapter, unless the context otherwise requires:

- A. "ABANDONED" means unclaimed or discarded. Evidence that a vehicle is without current licenses or tabs for a period of fifteen (15) successive calendar days on private property, and without any repairs during that period, shall be prima facie evidence of intent to abandon.
- B. "JUNKED" means dismantled, inoperable, not used for transportation, unsalvageable, stripped or scrapped. Evidence that a vehicle is inoperable and without repairs necessary to result in its operability for a period of fifteen (15) successive calendar days on private property shall be prima facie evidence of its junked status.
- C. "PRIVATE PROPERTY" means land within the corporate limits of Flagstaff owned by any person, firm, partnership or corporation other than the United States, the State, the County, the City of Flagstaff, or other public agency, including streets, rights of way, easements and open spaces not dedicated to the general public for unrestricted public use.
- D. "UNSHELTERED" means outside a covering specifically manufactured for use as a vehicle cover, carport, garage or other building, or otherwise within public view from a public right of way.
- E. "VEHICLE" means any vehicle, trailer or semi-trailer of a type subject to registration under Title 28 of the Arizona Revised Statutes. (Ord. 1802, 05/04/93)

(Ord. No. 1802, Amended, 05/04/93)

6-07-001-0002 UNSHELTERED STORAGE OF AN ABANDONED OR JUNKED VEHICLE PROHIBITED:

The unsheltered storage, parking, standing or placement of an abandoned or junked motor vehicle for a period of fifteen (15) days or more on any private property except where permitted by Title 10 of this Code relating to zoning, is hereby declared to be a nuisance and dangerous to the public safety. (Ord. 1802, 05/04/93)

(Ord. No. 1802, Amended, 05/04/93)

6-07-001-0003 EXEMPTION OF CERTAIN VEHICLES:

A vehicle eligible for licensing pursuant to A.R.S. Section 28-341 et seq., Horseless Carriages, Classic Cars, and Historic Cars, or A.R.S. Section 28-380, Street Rods, shall not be considered an abandoned or junked vehicle and seized pursuant to this Chapter while such vehicle is stored or maintained on the vehicle owner's private property. (Ord. 1802, 05/04/93)

6-07-001-0004 ABATEMENT OF NUISANCE:

The owner, owners, tenants, lessees, and occupants of any private property upon which such storage is made and also the owner or owners of such abandoned or junked vehicles shall jointly and severally abate said nuisance by removal of the vehicle from the premises, by providing sheltered storage within the meaning of this Chapter, or by making such repairs as are necessary to operate the vehicle. The last registered owner of record shall be presumed to be the owner of the vehicle unless an affidavit has been filed that the vehicle was stolen pursuant to A.R.S. Section 28-1421, a stolen report has been accepted by a local law enforcement agency or title has been transferred pursuant to A.R.S. Section 28-314. (Ord. 1802, 05/04/93)

6-07-001-0005 NOTICE OF REQUEST FOR VOLUNTARY ABATEMENT AND REMOVAL BY CITY:

Any owner, tenant, lessee, occupant or other person who fails, neglects or refuses to abate such nuisance shall be notified in writing by certified mail, return receipt requested, by the City Manager or his representative to abate said nuisance within ten (10) days from the date of receipt of such written notice or said vehicle may be removed from the private property by the City in accordance with A.R.S. Section 28-1401 et seq. If the notice is returned unclaimed or addressee unknown, the notice of the request to abate said nuisance and removal by the City shall be published once in a newspaper of general circulation in the county in which the vehicle was found and a copy of the notice of request to abate said nuisance and removal by the City shall be posted on the vehicle. (Ord. 1802, 05/04/1993)

6-07-001-0006 REMOVAL BY CITY:

When any such owner, tenant, lessee, occupant or other person to whom notice as aforesaid has been mailed fails, neglects or refuses for more than ten (10) days from the date of receipt of said notice to abate said nuisance, the City Manager or his designee may remove said abandoned motor vehicle from said premises, and dispose of same according to the provisions of the A.R.S. Section 28-1401 et seq. The City Manager, or the City Manager's designee, may, upon request from any such owner, tenant, lessee, occupant or other person to whom notice as aforesaid has been mailed, grant an extension of the time required for abatement for purposes of repair, removal or sheltering of the vehicle. Such extension shall be confirmed in writing. (Ord. 1802, Enacted, 05/04/1993)

6-07-001-0007 PENALTY:

It shall be unlawful for any person to knowingly fail, neglect or refuse to abate any nuisance set forth in Section 6-07-001-0002. A person who is convicted of a violation of this Chapter is guilty of a Class 1 Misdemeanor and shall be sentenced to a fine of not less than twenty-five (\$25.00) and not more than two hundred and fifty dollars (\$250.00). The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Chapter. (Ord. 1802, Enacted, 05/04/93)

6-07-001-0008 ADDITIONAL POWERS:

The powers described herein relating to removal of abandoned vehicles from private property are in addition to those powers vested in the City of Flagstaff by Arizona Revised Statutes Title 28, Chapter 8, Article 5, relating to removal of abandoned and junked vehicles from public property, and Arizona Revised Statutes, Title 28, Chapter 6, Article 14 relating to removal of illegally stopped vehicles on a public way, and to any other police powers vested in the City by Statute. (Ord. 1802, Ren&Amd, 05/04/1993, 6-07-001-0007)

7-04-001-0008 COLLECTION PRACTICES

A. Collection From Residential Properties:

1. Single-Family Residential Properties: Solid waste and recyclable material (except glass) accumulated by single-family residential properties shall be collected using the City's automated collection system. A minimum of one (1) automated solid waste container and one (1) automated recycling container is required for each dwelling unit. Collection will be provided at least once each week or as required by State of Arizona regulations. Special container roll-out service will be provided for those residents with a handicap or those who are otherwise determined by the Director or designee to be unable to place the automated containers out for collection. In these cases, the containers will be rolled out by Environmental Services employees and returned after collection.
2. Multifamily Residential Properties: Solid waste and recyclable material (except glass) accumulated by multifamily residential properties shall be collected using either the City's automated or bin collection system, or the services of a licensed solid waste collection company. For multifamily residential properties serviced by the City, the Director or designee shall determine the appropriate collection system based on the number of dwelling units and volume of solid waste generated. Collection will be provided at least once each week. Multiple bin service may also be provided.
3. Residential Bulk Waste Collection: Bulk waste will be collected from single-family residential properties on a once every four (4) week rotating schedule. A pile up to five (5) feet by five (5) feet by ten (10) feet of combined yard waste and bulk waste shall be collected on a scheduled bulk waste collection. A special collection for larger quantities requiring additional fees is available. All brush, tree limbs and cuttings shall not exceed five (5) feet in length and twelve (12) inches in diameter. Bulk waste shall be placed on private property within plain view as seen from the public right-of-way for pick up no earlier than the Monday immediately preceding the designated collection week and no later than Monday at 5:00 a.m. of the designated collection week. Items must be placed parallel to the street adjacent to the owner's property line for collection. Bulk waste may not be placed on sidewalks, curbing, or public right-of-way in any manner as to interfere with or be hazardous to pedestrians or vehicles, or with any mechanized collection container in such a manner as to interfere with its being emptied. Bulk waste may not be placed within four (4) feet of any structure. Appliances, air conditioners and other items that contain refrigerants are not accepted as part of normal bulk waste service. A special collection requiring prior scheduling is available. The customer must take off the locking mechanism or remove the door from any container or appliance, including freezers, refrigerators, stoves or chests, before setting them out for special collection. A refrigerant evacuation fee or certificate of refrigerant extraction may be required. Items not accepted for collection will be left. The following are unacceptable materials: disposable or unwanted material resulting from construction, repair, or demolition of the premises; large auto parts such as engines, transmissions, axles; tires; used oil; and rocks, soil, soil-like and concrete materials.
4. Residential Glass Recyclables Collection: The City will collect glass recyclables from residential properties for a monthly fee of three dollars fifty-five cents (\$3.55). If glass recyclables collection is requested through the solid waste program, the City will provide the property owner with a separate collection container for glass recyclables. Glass recyclables collection will occur on a monthly basis on the Wednesday of the property's bulk waste collection week (refer to the current bulk waste collection schedule to identify collection week).

B. Collection from Commercial and Industrial Properties: Solid waste and recyclable material (except glass) accumulated by commercial properties shall be collected using either the City's automated or bin collection system, or the services of a licensed solid waste collection company. For commercial properties serviced by the City, the Director or designee shall collect or direct the collection of solid waste according to a schedule agreed to by the City and the commercial property owner for the applicable fee described in Section 7-04-001-0010(C). The Director or designee may refuse to collect unreasonable amounts of solid waste and/or may refuse to collect when poor conditions of handling exist, and may make an additional charge for such amounts or conditions as outlined in the current regulations.

C. Collection Procedures for Certain Types of Waste:

1. Special Wastes: All special wastes shall be disposed of as directed by the Director or designee at the expense of the owner or possessor thereof. Soil with petroleum contamination below four thousand one hundred (4,100) mg/kg and waste from shredding of motor vehicles are the two (2) special wastes recognized in the State of Arizona and must be disposed of in accordance with the following procedures:
 - a. Petroleum Contaminated Soils: Petroleum contaminated soil acceptance at the landfill is determined by the Arizona Department of Environmental Quality Residential Remediation level of four thousand one hundred (4,100) mg/kg. Soils with adequate sampling verifying petroleum contamination is below four thousand one hundred (4,100) mg/kg can be accepted at the landfill following approval by the Director using an exceptional waste application form. Accepted petroleum contaminated soil will be directed to a separate area of the active landfill area for burial.
 - b. Waste from shredding of motor vehicles is not accepted at the landfill.
2. Industrial Solid Waste: Industrial solid wastes will be accepted at the landfill in quantities regulated by the Director or designee. The cost of handling industrial wastes will be determined by the Director or designee.
3. Asbestos Waste: Friable asbestos is not accepted at the landfill. Non-friable asbestos is accepted. Advance notification is required for non-friable asbestos disposal along with approval by the Director or designee using a non-friable asbestos waste acceptance application form. Accepted non-friable asbestos will be directed to a separate area of the active landfill area for burial.
4. Septic and Liquid Wastes: Disposal of septic or liquid wastes is not allowed at the landfill.
5. Hazardous Wastes: Hazardous wastes are accepted at the City's Hazardous Products Center (HPC) located at the landfill. Collected hazardous waste is properly recycled or disposed of through a licensed hazardous waste disposal contractor. Universal wastes such as used batteries and mercury-containing light bulbs are also accepted at the HPC. Small businesses can use the HPC to dispose of hazardous waste by appointment only. Businesses will pay costs incurred by the City for disposal of the waste through a licensed hazardous waste disposal contractor plus administrative fees. Businesses must qualify as a conditionally exempt small quantity generator (CESQG) according to the Environmental Protection Agency. Any refuse deemed hazardous by the Director or designee will not be collected or disposed of in the landfill. Anyone knowingly or unknowingly depositing hazardous or prohibited waste in the landfill must remove said waste within three (3) hours at their own expense. If the City or City designee has to remove said waste, the cost of removal and disposal plus an administrative fee shall be charged to the person placing said waste in the landfill. Failure to pay this fee will result in loss of use of the landfill.
6. Medical Wastes: Untreated medical waste, with the exception of household medical sharps disposed of with homeowner waste, is not accepted at the landfill or HPC. Unused medical sharps are accepted at the landfill but are not accepted at the HPC. Landfill operators should be notified so that any sharps can be buried immediately.

D. General Provisions for Waste and Recyclables Collection:

1. Ownership of Solid Waste: All solid waste set out for collection in the City will remain the property and responsibility of the property owner or generator until collected by the City or licensed company, whereupon it shall become the property of the collector.
2. Solid waste, before being placed into containers for collection, shall be drained of any liquids and shall be wrapped in paper or plastic and sealed.
3. Ashes shall be placed in separate containers and thoroughly doused with water and extinguished before collection.

4. The occupant of the property from which solid waste material is being collected shall not place hot ashes, bricks, concrete, hazardous wastes, or any other material or solid waste harmful to the public or destructive to the container or collection vehicle in the container being set out for City pickup.
5. Automated collection containers shall be placed at curbside by 6:00 a.m. on the day of collection. Automated collection containers shall be removed from the curbside on the same day the container is serviced.
6. Containers must not be blocked by vehicles or other objects that may hinder their pickup by City sanitation vehicles or employees. Automated collection containers shall not be placed within four (4) feet of objects that can be damaged by the City's automated equipment.
7. Unattended Containers: No person shall place, display, or maintain any unattended container for soliciting deposit of recyclable materials or donated items in any exterior location within the City limits, except in conformance with all of the following provisions:
 - a. Such unattended containers may be located only within the parking lot of private property lawfully zoned, developed and used for commercial or industrial purposes or at schools, churches, or charitable organizations which have similar parking facilities.
 - b. Such unattended containers may be located only with the permission of the property owner, their agent, or the person in possession of the property, and the owner's name and current telephone number shall be displayed on the container in a conspicuous location.
 - c. The owner of such unattended container and the property owner shall jointly or severally maintain all exterior areas within twenty-five (25) feet of the container free from litter.
8. Nothing in this chapter shall be construed to prevent individual property owners from hauling their own solid waste from their own premises to a legal point of disposal or recycling, in accordance with Section 7-04-001-0004. (Ord. 1609, Amended, 02/21/1989; Ord. 1764, Amended, 07/22/1992; Ord. 1764, Amended, 07/21/1992; Ord. 1821, Amended, 10/05/1993; Ord. 1986, Amended, 12/01/1998; Ord. 2002-19, Amended, 11/19/2002; Ord. 2002-19, Amended, 12/23/2002; Ord. 2007-40, Amended, 09/18/2007; Ord. 2016-26, Amended, 05/31/2016. Formerly 7-04-001-0007)

7-04-001-0007 STORING OR PLACEMENT OF SOLID WASTE AND RECYCLABLES

- A. **Public Places:** No person shall store or place any solid waste in any street, alley, sidewalk, utility corridor or other public place within the City, or upon any private property within the City, whether owned by such person or not, except if placed in containers authorized for collection. Bulk waste may be placed curbside for collection. Nor shall any person throw or deposit any solid waste in any stream or other body of water.
- B. **Unauthorized Accumulation:** Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of solid waste within thirty (30) days after the effective date thereof shall be deemed a violation of this chapter.
- C. **Scattering of Solid Waste:** No person shall cast or cause to be cast, place, sweep or deposit anywhere within the City any solid waste in such a manner that it may be carried or deposited by the elements or animals upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the City.
- D. **Disturbance of Containers:** It shall be unlawful for any person to uncover or cause to be uncovered, tip or cause to be tipped over, or disturb or cause to be disturbed in any manner any container of solid waste or recyclables placed upon any street, curb, sidewalk or alley for removal by an authorized collector.
- E. The City shall provide automated collection containers for all customers serviced by the automated collection system.
- F. Automated collection containers provided by the City shall be maintained by the City or replaced when determined necessary by the Director or designee.
- G. City-owned automated collection containers and commercial bins shall be assigned to the property and not to the occupant of the property. No person who occupies any property to which containers have been assigned may remove the containers from the assigned property for any reason.
- H. The occupant of a residential property or business establishment is responsible for the solid waste container(s) provided by the City. The container(s) shall be kept in a clean and sanitary condition. The occupant of the property is responsible for the cost of replacing the container(s) when replacement is necessitated by loss of the container or damage due to the occupant's misuse.
- I. The City will provide appropriate bins for hotels, restaurants, businesses, or institutions requesting City bin service. Such bins shall be maintained by the City and replaced when determined no longer serviceable by the Director or designee.
- J. Vandalism to City-owned containers shall be reported to the Solid Waste Division and the City Police Department by the solid waste customer.
- K. **Scavenging:**
1. No person, other than the City, the property owner, or a company licensed for collection shall disturb, collect, or remove any solid waste set out for collection.
 2. No person, unless authorized by the City, may remove, collect or disturb recyclable materials deposited for collection in City containers.
- L. No solid waste or materials other than recyclables shall be placed or stored in any container provided by the City for the storage and collection of recyclables. (Ord. 1609, Amended, 02/21/1989; Ord. 1764, Amended, 07/21/1992; Ord. 1821, Amended, 10/05/1993; Ord. 1986, Amended, 12/01/1998; Ord. 2000-09, Amended, 05/02/2000; Ord. 2002-19, Amended, 11/19/2002; Ord. 2002-19, Amended, 12/23/2002; Ord. 2007-40, Amended, 09/18/2007; Ord. 2016-26, Amended, 05/31/2016. Formerly 7-04-001-0006)

Chapter 7-10 GRAFFITI ABATEMENT

SECTIONS:

- 7-10-001-0001 PURPOSE AND INTENT
- 7-10-001-0002 GRAFFITI PROHIBITED
- 7-10-001-0003 GRAFFITI REMOVAL
- 7-10-001-0004 NOTICE OF VIOLATION HEARING
- 7-10-001-0005 RIGHT OF CITY TO REMOVE

7-10-001-0001 PURPOSE AND INTENT

A. It is the purpose and intent of this section to provide a procedure for the removal of graffiti from walls, structures, or surfaces on public and private property in order to reduce blight and deterioration within the City, and to protect the public health and safety. For purposes of this chapter, "graffiti" means any inscription, word, figure, design, painting, writing, drawing or carving that is marked, etched, scratched, drawn, painted, or otherwise applied to property and that unnecessarily and substantially mars or visually impairs any surface upon the property, without permission from the property owner regardless of the graffiti content, or nature of the material used in the commission of the act, or the material of the property. There is a rebuttable presumption that the graffiti, as herein defined, was marked, etched, scratched, drawn, painted or otherwise applied to the property without permission from the property owner.

B. The City finds and determines that graffiti is obnoxious, contributes to neighborhood deterioration, provides a communication system for gangs and other vandals, damages property, and constitutes a public nuisance. Further, the City finds that graffiti must be abated as quickly as possible in order to avoid its detrimental impacts on the City and its residents, and to prevent the spread of additional graffiti. (Ord. 2014-13, Enacted, 07/01/2014; Ord. 2018-32, Renumbered, 12/11/2018. Formerly 7-01-001-0001)

7-10-001-0002 GRAFFITI PROHIBITED

All sidewalks, walls, buildings, fences, signs, utility structures, and other structures or surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or quasi-public property. For the purposes of this chapter, "quasi-public property" means any private street, highway, lane, alley or other roadway which is open to the public or to which the public is invited, and shall in this context include any and all parking lots, alleys, plazas, or similar public spaces generally open to the public. (Ord. 2014-13, Enacted, 07/01/2014; Ord. 2018-32, Renumbered, 12/11/2018. Formerly 7-01-001-0002)

7-10-001-0003 GRAFFITI REMOVAL

A. Removal by the Perpetrator. Any person applying graffiti on public or private property shall have the duty to remove the graffiti within twenty-four (24) hours after notice by the City or private owner of the property involved. Such removal shall be done in a manner prescribed by the Chief of Police, the Director of the Department of Public Works, or any additional City department head, as authorized by the City Manager. Any person applying graffiti shall be responsible for the removal or for the payment of the removal. Failure of any person to remove graffiti or pay for the removal shall constitute an additional violation of this chapter. Where graffiti is applied by an unemancipated minor, the parents or legal guardian shall also be responsible for such removal or for the payment for the removal.

B. Property Owner Responsibility. If graffiti is not removed by the perpetrator according to subsection (A) of this section, or if the perpetrator is unknown, graffiti shall be removed pursuant to the following provisions:

It is unlawful for any person who is the owner or who has primary responsibility for control of property or for repair or maintenance of property in the City to permit property that is defaced with graffiti to remain defaced for a period of five (5) calendar days after actual notice (i.e., notice provided directly in person, by telephone, or by email), or service by first class mail of notice of the defacement. The notice shall contain the following information:

1. The street address and legal description of the property sufficient for identification of the property; and
2. A statement that the property is a potential graffiti nuisance property with a concise description of the conditions leading to the finding; and
3. A statement that the graffiti must be removed within five (5) calendar days after receipt of the notice and that if the graffiti is not abated within that time the City will declare the property to be a public nuisance, subject to the abatement procedures in this chapter; and
4. A statement that in the event the owner or responsible party fails to abate the graffiti within the time period specified in the notice of violation, the City may abate the graffiti; and
5. An information sheet identifying any graffiti removal assistance programs available through the City and private graffiti removal contractors; and
6. A statement that the notice of violation may be appealed, as provided in Section 7-10-001-0004.

The property owner or responsible party has an active maintenance program that includes graffiti removal and has scheduled the removal of the graffiti as part of that program, in which case it shall be unlawful to permit such property to remain defaced with graffiti for a period of ten (10) days after service by first class mail of notice of the defacement. (Ord. 2014-13, Enacted, 07/01/2014; Ord. 2018-32, Renumbered, 12/11/2018. Formerly 7-01-001-0003)

7-10-001-0004 NOTICE OF VIOLATION HEARING

A. Any owner or responsible party aggrieved by the determination of the City in the notice of violation may appeal that determination to the City Manager within five (5) calendar days of receipt. Notwithstanding any other provisions of this code, there shall be a nonrefundable fee of two hundred fifty dollars (\$250.00) for any appeal pursuant to this subsection. Such fee must accompany any such appeal and no such appeal shall be considered filed or received until such fee is paid in full.

B. Notice. The City Manager, or his or her designee, serving as the Hearing Officer, shall provide the property owner of record and the party responsible for the maintenance of the property, if a person different from the owner, not less than forty-eight (48) hours' notice of the City's intent to hold a notice of violation hearing at which the property owner or responsible party shall be entitled to present evidence and argue that the property does not constitute a public nuisance. Notice shall be served in the same manner as a summons in a civil action in accordance with Section 1-15-001-0011, Civil Enforcement Procedures.

C. Determination of Hearing Officer. The determination of the Hearing Officer after the notice of violation hearing shall be final and not appealable. If, after the hearing, the Hearing Officer determines that the property contains graffiti viewable from a public or quasi-public place, the Hearing Officer shall give written notice in an eradication order that, unless the graffiti is removed within five (5) calendar days, the City shall enter upon the property, cause the removal, painting over (in such color as shall meet with the approval of the Hearing Officer), or such other eradication thereof as the Hearing Officer determines appropriate.

D. Eradication Effort. Not sooner than the time specified in the order of the Hearing Officer, the City Manager, or the designee of the City Manager, shall implement the eradication order. (Ord. 2014-13, Enacted, 07/01/2014;

Ord. 2018-32, Renumbered, 12/11/2018. Formerly 7-01-001-0004)

7-10-001-0005 RIGHT OF CITY TO REMOVE

In the event that the owner or responsible party fails to abate the graffiti as required by the notice of violation, or fails to appeal the notice of violation within five (5) calendar days of service, the City may proceed to abate the graffiti. The City or its authorized private contractor is expressly authorized to enter private property and abate graffiti thereon in accordance with this section. The Flagstaff Police Department shall assist in the enforcement of this chapter. (Ord. 2014-13, Enacted, 07/01/2014; Ord. 2018-32, Renumbered, 12/11/2018. Formerly 7-01-001-0005)

The Flagstaff City Charter and City Code are current through Ordinance 2022-04, passed March 1, 2022.

Disclaimer: The City Clerk's Office has the official version of the Flagstaff City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

10-50.50.040 General Fencing and Screening Standards

E. **Enclosures for Refuse and Recycling Containers.** Refuse and recycling containers shall be screened by solid fences or walls constructed to a minimum height of six feet and designed to match the building materials of the primary building on the site and the *Engineering Standards*. Where feasible, enclosures for refuse and recycling containers shall be sited to the rear or side of a building, or in a location where visibility from public rights-of-way is minimized.

10-50.60.080 Maintenance

A. Maintenance Required.

1. Maintenance of all landscaping shall be the responsibility of the applicant, lessee, heirs, assigns, agent, homeowners' association, or other liable entity of the property and shall consist of regular watering; pruning, mowing, fertilizing, weed removal, and the removal and replacement of dead plants, irrigation systems and landscape features. This shall include maintenance of approved landscaping in the public right-of-way.
2. Existing non-native invasive trees as determined by the Director, as well as trees that are dead, diseased, injured, in danger of falling upon existing or proposed structures, overhang or abut a building so as to create a potential fire hazard, interfere with the growth of other trees or existing utilities, or are located within sight lines at intersection streets and driveways may be cut down and removed. Such tree(s) are not required to be replaced with new trees.
3. The applicant or liable entity in control of any private premises shall at all times maintain the premises free of litter and weeds in compliance with City Code Title 6, Police Regulations, and this division.
4. Approved landscaping in rights-of-way, including street trees, shall be maintained in compliance with the *Engineering Standards*, Section 13-18-05, Maintenance.
5. Any plant materials included in an approved landscaping plan that do not survive after installation shall be replaced with plant material(s) of the same or like species of equal size within the next planting season but, in any event, within six months of the plant's demise. Failure to replace said plant materials within the specified time period shall be enforced in compliance with the enforcement provisions of Division [10-20.110](#), Enforcement.

B. Use of Pesticides and Herbicides.

1. **General.** If pesticides and herbicides are used in landscape areas, organic pest control methods are preferred over synthetic pesticide use. Pesticides shall be applied in compliance with the Arizona Department of Environmental Quality (ADEQ) "Groundwater Protection List" and the "Best Management Practices" for pesticide and herbicide application.
2. **Riparian Corridor Watercourse, Wetland, or Stormwater Drainage.** Pesticides, herbicides, and fertilizers shall not be applied within 50 feet of a riparian corridor watercourse, wetland, or stormwater drainage except as allowed by the Director for the following circumstances and when pesticide or herbicide applications will be done by a City approved applicator:
 - a. The State or local Health Department recommends or directs their use to address a threat to public health;
 - b. A county, State, or Federal agency with jurisdiction directs their use for control of a State-listed noxious weed or plant pests covered by the Arizona State Department of Agriculture plant pest program and non-chemical alternatives have been evaluated and deemed ineffective;
 - c. The Director finds that the use of pesticides and herbicides will have no adverse impact to fish and wildlife. Such a determination may be in the form of best management practices or an integrated pest management plan;
 - d. The use of a herbicide to control invasive plants would have less overall environmental impact than other control strategies; or
 - e. There is a serious threat to public safety, health, or the environment.

10-50.80.030 General Parking Standards

A. General to All Zones.

1. **Parking for Accessory Uses in Residential Zones.** Required off-street parking facilities shall be used for the parking of bicycles, passenger motor vehicles, or other non-commercial motor vehicles owned by occupants of the dwelling structures to which such facilities are accessory, or for the parking of passenger motor vehicles and bicycles by guests of the occupants. For single-family dwellings, this includes the driveways to the parking facilities.
2. **Parking of Commercial Vehicles in Residential Zones.** Under no circumstances shall required off-street parking facilities accessory to residential structures be used for the storage or parking of commercial vehicles associated with a business operation other than for a permitted home occupation at the same location, or a commercial vehicle owned or operated by the resident that is less than or equal to 14,000 gross vehicle weight rating (GVWR). Such residential parking facilities shall not be used for the parking of motor vehicles belonging to the employees, owners, tenants, visitors, or customers of nearby commercial or manufacturing establishments.
3. **Commercial Work on Motor Vehicles.** Commercial work of any kind on motor vehicles (e.g., the overhaul of engines) shall not be permitted in conjunction with accessory off-street parking.
4. **Storage of Unregistered or Inoperable Motor Vehicles.** No more than one unregistered or inoperable motor vehicle shall be stored on any residentially zoned lot or parcel of land, and no such unregistered or inoperable vehicle shall be stored within the front setback.
5. **Reduction of Parking.** Required off-street parking shall not be reduced below the requirements of this division. Existing parking that is determined to be nonconforming in accordance with Division [10-20.60](#), Nonconforming Provisions, because less than the required number of spaces are provided, shall not be further reduced from the number of parking spaces available on the effective date of this Zoning Code.
6. **Parking of Recreational Vehicles, Campers and Other Similar Vehicles.** Unless provided otherwise, the parking and/or storage of recreational vehicles, campers, camping trailers, utility trailers, boats, and similar vehicles shall be regulated in accordance with Section [10-50.80.080\(L\)](#).

(Ord. 2016-07, Amended, 2/16/2016 (Res. 2016-02))

CHAPTER 8-04 TREES AND SHRUBBERY

SECTIONS:

- [8-04-001-0001](#) TREES TO BE TRIMMED
- [8-04-001-0002](#) HEDGES AND SHRUBBERY
- [8-04-001-0003](#) INJURY TO TREES AND/OR SHRUBBERY
- [8-04-001-0004](#) TREES OUTSIDE OF PROPERTY LINE

8-04-001-0001 TREES TO BE TRIMMED

Any owner of any real property shall trim all trees on property owned or occupied by him. overhanging any public thoroughfare, so that the branches thereon will not interfere with pedestrians or public travel.

8-04-001-0002 HEDGES AND SHRUBBERY

Any owner or occupant of any real property shall maintain all hedges and shrubbery adjacent to public sidewalks so that no part of said hedges and/or shrubbery shall extend over any part of a public sidewalk in the City.

8-04-001-0003 INJURY TO TREES AND/OR SHRUBBERY

It is hereby declared unlawful for any person not the owner thereof or without lawful authority so to do, wilfully to injure, deface, disfigure or destroy any tree or shrub, or to injure, destroy, cut or pick any flower or plant, located either on private ground or on any public place or thoroughfare.

8-04-001-0004 TREES OUTSIDE OF PROPERTY LINE

The City Council is hereby provided full and complete control over all trees which are outside the property lines of privately owned real property. (1960 Code)

CHAPTER 8-13 PROHIBITION ON USE OF RIGHT-OF-WAY

SECTIONS:

[8-13-001-001](#) PROHIBITION ON USE OF RIGHT-OF-WAY

8-13-001-001 PROHIBITION ON USE OF RIGHT-OF-WAY

A. It shall be unlawful for any person or entity to obstruct or encumber, in part or entirely, any portion of any public street, alley, sidewalk, multiuse path, or any other public right-of-way within the corporate limits of the City with any item, whether temporary or permanent, except as allowed with an applicable permit under this code or pursuant to an express authorization in another section of this code that authorizes certain, specific temporary use or obstruction.

B. If property is found in violation of this section it may be seized and impounded after reasonable efforts are made to locate the owner. An impoundment fee of one hundred dollars (\$100.00) shall be assessed and paid for the redemption and release of the property. If property is not claimed within ninety (90) days of impoundment it will be considered abandoned and subject to destruction or sale. (Ord. 2019-19, Enacted, 06/18/2019)

Division 13-18-005

Maintenance

Sections:

- [13-18-005-0001](#) Responsibility
- [13-18-005-0002](#) General Requirements
- [13-18-005-0003](#) Irrigation

13-18-005-0001 Responsibility

The adjacent property owner is responsible for maintenance of the right-of-way area bounded by the property line and the face of the curb (or edge of road pavement) for the full width of the property. A maintenance district, a business improvement district, homeowners' association, or the City of Flagstaff may, by prior agreement, be responsible for such maintenance. The City of Flagstaff performs maintenance of all medians. Contact the Parks Division for more information. (Ord. 2017-22, Rep&ReEn, 07/05/2017)

13-18-005-0002 General Requirements

- A. Maintenance shall be performed on an ongoing basis as needed.
- B. Required maintenance includes irrigation, weeding, mowing, pruning, replacement of dead or diseased plants, cleaning, raking, snow removal, pest control, and otherwise caring for and repairing all the landscape materials, including sidewalks and street trees. Required maintenance also includes removal of wildfire fuels such as dead plants and limbs, thinning of tree and shrub densities, and weed control.
- C. Replacement and repairs shall be in accordance with the approved streetscape plan, or in the absence thereof, in accordance with these standards.
- D. Maintenance priority shall be given to installation, placement, and planting safety items including lines of sight, blockage, and winter icing.
- E. Maintenance of plant materials, specifically including trimming and pruning, shall conform to applicable horticulture and arboriculture standards.
- F. General weeds shall not be permitted to exceed a height of six (6) inches.
 - 1. Noxious weeds shall be entirely removed.
 - 2. Cut or otherwise removed weeds shall be collected and properly disposed of and shall not be left on the ground. (Ord. 2017-22, Rep&ReEn, 07/05/2017)

13-18-005-0003 Irrigation

- A. Newly planted trees should be watered daily for the first two (2) weeks and then once a week from April through October and approximately twice a month through the winter.
 - 1. In the third year, if there has been a lack of moisture, extreme heat or drying winds, this amount of watering may still be necessary.
- B. The watering schedule for mature trees will be determined based on the species, the soil, and the weather.
- C. Irrigation shall be monitored to avoid over- or under-watering. Watering programs and automatic systems shall be adjusted as warranted.

1. Automatic irrigation systems shall receive appropriate design, installation, maintenance, repair, and winterizing so as to comply with water conservation strategies. (Ord. 2017-22, Rep&ReEn, 07/05/2017)
-

The Flagstaff City Charter and City Code are current through Ordinance 2022-10, and legislation passed through May 17, 2022.

Disclaimer: The City Clerk's Office has the official version of the Flagstaff City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Property Care Standards

September 27, 2022





Property Care Standards

Work Session Outline

- Property Care Overview
- Property Maintenance Ordinance (PMO)
- Survey Results
- Working Group
- Property Care Standards
- City Code
- Next Steps



Property Care Standards

Project Team

Dan Folke, Community Development Director

Mark Reavis, Heritage Preservation Officer &
Neighborhood Planner

Jordan Hollinger, Associate Planner

Reggie Eccleston, Code Compliance Manager

Kevin Dunlap, Code Compliance Officer

Michelle McNulty, Planning Director

Tiffany Antol, Zoning Code Manager

Sara Dechter, Comprehensive Planning Manager

Staff Participation

Valeria Chase, Program Manager Off Campus Life &
Neighborhood Liaison

Steven Thompson, Sustainability Volunteer & Event
Coordinator

Jenny Neimann, Climate Program Manager

Robert Wallace, Open Space Specialist



Property Care Standards

Why consider property standards now?

- November 24, 2020 Future Agenda Item Request (FAIR)
- Property Maintenance Ordinance – 2012
- Work Session objective: receive direction on how to proceed



Property Care Standards

What is a Property Maintenance Ordinance?

- Rules for maintenance of all land and buildings
- Life and safety regulations
- Accumulation of garbage/debris/refuse/litter
- Hazardous and dangerous conditions
- Deteriorating structures
- Abandoned properties



Property Care Standards

Considerations

- Housing Emergency
- Climate Emergency
- Neighborhood & Heritage Preservation
- Social Equity
- Health and Safety



Property Care Standards

Equity in Planning

“It is not enough for cities to be beautiful and efficient. They could, and should, be just and fair as well, and planners should work toward human betterment.”

Norman Krumholz, FAICP



Property Care Standards

Property Maintenance Ordinance – 2012

- Traditional PMO
- New definition of terms
- Weather tight maintenance of structures
- Condition of property
- Abandoned building maintenance
- Repealed sections of City Code



Property Care Standards

Engaging the Community

- A League of Neighborhoods
 - Southside Community Association
 - Sunnyside Neighborhood Association
 - La Plaza Vieja Neighborhood Association
- Flagstaff Community Forum survey
- Project email list & social media
- Working group meetings
- Project web page



Property Care Standards

Flagstaff Community Forum Survey Overview

- 10 Questions that asked participants to identify:
 - the property care issues they see
 - how frequently they see these issues
 - how impactful they perceive them to be to quality of life in Flagstaff
 - the importance of adopting a property care ordinance
 - concerns related to the adoption of such an ordinance
- 7 Demographic Questions



Property Care Standards

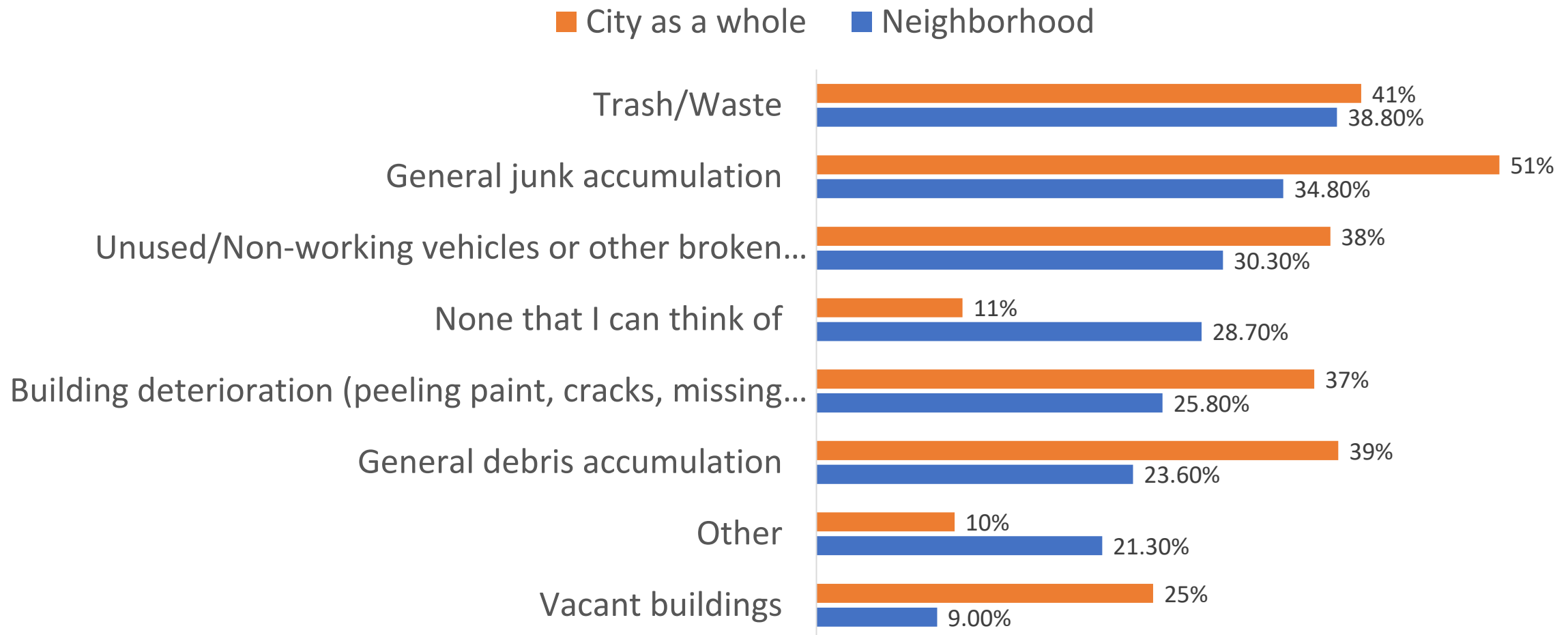
Flagstaff Community Forum Survey Responses

- 179 Total Responses
- At least 5 responses from each area of the City
 - Two largest response groups:
 - Northwest Flagstaff: Coconino Estates, Cheshire, North Hospital (18%)
 - East Flagstaff: Shadow Mountain, McMillan Mesa, Sunnyside, Greenlaw (23%)
- **73%** of Respondents do not pay HOA dues
- **85%** of Respondents have bachelor's or higher degree
- **66%** of Respondents over age of 40
- **75%** of Respondents are White



Property Care Standards

Survey Results – Issues





Property Care Standards

Survey Results – Issue Takeaways

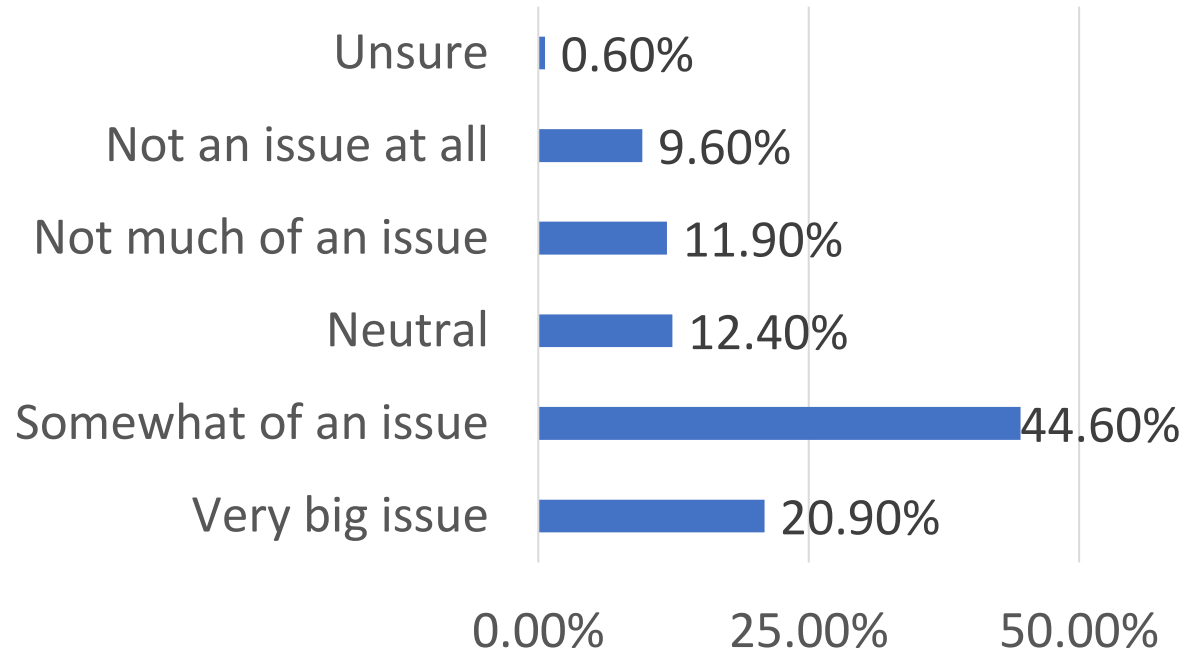
- At both the Neighborhood and City level, the perception of *Junk* and *Trash accumulation* were identified as the top issues.
- The majority of respondents listed at least one issue.
 - However: **29%** Of respondents answered that they did not notice property care issues in their Neighborhood.
- When asked what the respondent would like to see covered in a PCO, the top three items were:
 - Trash/Waste (67%), Junk accumulation (65%), Unused/Non working vehicles (63%)



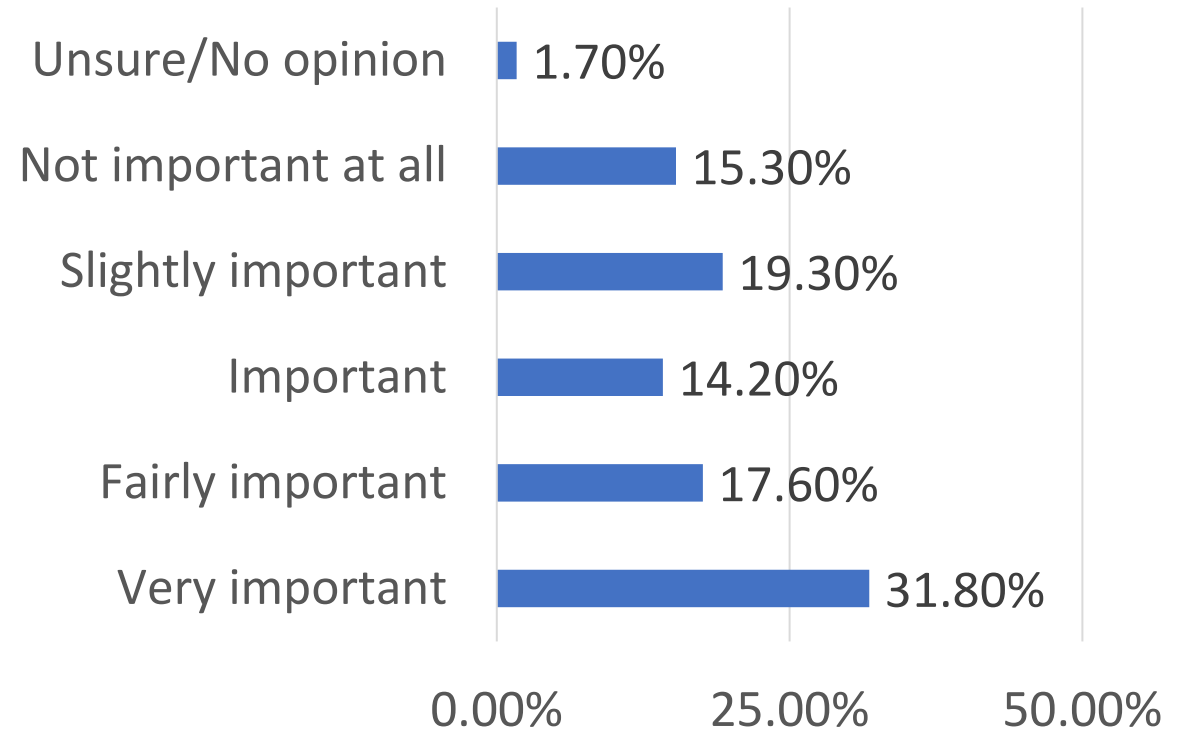
Property Care Standards

Survey Results – Impact and Importance

How much of an issue is property care?



Importance of adopting PCO?





Property Care Standards

Survey Results – Impact and Importance Takeaways

- **65%** of respondents answered that property care was either a *Very big issue*, or *Somewhat of an issue* to them personally.
- **49%** of respondents answered that adopting a PCO was *Very* or *Fairly important*.
 - Majority – Important or higher.
- **40%** of respondents answered that they had concerns about the City adopting a PCO. (18% Unsure, 42% No concerns)



Property Care Standards

Survey Results – Primary concerns

- Inequitable impacts/ability to comply
 - health, race, income
- Existing ordinances in place
 - Enforce existing codes
- Subjectivity of aesthetic elements
- Overbearing – sounds too much like HOA
 - Many people chose to live without HOA



Property Care Standards

Survey Takeaways

- Respondents clearly identified that they perceive issues with property care in the City.
 - Key issues are: Trash/Waste, Junk, Building Deterioration, and Unused/Nonworking vehicles.
- Majority of respondents believe adopting a PCO is important.
- Respondents were split almost down the middle on having concerns or not.



Property Care Standards

Working Group

- 6 hybrid meetings: May, June & July 2022
- Open meetings
- Meeting videos posted

[Property Care Ordinance | City of Flagstaff Official Website \(az.gov\)](#)



Property Care Standards

Working Group Topics

- Purpose and Intent
- Debris accumulation
- Hazards
- Equipment & vehicles
- Recycling & refuse
- Attractive nuisance
- Property perimeter & street frontage
- Building deterioration
- Abandoned/vacant building
- Vacant/undeveloped property



Property Care Standards

Selected Approach

- Create simple, clear standards for buildings and land
- Support standards with existing city code
- Appendix: how to meet the standards
- Consider new definitions
- Consider amendments to improve compliance efforts
- Continue to work with A League of Neighborhoods
- Create a Property Care program



Property Care Standards

Draft Standards

Purpose

The purpose of the Property Care Ordinance is to improve and maintain the appearance of neighborhoods and improve quality of life by protecting public health, safety, and welfare through the establishment of minimum exterior maintenance standards for all residential and non-residential buildings, structures and property, and vacant land in the city to protect against hazardous, deteriorating, and other dangerous conditions.

Intent

It is the intent of the city to work with property owners to preserve existing buildings and housing. The PCO shall be applied and enforced fairly and consistently. The city shall provide adequate notice to affected property owners to resolve conditions and the city may provide resources to assist property owners with compliance as they are available.



Property Care Standards

Draft Standards

Property Standard: Provide for and eliminate conditions of: Refuse-Recycling, Debris, Inoperable-Equipment, Hazard, Attractive Nuisance, for Health and Safety;

- Provide adequate capacity for refuse and recycling containers, providing additional capacity as required to protect health and safety.
- Eliminate debris accumulation that harbors pests, deteriorates conditions, presents a fire danger, and impacts health and safety.
- Remove inoperable equipment, vehicles & appliances that contributes to debris, hazard, safety and/or as an attractive nuisance to protect health and safety.
- Eliminate hazards on the property and encroaching hazards that impact health and safety.
- Remove invasive and noxious weeds
- Provide proper posting of no trespassing



Property Care Standards

Draft Standards

Buildings and Structures Standard: Provide for and eliminate conditions of Abandonment, Security, Deterioration, Attractive Nuisance, for Health and Safety;

- Resolve both visual and physical signs of vacancy of buildings and structures that invites issues as an attractive nuisance and/or criminal activities impacting health and safety. *NOTE: See appendix for recommended securing of a building or structure.*
- Provide security for buildings and structures that prevents unauthorized entry to a building or structure that impacts health and safety.
- Provide remedies to deterioration of a building or structure that threatens its longevity and/or impacts health and safety.
- Provide proper posting of no trespassing.



Property Care Standards

Draft Standards

Exemptions

It shall be the sole discretion of the City of Flagstaff to suspend enforcement of these standards due to circumstances beyond the control of the property owner, such as community events, natural disasters, fires, flooding and managing through recovery.



Property Care Standards

Appendix

Recommendations for securing of buildings and structures: Repair, secure, remove and properly dispose of deteriorated materials, which indicate an appearance of abandonment visible from street frontage.

Recommendation for preventing building and structure deterioration: Provide remedies to the deterioration of a building that threatens its longevity and allows for continued safe and future healthy habitation. Repair, secure, replace and properly dispose of deteriorated materials.

Recommendations for Posting & Security: Vacant property owners are responsible for security of and addressing problems associated with their property.

Weed Management Guidance: Invasive weeds are plants that establish, persist, and spread widely outside the plant's native range, causing environmental and often economic damage.



Property Care Standards

City Code

- Title 4 Building Regulations
- Title 5 Fire Code
- Chapter 6-04 Nuisances (abandoned buildings)
- Chapter 6-06 Littering
- Chapter 6-07 Abandoned Vehicles
- Chapter 7-01-001-0008 Collection Practices
- Chapter 7-04-001-0007 Storing or placement of Solid Waste and Recyclables
- Chapter 7-10 Graffiti Abatement
- Chapter 8-04 Trees and Shrubbery
- Chapter 8-13 Prohibition on Use of Right-of-Way
- Chapter 10-50.50.040 General Fencing and Screening Standards (refuse & recycling containers)
- Chapter 10-50.60.080 Maintenance (required landscaping)
- Chapter 10-50.80.030 General Parking Standards (unregistered & inoperable vehicles)
- Chapter 13-18-005 Maintenance (adjacent public right-of-way)



Property Care Standards

Next Steps

How would City Council like to proceed?

1. Prepare an ordinance with the new Property Care Standards
 - Rely on current code for compliance standards
 - Continue to review and improve current code
2. Prepare traditional PMO – repeal and replace
3. Continue with current City Code

PZ-23-00094

Building & Property Care Standards

June 13, 2023





Building & Property Care Standards

Work Session Outline

- Recent History on Property Care Standards
- Draft Building and Property Care Standards
- Proposed Amendments to Littering Chapter
- Next Steps

“It is not enough for cities to be beautiful and efficient. They could, and should, be just and fair as well, and planners should work toward human betterment.”

Norman Krumholz, FAICP



Building & Property Care Standards

Ordinance and Amendment Project Team

Dan Folke, Community Development Director

Tiffany Antol, Zoning Code Manager

Kevin Fincel, Deputy City Attorney

Mark Reavis, Heritage Preservation Officer & Neighborhood Planner

Reggie Eccleston, Code Compliance Manager



Building & Property Care Standards

Why consider property standards now?

- Property Maintenance Ordinance not adopted – 2012
- November 24, 2020 Future Agenda Item Request (FAIR)
- Working Group meetings summer 2022
- September 27, 2022 City Council Work Session
- June 13, 2023 City Council Work Session



Building & Property Care Standards

What is a Property Maintenance Ordinance?

- Rules for maintenance of all land and buildings
- Life and safety regulations
- Accumulation of garbage/debris/refuse/litter
- Hazardous and dangerous conditions
- Deteriorating structures
- Abandoned properties and vehicles



Building & Property Care Standards

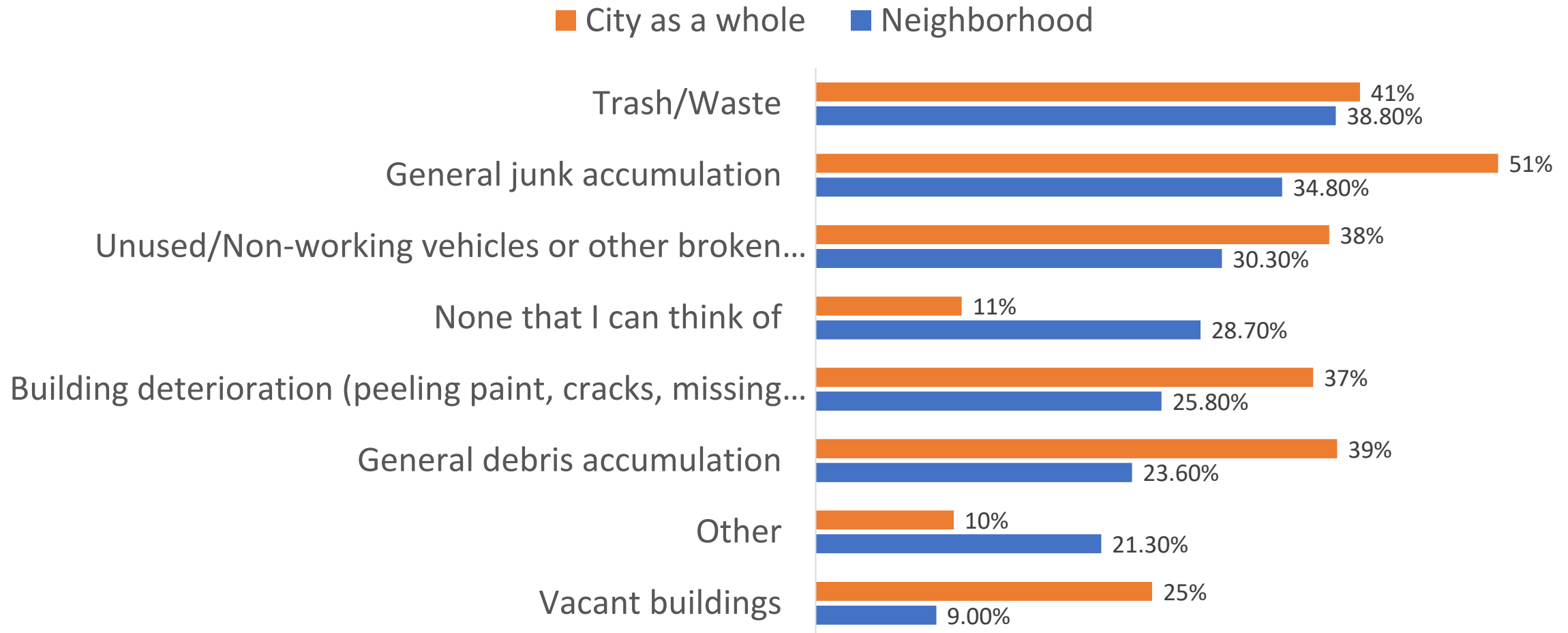
Considerations

- Housing Emergency
- Climate Emergency
- Neighborhood & Heritage Preservation
- Social Equity
- Health and Safety of Neighborhoods



Building & Property Care Standards

2022 Survey Results – Issues





Building & Property Care Standards

Survey Results – Primary concerns

- Inequitable impacts/ability to comply
 - health, race, income
- Existing ordinances in place
 - Enforce existing codes
- Subjectivity of aesthetic elements
- Overbearing – sounds too much like HOA
 - Many people chose to live without HOA



Building & Property Care Standards

Selected Approach

- Create simple, clear standards for buildings and land
- Support standards with improved city code
 - Littering, Nuisances, Abandoned Vehicles, Building Code
- Appendix: how to meet the standards
- Continue to work with A League of Neighborhoods
- Create a Property Care program



Building & Property Care Standards

Division 7-06 Building and Property Care Standards

7-06-001-0002 Purpose

The purpose of the Building and Property Care Standards (PCS) is to improve and maintain the appearance of the City of Flagstaff and improve quality of life by protecting public health, safety, and welfare. These standards establish minimum exterior maintenance standards for all residential and non-residential buildings and properties in the City to protect against hazardous, deteriorating, and other dangerous conditions.

7-06-001-0003 Intent

These standards shall be applied and enforced fairly and consistently. The City shall provide adequate notice to affected property owners to resolve conditions and the City may provide resources to assist property owners with compliance as they are available. It is the intent of the City to work with property owners and tenants to preserve existing buildings and housing.



Building & Property Care Standards

7-06-001-0004 Definitions

DEBRIS: The remains of something broken down or destroyed.

GARBAGE: Food waste; discarded or useless material.

LITTER: Trash, wastepaper, debris, or garbage lying scattered about. An untidy accumulation of objects.

TRASH: Things that are no longer useful or wanted and have been thrown away; something in a deteriorated or broken condition.



Property Care Standards

7-06-001-0005 Property Care Standards

Property Standards: These standards shall provide for the elimination of Litter, Debris, Inoperable equipment, Hazards, and Attractive Nuisances, for the purpose of protecting public health, safety, and welfare:

1. Property owners shall provide Container capacity adequate to meet the Garbage and recycling removal needs of the property to prevent the accumulation of uncontained Litter and Debris. Containers shall be secured on the property and maintained in good working condition.
2. Properties shall be kept free from the accumulation of Litter, Trash, Debris, or Garbage.
3. Inoperable equipment, vehicles, and appliances shall not be stored on a property where it is visible from the public right-of-way or accessible to members of the public.
4. Properties shall remain free from Hazards including but not limited to damaged or dead trees or vegetation, unsecured, exposed, or inoperable private utility infrastructure, or walls and fencing that are structurally unsound.
5. Unoccupied properties shall be posted "No Trespassing" or adequately secured to prevent unauthorized use of the property.



Building & Property Care Standards

7-06-001-0005 Property Care Standards

A. Buildings and Structures Standards: These standards shall provide for the elimination of conditions of Abandonment, Deterioration, and Attractive Nuisance, for the purpose of protecting public health, safety, and welfare:

1. Windows and doors shall be maintained in proper working condition. Where damaged windows or doors require repair or replacement, temporary security measures may be installed for no more than 30 days.
2. All buildings and structures shall be maintained to prevent Deterioration or the appearance of Abandonment that threatens the buildings longevity. This includes but is not limited to general building maintenance such as repairs of windows, doors, roofs, and exterior structural elements.
3. Unoccupied buildings shall be posted “No Trespassing” or adequately secured to prevent unauthorized use of the property.



Building & Property Care Standards

7-06-001-0006 Exemptions

It shall be the sole discretion of the City of Flagstaff to suspend enforcement of these standards due to circumstances beyond the control of the property owner, such as community events, natural disasters, fires, flooding and managing through recovery.



Building & Property Care Standards

Title 7 Health & Sanitation - Chapter 7-11 Littering

- New Definitions
- Repeal unnecessary sections
- Consistent penalties and process



Building & Property Care Standards

Next Steps

- Re-engage the working group
- Informational presentations to select Commissions
- Prepare amendments to Nuisances (abandoned/dangerous buildings)
- Prepare amendments to Abandoned Vehicles
- Fall 2023 City Council work session