

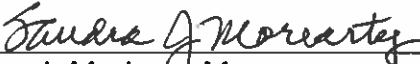
RESOLUTION NO. 2022-27

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA,
ARIZONA, ESTABLISHING AS A PUBLIC RECORD CHANGES TO SEDONA CITY
CODE CHAPTER 8.10 (LITTER).**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that the changes to Sedona City Code Chapter 8.10 (Litter) as set forth in Exhibit A "2022 Amendments To Sedona City Code Chapter 8.10 (Litter)" and attached hereto, constitutes a public record to be adopted by reference in Ordinance No. 2022-04 pursuant to A.R.S. § 9-802.


One paper copy and one electronic copy of this public record shall be filed in the office of the City Clerk and kept available for public use and inspection.

APPROVED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona this 13th day of September, 2022.



Sandra J. Moriarty, Mayor

ATTEST:



JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:



Kurt W. Christianson, City Attorney

Exhibit A
"2022 Amendments to Sedona City Code Chapter 8.10 (Litter)"

Chapter 8.10
LITTER

Sections:

Article I. Litter - Nuisances

- 8.10.010** Definitions.
- 8.10.020** Public nuisances defined.
- 8.10.030** Litter in public places.
- 8.10.040** Depositing litter in gutters, streets and other public places.
- 8.10.050** Litter thrown from vehicles.
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- 8.10.070** Littering in parks.
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- 8.10.090** Off-premises canvassing.
- 8.10.100** Dropping litter from aircraft.
- 8.10.110** Deposit of litter on occupied private property.
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- 8.10.130** Vacant lots.
- 8.10.140** Business establishments – Receptacles.
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- 8.10.160** Junk vehicles.
- 8.10.170** Abandoned vehicles.
- 8.10.180** Abatement of nuisances.
- 8.10.190** Penalties.

Article II. Abatement of Rubbish and Dilapidated Structures

- 8.10.200** Definitions.
- 8.10.210** Abatement.

8.10.215 Court-ordered abatement.

8.10.220 Penalty for dumping.

Article I. Litter – Nuisances

8.10.010 Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Abandoned vehicle” means any vehicle, trailer or semi-trailer of a type subject to registration under this article, whether lost, stolen, abandoned or otherwise unclaimed, which has been abandoned on a public highway, public property or elsewhere within the city, including private property. Evidence that a vehicle was left unattended for a period of 48 hours within the right-of-way of a highway, road, street or other public thoroughfare, or for a period of 72 hours on public property or elsewhere within the city including private property, shall be prima facie evidence of abandonment.

“Aircraft” means any contrivance now known or hereafter invented, used or designed for navigation or for flight in the air, and includes, but is not limited to, helicopters and lighter-than-air dirigibles and balloons.

“Animal” means any and all types of animals, both domestic and wild, male and female, singular and plural.

“Authorized private receptacle” means a litter storage and collection receptacle as required and authorized in this article.

“Fowl” means any and all fowl, domesticated and wild, male and female, singular and plural.

“Garbage” means putrescible animal and vegetable wastes, resulting from handling, preparation, cooking and consumption of food.

“Junk vehicle” means a vehicle that is in such a state of deterioration that it cannot be profitably dismantled or salvaged for parts and cannot be profitably restored.

“Litter” means garbage, rubbish, refuse, waste material, offal, paper, glass, cans, bottles, weeds, organic or inorganic trash, debris, filthy or odoriferous objects, dead animals, or any foreign substance of whatever kind or description, whether or not any of these items are of value.

“Park” means a park, reservation, playground, recreation center or any other public area in the city-owned or used by the city and devoted to public recreation.

“Private premises” means any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes whether inhabited, temporarily or continuously uninhabited or vacant, and includes but is not limited to any yard, grounds, walk, driveway, porch, steps, vestibules or mail box belonging or appurtenant to such dwelling, house, building or other structure.

“Public place” means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

“Refuse” means all putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned, wrecked or junked vehicles or parts thereof and solid market and industrial wastes.

“Rubbish” means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, metal cans, yard clippings, leaves, metal, wood, glass, bedding, crockery, furniture, major appliances, water heaters and similar materials.

“Street” or “road” means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, and includes the whole right-of-way of the public entity maintaining said way, whether such right-of-way is paved or not.

“Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks. [Code 2006 § 9-2-1. Ord. 93-14, 9-28-1993].

“Weeds” means all grasses, annual plants and vegetation, other than trees or shrubs; however, this term shall not include cultivated flowers and gardens.

8.10.020 Public nuisances defined.

The following specific acts, omissions, conditions and things in or upon any private lot, building, structure or premises, or in or upon any public right-of-way, streets, avenue, alley, park, parkway or other public or private place in the city are hereby declared to be public nuisances, to wit:

A. Privies, vaults, cesspools, sumps, pits or like places which are not securely protected from insects or rodents, or which are foul or malodorous, or which are not securely closed and protected or, if necessary, illuminated so as to prevent persons or objects from falling therein. Also included are septic tanks and other alternative disposal systems which are no longer in use due to connection of a property to the city wastewater system, and which are required to be abandoned pursuant to SCC [13.15.030\(E\)](#);

B. Filthy, littered or trash-covered exterior areas, including all buildings and structures thereon and areas adjacent thereto; ~~including, but not limited to, accumulations of litter, glass, cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation, or which may create a fire hazard. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the County Health Officer or this Code or any other ordinance of the City;~~

C. Animal manure ~~or waste~~ in any quantity which is not securely protected from insects and the elements, or which is kept or handled in violation of any ordinance of the city or Coconino/Yavapai Counties; provided, however, that nothing in this subsection shall be deemed to prohibit the utilization of such animal manure on any farm, garden or ranch in such manner and for such purposes as are compatible with customary methods of good husbandry;

D. ~~Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated appearance, or which presents a fire hazard; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any hazardous dead trees; Poison oak, poison ivy, or any noxious or toxic weeds or uncultivated plants (whether growing~~

or otherwise), weeds, tall grass, uncultivated shrubs or growth higher than 24 inches or which present a fire hazard;

E. ~~Accumulations of bottles, glass, cans, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all other trash and abandoned material, unless the same be kept in covered bins or metal receptacles approved by a county health officer, this code or any ordinance of the city;~~

F. ~~Accumulation of trash, litter, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding excelsior, packing straw, packing hay, or other packing material, lumber not neatly piled, scrap iron, tin, and other metal not neatly piled or anything whatsoever in which insects may breed or multiply or which provides harborage for rodents or which may create a fire hazard;~~

~~GE. Any dangerous, deteriorated, abandoned, partially destroyed or unfinished building, addition, or other structure, and any vacated or abandoned building not securely closed at all times. Any unsightly and dangerous building, billboard or other structure, or any old abandoned or partially destroyed building or structure, or any building or structure commenced and abandoned;~~

- ~~1. All unsecured window and door openings must be permanently secured to prevent entry by unauthorized persons.~~
- ~~2. Any wood, metal or other material used for securing a vacated or abandoned building must be compatible with the color of the building.~~
- ~~1.3. If the owner fails or refuses to properly secure the building or structure the city may, at the expense of the owner, complete the work by contract and the owner shall be liable for all costs incurred.~~

~~HE. Any abandoned vehicle or junk vehicle and all places used or maintained as junk yards or dumping grounds, or for the wrecking, disassembling, repair or rebuilding of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to interfere with the comfortable enjoyment or the quality of life or property by and of others; provided, however, that nothing contained in this subsection shall be deemed to prohibit any automobile~~

wrecking yard or other junk yard where the same is otherwise permitted by the city zoning ordinance and amendments thereto, which is operated in conformity therewith;

IG. Any putrid, unsound or unwholesome bones, meat, hides, skins, or the whole or any part of any dead animal, fish or fowl, butcher's trimmings and offal, or any waste vegetable or animal matter in any quantity, garbage, human excreta, sewage or other offensive substances accumulated on private or public property; provided, however, nothing herein contained shall prevent the temporary retention of waste in receptacles in the manner provided by a county health officer, this code or ordinance of the city;

JH. The erection, continuance or use of any building, room or other place in the city for the exercise of any trade, employment or manufacture which, by noxious exhalations, including, but not limited to, smoke, soot, dust, fumes or other gases, offensive odors or other annoyances, which is discomforting or offensive or detrimental to the health of individuals or of the public, except for normal exhalation or smoke produced by normal heating devices;

KI. Causing, allowing or permitting any artificial illumination of such intensity as to interfere substantially and unnecessarily with the use and enjoyment of public or private property by a considerable number of people, or with the lawful use of any school, public place or public street, or with any governmental or public function of the city, or as to constitute a hazard or threat to the public health, safety and welfare of the people of Sedona; provided, this subsection shall not apply where the person responsible for said artificial illumination is authorized by the city manager, any school within the city, this code or any ordinance of the city;

LJ. Burning or disposal of refuse, sawdust or other material in such a manner as to cause or permit ashes, sawdust, soot or cinders to be cast upon the streets or alleys of the city, or to cause or permit the smoke, ashes, soot or gases arising from such burning to become annoying to a considerable number of people, or to injure or endanger the health, comfort or repose of the persons; provided, that this subsection shall not apply where the person responsible for the action has properly obtained a fire permit from the Sedona fire district or a permit from a county health officer; provided further, that nothing herein contained in this subsection shall be deemed to authorize any burning not authorized under the provisions of this code or the ordinances of the city, except for normal exhalation or smoke produced by normal heating devices;

MK. Any unguarded or abandoned excavation, pit, well or hole dangerous, injurious or harmful to life or property;

NL. To leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under the control of any person and in a place accessible to children, any abandoned, unattended or discarded ice box, freezer, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside, without first removing said door or lid, snap lock or other locking device from said ice box, freezer, refrigerator or container;

OM. The doing of any act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or other thing either unlawfully interferes with, obstructs or tends to obstruct or renders dangerous the free passage or use, in the customary manner, of any stream, public park, parkway, square, sidewalk, street or highway in the city and is no less a nuisance because the extent of the annoyance or damage inflicted is unequal. [Code 2006 § 9-2-2. Ord. 93-14, 9-28-1993].

N. On residentially zoned properties: any construction, commercial, or other equipment, machinery, or materials except that construction equipment, machinery or material which is temporarily kept within or upon the property for and during the time such equipment, machinery or material is required for the construction or installation of improvements or facilities on that property. However, in no event shall the construction equipment, machinery or materials be in the front or side yard areas visible from a public street for any period of time in excess of twelve (12) consecutive months or twelve (12) nonconsecutive months in any eighteen-month period.

O. On residentially zoned property, any business or activity which dismantles, disassembles, builds, remodels, assembles, crushes, repairs, paints, washes, cleans or services motor vehicles, aircraft, motorcycles, recreational vehicles, boats or trailers owned by a person other than the property owner;

8.10.030 Litter in public places.

No person shall throw or deposit litter or place abandoned or junk vehicles in or upon any street, sidewalk or other public place within the city except in public receptacles or in authorized private receptacles for collection. [Code 2006 § 9-2-3. Ord. 93-14, 9-28-1993].

8.10.040 Depositing litter in gutters, streets and other public places.

No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any public or private sidewalk or driveway or any building or lot. Persons owning or occupying property or places of business shall keep the sidewalk and parkway in front of their premises free of litter. [Code 2006 § 9-2-4. Ord. 93-14, 9-28-1993].

8.10.050 Litter thrown from vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city or upon private property. [Code 2006 § 9-2-5. Ord. 93-14, 9-28-1993].

8.10.060 Covered/secured loads.

- A. A person shall not operate or move a vehicle within the city unless the vehicle load is secured or securely covered to prevent the load from dropping, sifting, leaking or otherwise escaping from the vehicle. A load includes "refuse" as defined in SCC [8.10.010](#).
- B. No person shall operate a moving vehicle within the city limits unless it is free from any loose material such as sand, dirt, gravel, rocks, or mud. This requirement would not include dirt, mud, or snow picked up by the vehicle while operating on the road.
- C. Notwithstanding the penalty provisions of SCC [8.10.190](#), any person found to be in violation of subsection [\(A\)](#) of this section shall on a first offense be issued a written warning if it occurs within 12 months within enactment, and thereafter be issued a civil citation in accordance with SCC [1.15.010\(D\)](#) (as amended), and, in the discretion of the court, be ordered to perform community service in addition to or in lieu of a sanction. Additional offenses within a period of 24 months shall have a minimum sanction of \$500.00. A person found in violation of subsection [\(B\)](#) of this section shall likewise be issued a civil citation, with a minimum sanction of \$100.00.
- D. The provisions of this section for securing or covering loads, and maintaining the vehicle free from loose materials, applies both to the primary vehicle, and any vehicle, trailer, or carrier towed by the primary vehicle. [Code 2006 § 9-2-6. Ord. 2006-01, 1-10-2006].
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8.10.070 Littering in parks.

No person shall throw or deposit litter in any park within the city except in public receptacles and in such manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or public place. Where public receptacles are not provided, all litter shall be carried away from the park by the person responsible for its presence and properly disposed of. [Code 2006 § 9-2-7. Ord. 93-14, 9-28-1993].

8.10.080 Sign walkers.

A. *Purpose and Intent.* As set forth in the Sedona community plan, the city of Sedona maintains a vision of a city that is constantly vigilant over the preservation of its natural beauty, scenic vistas, pristine environment and cultural heritage, while at the same time being a city that fosters and enhances a strong and vital economy, which preserves existing lifestyles without exploiting the natural beauty. In 2008, the Arizona State Legislature enacted A.R.S. Section 9-499.13, which provided that all municipalities shall allow posting display and use of sign walkers but that they may also adopt reasonable time, place and manner restrictions. Therefore, in order to respect this legislative mandate while at the same time preserving the beauty, scenic vistas and pristine environment of the city and to avoid a proliferation of such signs thereby causing undue obstruction of traffic and pedestrians, the following reasonable restrictions on sign walkers are imposed. The provisions of this article are intended to comply with the mandate of this legislation, while at the same time promoting legitimate governmental goals and concerns as previously set forth in the Sedona community plan. Specifically, these provisions are designed to further ensure that sign walker activity does not interfere with traffic and pedestrian safety, nor does it obscure the scenic beauty of Sedona's streets and highways. This section is directed solely to the regulation of the time, place and manner of certain limited forms of commercial speech with the general goal of ensuring safe unobstructed highways free from significant distractions to the motoring public in critical areas.

B. *Definition.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

"Business" means any individual or for-profit corporation or partnership engaged in a commercial activity designed to produce income or profit.

“Commercial message” means a message conveyed by a sign walker that is solely intended to interest, entice, or solicit any person to participate in commercial transactions with a business, including, but not limited to, offers of goods, cash, discounts on products or services, or other items, including the offering of free goods or services made in exchange for or with the intent to induce the recipient’s willingness to receive information relating to a possible commercial transaction.

“Sign walker” means a person who wears, holds, or balances a sign in order to convey a commercial message.

C.

1. *Specific Prohibitions and Appropriate Conduct for Sign Walkers.* In addition to the provisions of any other applicable term of this article, it shall be considered unlawful and a violation of this article for a sign walker to:

- a. Engage in any form of sign walking activity without having first obtained a temporary sign walker permit from the city’s community development department;
 - b. Interfere with or obstruct the free passage of any pedestrian on any street or sidewalk or obstruct or otherwise impede the free movement of any person or their access to or from any public street or sidewalk. Sign walkers shall yield the right-of-way to pedestrians, bicycles and all others traveling or located on the sidewalks;
 - c. Throw, place or deposit any solid waste, litter, paper, or handing out documents or handbills on any street or sidewalk or public or private place;
 - d. Intentionally inflict emotional distress by verbal or physical harassment or coercion on any person;
 - e. Misrepresent in any way the price, quality or nature of the product being promoted;
 - f. Misrepresent the source or sponsor of any information offered or provided;
 - g. Use or display a sign that is not in conformity with the height and design requirements as set forth in subsection (D) of this section; and/or
 - h. Use or display a sign in an area other than the areas designated for such activity as set forth in subsections (E) and (F) of this section.
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2. Sign walkers shall conduct themselves in accordance with the following standards:
 - a. No sign walker shall touch a person without consent during a solicitation;
 - b. No sign walker shall verbally solicit, hawk or call out to any pedestrian or to an occupant of a vehicle on a public street, whether the vehicle is moving, stopped, or parked; and
 - c. No sign walker shall throw, toss, spin or otherwise maneuver a sign while displaying it.

D. *Height and Size Requirements.* Sign walker signs shall not exceed eight feet in height when held or in place. Total sign area per sign walker shall not exceed eight square feet of sign area.

E. *Location Requirements.* Sign walkers shall only be located as follows:

1. A minimum of 30 feet from a street or driveway intersection measured from the back of the curb or edge of pavement if no curb exists.
2. At grade level, which shall mean the elevation at the location of the sign walker.
3. Shall only be located on private property that the use, activity, business, sale or advertising is being conducted with the property owner's or property manager's written approval.

F. *Prohibited Locations.* Sign walkers shall not be located:

1. In raised or painted medians;
 2. In parking aisles or stalls;
 3. In driving lanes;
 4. On public or multi-use trails;
 5. On fences, walls, boulders, planters, other signs, vehicles, utility facilities, or any other structure;
 6. Within 20 feet from any other sign walker;
 7. Within 1,500 feet of any roundabout;
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8. Within any city of Sedona or ADOT public right-of-way;
 9. Within the Sedona business district as referenced by Exhibit A;
 10. In a manner that results in sign walkers physically interacting with motorists, pedestrians, or bicyclists.

G. *Display of Signs.* Signs shall be held, worn, or balanced at all times by the sign walker, and displayed only during the hours the business or use advertised is open to conduct such business.

H. *Prohibitions.* The following shall be prohibited:

1. Any form of illumination, including flashing, blinking, or rotating lights.
2. Animation on the sign itself.
3. Spinning, waving, throwing the sign in the air or any other such erratic movement intended to attract attention.
4. Violation by the sign walkers of SCC 8.10.090(D) (off-premises canvassing).

I. *Permit Requirements.* Each business or commercial location conducting sign walker activity shall have a permit issued by the department of community development subject to the following standards:

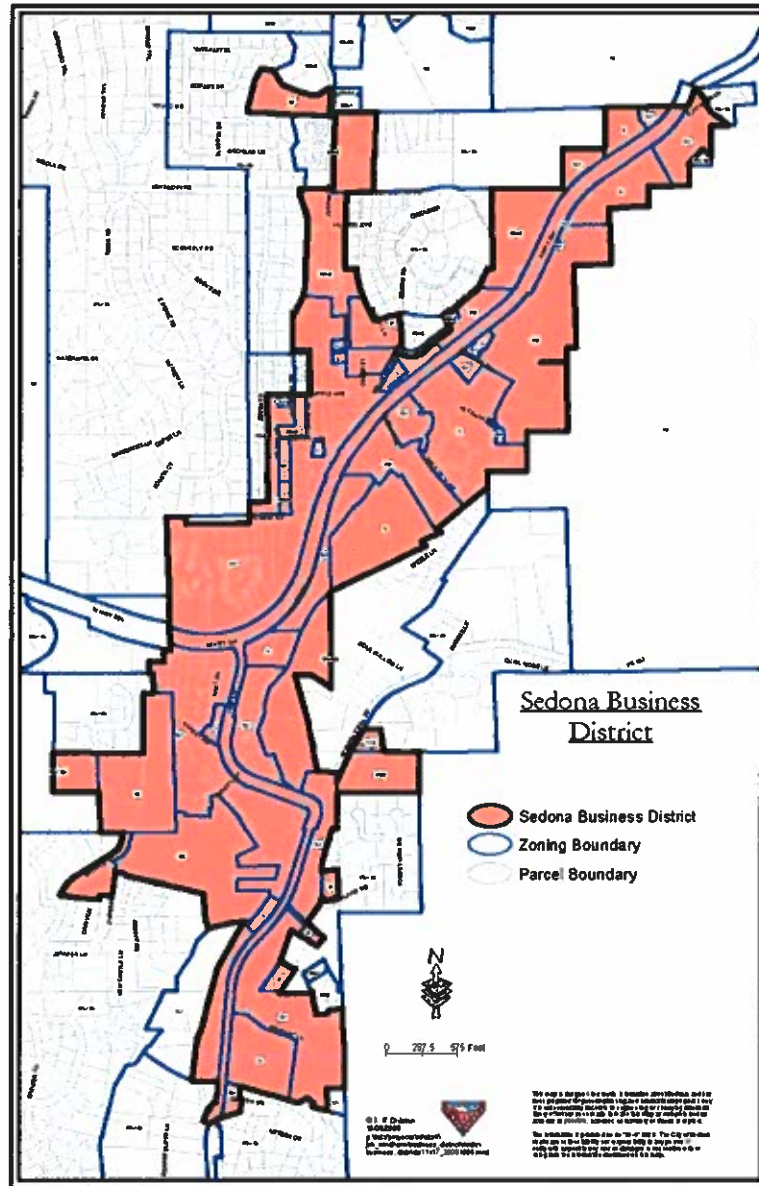
1. No more than two sign walkers per business location.
2. Each business shall be allowed four sign walker permits per calendar year, not to exceed 10 consecutive days per each permit.
3. Sign walker permits shall only be issued for business uses that are located within the Sedona city limits.
4. Each sign walker permit will be subject to a \$150.00 permit.

J. *Exemptions.*

1. Political or noncommercial messages.
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2. Special events that are issued temporary use permits by the department of community development.

Exhibit A



[Code 2006 § 9-2-8. Ord. 2008-14, 12-9-2008].

8.10.090 Off-premises canvassing.

A. *Findings and Purpose.* This section is based on the following findings and purposes:

1.

a. Because of the proliferation of off-premises solicitation locations, particularly within the Sedona business district, and the fact that the volume of such activities has resulted in numerous complaints by pedestrians and tourists about the aggressive and persistent actions of such persons attempting to engage them in a conversation in order to consummate a business transaction, it is the intent of this section to preserve and protect the unique charm and small town character of the Sedona business district, which serves as a major attraction to millions of tourists each year.

b. The city is committed to maintaining its small town character, scenic beauty and natural resources, which are the foundation of its economic strength and quality of life. (Sedona Community Plan Section 9.2, Recommendations Goal 1.0). These essential components of the city's attractiveness to residents and visitors have been severely impaired by the practice of aggressive off-premises canvassing, particularly as practiced in the central tourist destination of the Sedona business district.

c. Between 1996 and 2002, the city received copies of more than 150 written complaints as well as indications of numerous additional verbal complaints from visitors to the city regarding the aggressive off-premises canvassing activities conducted in the Sedona business district. A number of the complaining visitors described these activities as ruining the special character of the city which was their reason for visiting and expressed their determination not to return to the city because the aggressive off-premises canvassing had destroyed its attractiveness as a place to visit.

d. This section is therefore directed solely to the regulation of the time, place and manner of certain limited forms of commercial speech with the general goal of requiring that person-to-person solicitation activities initiated by businesses or their representatives and directed toward the traveling public in the Sedona business district are confined to enclosed structures or on the actual business premises of the soliciting entity. This section is not intended to regulate any form of speech other than speech designed to do no more than propose a commercial transaction. Neither is this

section intended to prohibit in any way the rights of the traveling public to inquire or seek information or initiate simple transactions from outside an enclosed structure.

e. Given the unique commingling of both public and privately owned sidewalks throughout the Sedona business district which are equally accessible without restriction by tourists and pedestrians, the purposes of this section can only be made effective if the restrictions contained herein are applied to both public and private sidewalks.

2. Tourism is essential to the city's fiscal strength. Sedona's "friendly, small town environment" has historically played a substantial role in making it an attractive tourist destination, by making the city a "gateway community" - such as a place to which visitors may come "to escape the congestion, banality, and faster tempo of life in the suburbs and cities." (Sedona Community Plan Update 2001-2002 Draft March 2002, Part 15.1.) In 1996, it is estimated that between \$77,200,000 and \$85,100,000 in retail sales was attributable to visitor spending, and taxable visitor retail, lodging, and service industry expenditures were between \$138,200,000 and \$152,300,000, representing over 60 percent of all taxable expenditures in these categories. In fiscal 2000-2001, the city collected approximately \$1,400,000 in bed taxes and \$2,900,000 in city sales tax. Tourism is also the city's leading employer, accounting for 1,600 jobs in direct employment and 800 jobs in indirect and induced employment. (Sedona Community Plan Update 2001-2002 Draft March 2002, Part 15.1.) Because the Sedona business district is a critical component of the city's entire sales tax base, this section is further designed to protect the economic viability of this area by ensuring a pleasurable outdoor shopping experience uninhibited by repeated personal sales solicitations for the millions of tourists, which visit the area each year.

3. This section is further designed to:

- a. Protect local residents and visitors against unreasonable interference or disturbance of their peace or obstruction of their free travel on city streets and sidewalks within the Sedona business district from the conduct of OPC solicitors;
 - b. Ensure that persons engaging in off-premises canvassing do not misrepresent the nature of the products that they are promoting or the identity of the business that is promoting the products and to provide a means for regulating such activities and enforcing the provisions of this section;
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c. Establish an OPC ombudsman to assist the city and visitors in addressing and resolving complaints on OPC activities in an appropriate and effective manner.

B. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Business” means any commercial activity in which any real property, timeshare interests, goods, services or edibles are sold or offered for sale or for rent within the corporate limits of the city.

“Business agent” means the employee, representative, agent, or solicitor of any business.

“Edibles” means any food or beverage intended for human consumption.

“Enclosed structure” means a structure having a roof and supported by column or walls. Enclosed structure does not include any sidewalks under a roofed area.

“Goods” means any tangible item, including, but not limited to, edibles, merchandise, products, supplies, coupons, pamphlets, brochures, and maps.

“Off-premises canvassing” or “OPC” means person-to-person efforts initiated by a business agent solely intended to interest, entice, or solicit any person to participate in commercial transactions with a business, including, but not limited to, offers of goods, cash, discounts on products or services, or other items, including the offering of free goods or services made in exchange for or with the intent to induce the recipient’s willingness to receive information relating to a possible commercial transaction, except when done entirely within an enclosed structure.

“OPC employer” means any business or other person who directly hires or otherwise contracts with an OPC solicitor to conduct OPC activities on its behalf.

“OPC solicitor” means any person engaged in off-premises canvassing.

“Product” means the real property, timeshare interests, goods, edibles or services sold or offered for sale or rent.

“Real property comprising the primary business of a resort or commercial lodging establishment” means only that portion of real property owned by a resort or commercial lodging establishment which is used exclusively for resort or commercial lodging activity. Such

activity includes only the providing of lodging or ancillary services to the provision of lodging for the benefit of the establishment's guests.

"Sedona business district" means that area depicted on the city of Sedona business district map.

"Sidewalk" means any outside walkway, public or private, used by pedestrians.

"Street" means all that area dedicated to public use for public street purposes and is within the jurisdiction and control of the city or the Arizona Department of Transportation and shall include, but not be limited to, public roadways, parkways and alleys.

C. *Limitations on Off-Premises Canvassing Activity.* No person shall engage in off-premises canvassing within the Sedona business district except on real property comprising the primary business of a resort or commercial lodging establishment.

D. *Signage.*

1. It shall be unlawful for any person, company, corporation, OPC solicitor or OPC employer or entity engaged in the procurement of prospective customers for sales solicitation, presentation or substantially similar activity to identify or advertise itself by means of any sign that utilizes the following phrases or substantially similar phrases: "tourist information," "tourist center," "visitor information," "information center," "activity center," or "activity information" unless:

- a. The identity of the business is disclosed on the face of the sign in letters of sufficient size to be clearly readable to the public, but in no event less than 50 percent of the average size of the sign text, whichever is larger; and
 - b. The words "sales solicitation" are caused to be printed within 30 days after October 10, 2002, and thereafter remain in an unobscured manner, in at least clearly readable three-fourths-inch block letters within two feet of aforementioned signage concerning tourist or visitor information either on the doors to the building, or on the exterior wall of the building immediately adjacent to the door; or, if the business operates from a booth within another business establishment, the same shall be printed on the front panel of the booth in a location clearly and consistently visible to any persons passing by.
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c. The following notice is provided in clearly visible and readable three-fourths-inch block letters on the doors of the building, or on the exterior wall of the building immediately adjacent to the doors or on any booth referred to in subsection (D)(1)(b) of this section:

Complaints or concerns about sales solicitation activity may be reported to the Sedona Sales Solicitation Hot Line by calling: 928-***-****.

(Asterisks represent a phone number to be established by the city.)

2. Such signs shall comply in all material respects with any ordinances or rules specifying signage standards within the city.

E. *Specific Prohibitions and Appropriate Conduct.*

1. In addition to the provisions of any other applicable term of this article, it shall be considered unlawful and a violation of this article for an OPC solicitor to:

a. Interfere with or obstruct the free travel or passage of any pedestrian on any street or sidewalk or obstruct or otherwise impede any person's free movement or access to or from any public street or sidewalk;

b. Throw, place or deposit solid waste, litter, paper, documents or handbills on any street or sidewalk;

c. Intentionally inflict emotional distress by verbal or physical harassment or coercion on any person;

d. Misrepresent in any way the price, quality or nature of the product being promoted;

e. Misrepresent the source or sponsor of any information offered or provided;

f. OPC solicitors shall conduct themselves in accordance with the following standards:

i. No OPC solicitor shall touch a person without consent during a solicitation;

ii. No OPC solicitor shall solicit using any offensively loud sound, vociferous speech, boisterous conduct or profane or vulgar language;

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- iii. No OPC solicitor shall solicit an occupant of a vehicle in a public street whether the vehicle is moving, stopped, or parked.

F. *OPC Ombudsman/Review Board.*

1. An OPC ombudsman shall be appointed by the city council to address and refer written complaints concerning OPC solicitors or activities to the appropriate party (the complained of business, the OPC review board, code enforcement, and the like) with any recommended actions.

- a. Copies of any written complaints or complaints received through the solicitation hotline concerning OPC solicitors or activities received by the city shall be forwarded to the OPC ombudsman on at least a weekly basis.

- b. The OPC ombudsman shall have the authority to make one of the following recommendations:

- i. That the complaint appears to be without merit, frivolous or without sufficient information to decide otherwise; and that no action is recommended;

- ii. That the business or entity referred to in the complaint should handle the matter and provide sufficient documentation to the OPC ombudsman that the issue was addressed;

- iii. That the complaint be sent to the OPC review board for further investigation and possible action pursuant to subsection (F)(2) of this section.

- c. All recommendations made by the OPC ombudsman shall be in writing and copies thereof shall be forwarded to the business that was referred to in the complaint or to the OPC employer if identified and to the city. Further, a copy of the complaint itself shall accompany the OPC ombudsman's written recommendation that is sent to the business entity and, if possible, the OPC ombudsman shall communicate any action or resolution of the problem to the complaining party.

2. An OPC review board shall be established and appointed by majority vote of the city council for a test period of one year from date of enactment to address, review, investigate and refer written complaints concerning violations of this section related to OPC solicitors or activities to the city attorney with any recommended actions. The OPC review board

shall be made up of three persons consisting of a representative from each of the following organizations: the Sedona Main Street Program; the Sedona Oak Creek Chamber of Commerce; and the Sedona Timeshare Developers. An alternate representative from the Sedona Timeshare Developers shall also be appointed and shall be from a business other than the duly appointed timeshare representative and shall serve on the board concerning any complaints that may involve the employer of the primary timeshare representative. Both the timeshare representative and his or her alternate shall be from management rather than from the front-line sales force. The city council shall receive and review input from these organizations with regard to the appointment of the OPC review board. At the end of the test period, the OPC review board may be extended for a period of time determined by majority vote of the city council.

a. The OPC review board shall have the authority to make the following recommendations:

i. That a complaint appears to be without merit, frivolous, or without sufficient information to decide otherwise; and that no action is recommended.

ii. That formal review is required according to the following procedures:

(A) The OPC review board issues a formal inquiry to the business or entity referred to in the complaint.

(B) The business or entity referred to in the complaint provides a formal answer to the OPC review board within five business days of receipt of formal inquiry.

iii. The OPC review board reviews and investigates any response received by the business or entity in question. Upon review, the OPC review board may do the following: recommend to the city attorney that no further action is necessary on the complaint; find that the business or entity referred to in the complaint handled the matter by addressing concerns to the satisfaction of the OPC review board and that further prosecution is not recommended. Notice of such recommendation shall be given to the city attorney and to the complaining party. Recommend that the complaint be forwarded to the city attorney for consideration of further action pursuant to subsections (G)(1) through (4) of this section.

3. The above procedures and any recommendations made by the OPC review board are advisory in nature and in no way limit the ultimate discretion of the city code enforcement office or the city attorney in determining whether or not to file or when to file civil or criminal charges.

G. Violations and Penalties.

1. Any responsible OPC employer and each responsible OPC solicitor shall be jointly and severally liable for any violations of this article.
2. Any violation of the terms of this article shall be punishable by a civil fine up to \$500.00 per occurrence for an OPC employer, and up to \$250.00 per occurrence for a responsible OPC solicitor, or in the alternative one or both parties may be prosecuted as a class 1 misdemeanor. Repeat violations within any 30-day period may be punishable by a civil fine of up to \$1,000 per OPC employer violation, and \$500.00 per OPC solicitor violation, or as a class 1 misdemeanor. In addition, the city may bring suit for injunctive relief where warranted.
3. The code enforcement division of the community development department is charged with the implementation and enforcement of this article.
4. Alternatively, based on a recommendation from the OPC review board or in its own discretion, the code enforcement division may provide one written warning to any offending OPC solicitor or OPC employer. [Code 2006 § 9-2-9. Ord. 2002-10, 9-10-2002; Res. 2002-24; Ord. 2003-15, 7-22-2003; Res. 2005-18, 5-24-2005; Ord. 2005-08, 6-24-2005].

8.10.100 Dropping litter from aircraft.

No person in any aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object. [Code 2006 § 9-2-10. Ord. 97-08].

8.10.110 Deposit of litter on occupied private property.

No person shall throw or deposit litter or place abandoned or junk vehicles on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. [Code 2006 § 9-2-11].

8.10.120 Maintenance of litter-free premises.

The owner or person in control of any private property shall at all times maintain the premises free of litter and abandoned and junk vehicles, but this section shall not prohibit the storage of litter in authorized private receptacles for collection, or within any building when not in violation of any health, fire, building or any other regulation, ordinance, order or statute. [Code 2006 § 9-2-12].

8.10.130 Vacant lots.

No person shall throw or deposit litter or place abandoned or junk vehicles on any open or vacant private property within the city whether owned by such person or not. [Code 2006 § 9-2-13].

8.10.140 Business establishments – Receptacles.

No person occupying or employed in any business establishment shall deposit any litter in any receptacle, unless such receptacle shall be provided with a lid of sufficient weight to prevent the escape of any litter from the receptacle. This provision shall not apply to boxes, either cardboard or wooden, not less than six inches square in size, provided a receptacle shall be provided of sufficient size to prevent such boxes from being carried or deposited by the elements upon any street, alley or other public place. [Code 2006 § 9-2-14].

8.10.150 Unsightly premises.

Every person owning, managing, or having charge, control or occupancy of any real property in the city shall not allow any part of such property visible from the street or adjoining premises to become so unsightly or untidy as to substantially detract from the appearance of the immediate neighborhood or tend to threaten the safety and welfare of the immediate neighborhood. [Code 2006 § 9-2-15].

8.10.160 Junk vehicles.

All junk vehicles, or vehicles while being repaired or restored, shall be stored in an enclosed area by the owner or occupant of the property upon which such vehicle is located, so as not to be visible from any point outside of the property upon which the vehicle is stored or parked. [Code 2006 § 9-2-16].

8.10.170 Abandoned vehicles.

A. No person shall abandon a vehicle upon any street or highway or on any other public land or private property.

B. The chief of police, or his designee, is hereby authorized to cause the removal, storage and disposition of abandoned vehicles on public or private property within the corporate limits of the city in accordance with A.R.S. Section [28-4801](#) et seq. [Code 2006 § 9-2-17].

8.10.180 Abatement of nuisances.

A. Any public nuisance committed under this article may be abated in any manner provided by law. [Code 2006 § 9-2-18].

B. Temporary abatement. If it is determined that a nuisance is a hazard to the public safety and health, the City Manager or duly authorized agent may declare such structure a hazard with great potential for actual and serious physical harm. After notice is communicated to any owner of record to secure the structure and the owner does not secure the structure to City

specifications, the hazard may be summarily abated by the City through boarding. Any and all charges and costs arising from the City taking action to secure the structure shall be a lien filed against the real property containing such a structure.

C. Emergency abatement. Notwithstanding any other provision of this Chapter if, in the opinion of the City Manager or designee, the conditions at a property constitute an imminent hazard, the City Manager may order immediate abatement of the hazard without notice. Such abatement of an imminent hazard shall be limited to the minimum work necessary to remove the hazard. The City shall cause a lien to be recorded with the County Recorder's office for the cost and expense of such abatement. Whenever the City finds that any structure contains an imminent hazard or health hazard, the City Manager or his designee may declare such structure unfit for human occupancy and order it to be vacated or to remain vacant. A structure declared unfit for occupancy and ordered vacated or to remain vacant under the provisions of this section shall not be leased, rented or occupied until it has been inspected and deemed fit for occupancy by the City.

8.10.190 Penalties.

Any person, whether as principal, owner, agent, tenant, employee or otherwise who violates any provision of this article, or fails to comply with any provision of this article, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in SCC [1.15.010](#). The conviction of any person hereunder shall not relieve such person from the responsibility to correct such violation, nor prevent the enforcement, correction or removal thereof in any manner authorized by law. Every day that a nuisance is permitted to exist, or caused to continue to exist under this article, shall be deemed a separate violation. [Code 2006 § 9-2-19].

Article II. Abatement of Rubbish and Dilapidated Structures

8.10.200 Definitions.

For purposes of this article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

"Dilapidated" means in a state of disrepair or ruin as a result of age, misuse or neglect.

"Litter," "private premises," "public place," "refuse," "rubbish," "streets" or "road," as defined in SCC [8.10.010](#).

"Property" includes buildings, grounds, lots and tracts of land.

"Structures" includes buildings, improvements and other structures that are constructed or placed on land. [Code 2006 § 9-3-1. Ord. 2010-19 § 1, 12-14-2010; Res. 2010-34 Exh. A, 12-14-2010].

8.10.210 Abatement.

A. The owner, lessee, or occupant of property is required to remove rubbish, trash, weeds or other accumulation of filth, debris or dilapidated structures which constitute a hazard to public health and safety from buildings, grounds, lots, contiguous sidewalks, streets and alleys.

B. Written notice shall be served on the owner, or statutory agent, and to the occupant or lessee, by certified mail or personal service, to comply with this section within 30 days. The notice shall include the legal description and street or mailing address of the property, and a cost for removal or compliance estimated by the city. It may also include a list of contractors or professional services that are available to abate the violation. The notice may be recorded in the county recorder's office in the county in which the property is located. If compliance is subsequently satisfied, the city will record a release.

C. If the owner, lessee, or occupant does not remove the rubbish, trash, weeds, filth, debris or dilapidated structures, and abate the condition that constitutes a hazard to public health and safety, the city may at the expense of the owner or occupant, remove, abate, ~~enjoin~~ or cause ~~their~~ the removal thereof and the owner of record shall be liable for all costs incurred. The actual costs of removal, injunction, or abatement, including any additional inspection, associated legal costs, and other incidental connected costs, shall become an assessment upon the property, unless the owner, occupant, or lessee reimburses the city for the costs of abatement within ~~10-30~~ days of notice of the amount. If not paid, the assessment shall be recorded and enforced as a lien on the property as provided in ARS [9-499](#) (as amended).

D. The owner(s) of record, as recorded in the Coconino or Yavapai County Recorder's Office, may be presumed to have lawful control over any building or parcel of land.

DE. The owner, occupant, or lessee may request a hearing before the city council as to either the original notice of violation, or of the assessment, as long as the request is made prior to the expiration of the time periods for compliance or payment. The city council may reverse, modify, or affirm the notice and assessment. Unless the notice and assessment are dismissed by the city council, it shall set a new date for compliance or payment. The decision of the city council on such appeal shall be final. [Code 2006 § 9-3-2. Ord. 2010-19 § 1, 12-14-2010; Res. 2010-34 Exh. A, 12-14-2010].

8.10.215 Court-ordered abatement.

A. In addition to any other abatement procedure provided in this chapter, the city manager or designee or the city prosecutor, in the name of the City of Sedona, may apply to the municipal court for an order permitting the city to abate any condition that constitutes a violation of this chapter.

B. After notice to the owner and any responsible party, the judge or court hearing officer shall conduct a hearing. The hearing shall be informal and open to the public. Evidence may be taken from any interested party and considered in determining whether a condition in violation of the code exists and what, if any, abatement action should be permitted. Any person who fails to appear after notice of the hearing may be deemed to have waived any right to introduce evidence. The court's determination shall be based on the preponderance of evidence.

C. Upon finding that abatement is appropriate, the court may order securement, cleanup or any other action the court deems reasonably necessary to correct the violation(s).

D. The reasonable costs of any abatement permitted by the court's order shall be the responsibility of the owner and may be collected as provided in this chapter.

E. Any party may appeal the judgment of the court to the superior court. Appeals from civil proceedings shall be in accordance with the Superior Court Rules of Appellate Procedure-Civil, or its successor statutes, if any. Appeals from criminal proceedings shall be in accordance with Superior Court Rules of Appellate Procedure-Criminal, or its successor statutes, if any. Execution of any judgment shall be stayed pending appeal when the defendant posts an appeal bond in accordance with the order of the trial court, or when no bond is fixed, and a notice of appeal has been filed.

8.10.220 Penalty for dumping.

A. Any person, firm, or corporation that places any rubbish, trash, filth or debris upon any private or public property not owned or under the control of that person, firm or corporation is guilty of a class 1 misdemeanor, or a civil violation enforced through Chapter 1.15 SCC, and, in addition to any fine or penalty which may be imposed, is liable for all costs which may be assessed as set forth in SCC 8.10.210 for removing, abating, or enjoining the rubbish, trash, filth or debris.

B. The city code enforcement officer, police officer, or prosecutor may file criminal or civil charges to enforce this section. [Code 2006 § 9-3-3. Ord. 2010-19 § 1, 12-14-2010; Res. 2010-34 Exh. A, 12-14-2010].