



# **GREENLEE COUNTY**

## **HAZARD ABATEMENT ORDINANCE**

**Adopted November 16, 2004**

Chapter 1

TITLE AND SCOPE

TITLE:

Section 101. These regulations shall be known as the "Greenlee County Hazard Abatement Ordinance"; and may be cited as such and will be called herein "this Ordinance."

PURPOSE AND SCOPE:

Section 102. A. PURPOSE: The purpose of this Ordinance is to provide a just, equitable, and practicable method to be cumulative with and in addition to, any other remedy of Greenlee County, which may be otherwise available at law, whereby any rubbish, trash, weeds, filth, debris, or damaged and dilapidated building or obsolete vehicle which constitute a hazard to public health and safety may be compelled to be removed from buildings, grounds, lots, contiguous sidewalks, streets and alleys, located within the unincorporated area of Greenlee County.

B. SCOPE: The provisions of this Ordinance shall apply to all hazardous conditions as herein defined, which are now in existence, or which may hereafter become dangerous in this jurisdiction.

Chapter 2

DEFINITIONS

GENERAL:

Section 201. For this Ordinance, certain terms, phrases, words, and their derivatives shall be construed as specified in this chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language Unabridged, copyright 1961, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

"Debris"; besides its ordinary accepted meaning, shall include accumulations of combustible or flammable materials, including weeds<sup>1</sup>, determined by the Inspector to constitute a hazard to public health or safety.

"Dilapidated building" is any real property, structure, movable, or immovable, permanent or temporary, vacant or occupied, that is in such disrepair or is damaged to the extent its strength or stability is substantially less than a new building, or it is likely to burn or collapse and its condition endangers the life, health, safety, or property of the public, including potential vagrant or transient occupants<sup>2</sup>, whether trespassing or not.

"Interested Party" shall be the owner, lessee, and/or occupant, on the date of the formal demand for removal or the date of the remediation or abatement action, obligated to comply with the demand or actually incurring liability to pay the assessment.

"Nuisance": includes any rubbish, trash, weeds, filth, debris, or damaged and dilapidated building or obsolete vehicle.

"Obsolete vehicle" is any car, truck, or other vehicle normally licensed by the State, or unlicensed vehicle used for other purposes, including but not limited to agriculture or recreation,

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<sup>1</sup>(Footnotes are commentary that serve as a guide in interpreting and carrying out the intent of the Ordinance.) Weeds may harbor vectors, therefore may be considered a hazard at any growth stage. Weeds may also become a fire hazard.

<sup>2</sup>Any building or any structure, normally closed, that are open and accessible could be considered dilapidated and dangerous.

which is visible from a public road or street<sup>3</sup> and obviously displays any three (3) of the following conditions. 1) Does not have current vehicle license; 2) Any part of the drive train; (the engine, transmission, or drive differential) is missing; 3) A minimum of two tires are flat or missing; 4) Any major body panel (door, hood, truck lid, fenders, etc.) is missing from or not attached to the vehicle; or 5) Any glass is missing or broken.<sup>4</sup>

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<sup>3</sup>A public road or street is any road, drive, way, etc. generally used by two or more people and is open for the public use. A drive signed "private" is not public.

<sup>4</sup>Any "vehicle that would be considered as obsolete vehicle may be covered, may be place behind a visual barrier, or otherwise moved from sight.

Chapter 3

ENFORCEMENT

GENERAL:

Section 301. A. ADMINISTRATION: A hazard abatement officer (herein called Officer) shall be appointed by the Board of Supervisors. The Officer will be the Planning and Zoning Director if not otherwise appointed. The Officer, or his authorized representative, may take such actions as may be required to carry out the provisions of this Ordinance.

B. INSPECTIONS: The Officer, a health officer, a representative of a fire district (if one is established), a peace officer, or their authorized representatives (herein called Inspector) are hereby authorized to make such inspections as may be required to enforce the provisions of this Ordinance. Inspectors are those recognized by the Officer. The Inspector shall report his findings to the Officer.

C. RIGHT OF ENTRY: Whenever necessary to make an inspection to enforce any of the provisions of this Ordinance, or whenever the Inspector has reasonable cause<sup>5</sup> to believe that there exists in any building or upon any premises any condition which makes such buildings or premises unsafe, dangerous or hazardous, the Officer may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Officer by this Ordinance. If such building or premises be occupied, he shall first present proper credentials and request entry: and if such building or premises be unoccupied, shall first attempt to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Officer shall have recourse to every remedy provided by law to secure entry.

When the Officer shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after property request is made as herein provided, to promptly permit entry therein by the Inspector for inspection and examination

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<sup>5</sup>To make an inspection, the Inspector must have "reasonable cause to believe" that there exists a nuisance, which creates an unsafe, dangerous, or hazardous condition. Generally, the inspection will result from a written complaint that he has received, or can be observed from a drive, road, or street traveled by the public of an unsafe, dangerous, or hazardous condition. It is not intended that an Inspector travel all over the County searching for hazardous conditions. Also, if the Inspector is not given permission by the owner or occupant to inspect, the Officer must get a court warrant to inspect the property. A warrant requires a showing to the court of "reasonable cause to believe". Costs of getting a warrant can be charged to the inspection.

pursuant to this Ordinance.

#### PLANNING AND ZONING COMMISSION

Section 302. To moderate the actions of the Officer, all official actions must be considered by the Planning and Zoning Commission.

#### BOARD OF APPEALS

Section 303. To provide for final interpretation of the provisions of this Ordinance and to hear appeals provided for hereunder, there is hereby established a Board of Appeals (Board) consisting of the Board of Supervisors. The Board shall adopt reasonable rules and regulations for conducting its business<sup>6</sup> and shall render all decisions and findings in writing to the appellant, with a copy to the Officer. Appeals to the Board shall be process following the provisions contained in Section 501 of this Ordinance. Copies of all rules or regulations adopted by the Board shall be delivered to the Officer who shall make them freely accessible to the public.

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<sup>6</sup>The Board may use its regular and normal operating rules.

## Chapter 4

### NUISANCE REMOVAL<sup>7</sup>

#### REQUIREMENT FOR REMOVAL:

Section 401. When a nuisance accumulates on or in buildings, grounds, lots, contiguous sidewalks, streets, or alleys and the Officer determines that the accumulation or condition constitutes a hazard to public health and safety, or if the Officer may require an Interested Party of buildings, grounds or lots to remove such a nuisance to a legal, permitted place<sup>8</sup> or to mediate such nuisance.

#### CONSULTATION:

Section 402. The Officer shall consult with Greenlee County Planning and Zoning Commission (the Commission) at the next regular meeting, or, if an imminent danger exists, a special meeting. The Commission may take comments from the public regarding the conditions. The Commission shall provide a recommendation on the information presented. The recommendation will be made a part of the minutes of the Commission meeting.

#### NOTICE OF VIOLATION:

Section 403. After consulting with the Commission, the Officer shall provide formal, written notice of the alleged violation to the Interested Parties of the subject premises not less

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<sup>7</sup>This Chapter is intended to provide the means to remedy a nuisance that present a real danger to persons or property. This primarily occurs in 3 cases:

1. Accumulations or conditions that have a strong potential for causing or carrying a fire;
2. Accumulations or condition likely to cause injury to any person; and/or
3. Accumulation or conditions likely to cause hazards to the health of any person.

A.R.S. §3-601 provides a separate and additional ordinance and remedy to deal with accumulations that can cause disease or other health problems. While this chapter deals with situations caused by the occupant of the property, it also deals with involuntary acts of dumping by other persons or acts of nature. However, this section shall only be enforced when the condition is serious enough to present a real hazard to persons or property. It is not intended to apply as an "aesthetic" control, i.e., a way to get the County to beautify a neighbor's site.

<sup>8</sup>The Interest person shall properly dispose of nuisance. If the County remediates, nuisance will be disposed either by County forces or by a licensed contractor or a properly permitted hauler at a permitted facility. Costs from a permitted facility will be included in service costs. Unlicensed businesses, persons, or places will not be used for disposal.

than thirty (30) days before the date set for compliance. Such notice shall include the estimated cost to the County to remedy, and advise an Interested Party that if the County remedy a nuisance, said expense shall be assessed to said owner, occupant, or lessee. Said notice shall be mailed to the owner at his last known address by certified mail, or the address to which the tax bill for the property was last mailed, or as maintained by the Assessor. A duplicate notice shall also be mailed to the occupant at the address assigned by the County or shall be personally served.

#### REMOVAL BY COUNTY:

SECTION 404. If, after notice, and after the specified date of compliance, an Interested Party fails to mediate a nuisance, and abate the conditions which constitute a hazard to public health and safety, the County may, at the expense of the owner, mediate, remove or cause removal of a nuisance. The cost to be charged for such work will be the actual cost of removal or abatement, including a five percent (5%) charge plus any costs associated with notification. Equipment hourly rates for County equipment will be those set by FEMA. County personnel charges, including administrative costs, shall be actual payroll costs including benefit costs. Contracted services will be actual cost plus 5%.

#### ASSESSMENT OF ABETMENT COSTS:

Section 405. The cost of removal or abatement of a nuisance from any lot or tract of land in the unincorporated areas of the County may be assessed, as set forth in Chapter 8 of this Ordinance, upon the lot or tract of land from which nuisances are removed. The assessment, from the date of its recording in the Office of the County Recorder, shall be a lien on the lot or tract of land, until paid.

#### APPEAL

Section 406. Both the notice of violation and any assessment imposed pursuant to this chapter may be appealed to the Board in the manner provided in Chapter 5 of this Ordinance.



Chapter 5

APPEALS<sup>9</sup>

GENERAL:

Section 501. A. FORM OF APPEAL: An owner, occupant, or lessee of property affected may appeal from any notice and order or any action of the Officer under this ordinance, or any assessment made pursuant to this Ordinance, by filing at the office of the Officer written appeal<sup>10</sup> containing:

1. A heading in the words: "Before the Board of Appeals of Greenlee County."
2. A caption reading: "Appeal of \_\_\_\_\_," giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signature of all parties named appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within thirty (30) days from the date of the service of such

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<sup>9</sup>A detailed appeal process is provided. An Interested Party can challenge a decision of the Officer to the Board . The Board will look carefully at the facts to see if the accumulation of filth, weeds, and debris, or dilapidated and dangerous building or obsolete vehicle, is truly a hazard to public health or safety. In short, every protection is given to the property owner. This separate process allows the property owner a right to challenge an interpretation by the Officer to the Board of Appeals.

<sup>10</sup>Officer may provide a generic appeal form to be filled out.

notice, order or action of the Officer; provided, however, that if the condition is such as to make it immediately dangerous to the life, limb, property, or safety of the public or adjacent property, such appeal shall be filed within (10) days from the date of the service of the notice and order of the Officer. The Officer will state the allowed period for filing the appeal with the notice.

**B. PROCESSING OF APPEAL:** Upon receipt of any appeal filed pursuant to this section, the Officer shall present it at the next regular or special meeting of the Board.

**C. SCHEDULING AND NOTICING APPEAL FOR HEARING:** When practicable after receiving the written appeal, the Board shall fix a date, time, and place for the hearing of the appeal. Such date shall be not less than ten (10) days nor more than sixty (60) days from the date the appeal was filed with the Officer. Written notice of the time and place of the hearing shall be given at least ten (10) days before the date of the hearing to each appellant by the Clerk of the Board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereto, postage prepaid, addressed to the appellant at his address shown on the appeal.

**EFFECT OF FAILURE TO APPEAL:**

Section 502. Failure of any person to file an appeal according to the provisions of Section 501 shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order or any portion thereof.

**SCOPE OF HEARING ON APPEAL:**

Section 503. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

**STAYING OF ORDER UNDER APPEAL:**

Section 504. Enforcement of any notice and order of the Officer issued under this Ordinance shall be stayed during the pendency of an appeal therefrom which properly and timely filed.

**APPEAL DENIAL:**

Section 506. If an Appeal decision is made against the Interested Party, a new Compliance date shall be not less than thirty (30) days after the Interested Party is notified of the Appeal decision. The new Compliance date shall be given in the notice to the Interested Party.

Chapter 6

HEARINGS

GENERAL:

Section 601. A. Record: A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the Board. Failure of recording equipment shall not be a condition for appeal of the appeal.

B. REPORTING: The proceedings at the Hearing shall also be reported by a phonographic report is requested by any party thereof. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the Board, but shall in no event be greater than the cost involved.

C. CONTINUANCES: The Board may grant continuances for good cause shown.

D. OATHS – CERTIFICATION: In any proceedings under this chapter, the Board, any board member, has the power to administer oaths and affirmations to certify to official acts.

E. REASONABLE DISPATCH: The Board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

FORM OF NOTICE OF HEARING:

Section 602. The notice to the appellant shall be substantially in the following form, but may include other information:

“You are hereby notified that hearing will be held before the Board of Appeals at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at the hour of \_\_\_\_\_, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, or other things by filing an affidavit therefor with the Board of Appeals.”

SUBPOENAS:

Section 603. A. FILING OF AFFIDAVIT: The Board may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a

hearing upon the request of a member of the Board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefore which states the name and address of the proposed witness; specified the exact things sought to be produced and the materiality hereof in detail to the issues involved; and states that the witness has the desired things in his possession or under his control. A subpoena need not be issued when the affidavit is defective in any particular.

B. PENALTIES: When any person refuses without lawful excuse to attend any hearing or to produce material evidence in his possession or under his control as required by any subpoena served upon such person as provided for herein, the Board may seek a court order to compel such attendance or production.

#### CONDUCT OF HEARING:

Section 604. A. RULES: Hearing need not be conducted according to the rules relating to evidence and witnesses.

B. ORAL EVIDENCE: Oral evidence shall be taken only on oath or affirmation.

C. HEARSAY EVIDENCE: Hearsay evidence may be used for supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction.

D. ADMISSIBILITY OF EVIDENCE: Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, despite the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

E. EXCLUSION OF EVIDENCE: Irrelevant and unduly repetitious evidence shall be excluded.

F. RIGHTS OF PARTIES: Each shall have these rights, among others:

1. To call and examine witnesses on any matter about the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter about the issues of the hearing;
4. To impeach any witness despite which party first called him to testify;

5. To rebut the evidence against him; and,
6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

G. OFFICIAL NOTICE:

1. What may be noticed? In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the Board or departments and ordinance of the County or rules and regulation of the Board.

2. Parties to be notified. The land or property owner, occupant, and/or lessee shall be notified by first class mail. The occupant may also be notified by Hand Delivery of Official Notice. Notice to property owner shall be to current address as provided by the Greenlee County Assessors Office.

3. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Board.

4. Inspection of the premises. The Board may inspect any building or premises involved in the appeal during the hearing, provided that: i) notice of such inspection shall be given to the parties before the inspection is made; ii) the parties are given an opportunity to be present during the inspection; and iii) the Board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party they shall have a right to rebut or explain the matters so stated by the Board.

METHOD AND FORM OF DECISION:

Section 605. A. HEARING BEFORE BOARD: Where a contested case is heard before the Board, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.

B. FORM OF DECISION: The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to achieve compliance. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.

C. EFFECTIVE DATE OF DECISION: The effective date of the decision shall be as stated thereon.

Chapter 7

WORK

GENERAL:

Section 701. A. PROCEDURE: When any work, abatement, or removal is to be done pursuant to this Ordinance, the Officer shall issue his order therefor to the director of public works and the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of said director. Plans and specifications therefor may be prepared by said director, or he may employ such professional assistance on a contract basis as he may deem reasonably necessary. If any part of the work is to be accomplished by private contract, standard public work contractual procedures shall be followed.

B. SPECIAL CONDITIONS: Before any work is begun, the premises shall be checked for any special conditions or hazardous materials. Any special or hazardous materials shall be removed before general work is completed.

C. COSTS: The cost of all work shall be made a special assessment against the property involved as in the manner set forth in Section 808 through 813 of this Ordinance, or may be made a personal obligation of the property owner, whichever the Board shall determine is appropriate.

## Chapter 8

### COST

#### ACCOUNT OF EXPENSE, FILING OF REPORT – CONTENTS:

Section 801. The director of public works shall keep an itemized account of the expenses incurred by Greenlee County in the work or removal of any materials, done pursuant to the provisions of this Ordinance. Upon the completion of the work or removal, said director shall prepare and file with the Officer a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the hazard is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 403.

#### REPORT TRANSMITTED TO THE BOARD – SET FOR HEARING:

Section 802. Upon receipt of said report, the Officer shall present it to the Board who shall fix a time, date and place for hearing said report any protests or objections thereto. The Clerk of the Board shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid, addressed to the owner of the property as his name and address appear on the list equalized assessment roll of the County if such so appear, or as known to the Clerk. Such notice shall be given at least ten (10) days before the date set for hearing and shall specify the day, hour and place when the Board will hear and pass upon the director's report, with any objections or protests which may be filed as hereinafter provided by persons interested in or affected by the proposed charge.

#### PROTESTS AND OBJECTIONS – HOW MADE

Section 803. Any person interested in or affected by the proposed charge may file written protests or objections with the Clerk of the Board anytime before the time set for the hearing on the report of the director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and grounds of such protest or objection. The Clerk of the Board shall endorse on every such protest or objection the date it was received. He shall present such protests or objections to the Board at the time set for the hearing and no other protests or objection shall be considered.

#### HEARING OF PROTESTS:

Section 805. A. GENERAL: The Board of this jurisdiction may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved, in the manner set forth in Section 807 through 813 of this Ordinance.

**B. PERSONAL OBLIGATION:** If the Board orders that the charge shall be a personal obligation of the property owner, it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

**CONTEST:**

Section 806. The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within thirty (30) days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within thirty (30) days after the entry of such judgment.

**ASSESSMENT AND LIENS FOR UNPAID COSTS AND CHARGES – ESTABLISHMENT:**

Section 807. If any costs or charges, as imposed pursuant to this Ordinance, are not paid by the owner, occupant or lessee within thirty (30) days of such removal, such unpaid amount shall constitute an assessment upon the lots and tracts of land from which the nuisance is removed and a lien upon the lot, tracts, or land until paid. Said lien may be perfected by the County against the subject property by recording a notice of lien in the office of the Greenlee County Recorder. Such notice of lien shall specify the nature of assessment, the amount of the lien and the name and address of the owner of the lot or tract and the person failing to pay the charges assessed. The lien shall continue in full force and effect on the tract of land or lot until the charges assessed are paid. Such liens are subject and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. The County may bring an action to enforce the lien in the Greenlee County Superior Court anytime after the recording of the assessment, but failure to enforce the lien by such action does not affect its validity. The recorded assessment is prima facie evidence that the truth of all matters recited in the assessment and of the regularity of all proceedings before the recording of the assessment.

**INTEREST:**

Section 808. All such assessments remaining unpaid after thirty (30) days from the date or recording on the assessment roll shall become delinquent and shall bear interest at the rate established for delinquent taxes from and after said date.

**REPORT TO ASSESSOR AND TAX COLLECTOR – ADDITION OF ASSESSMENT TO TAX BILL:**

Section 809. After confirmation of the report, certified copies of the assessment shall be given to the Assessor and the Treasurer, who shall add the amount of the assessment to the next regular tax bill levied against the parcel.



**FILING COPY OF THE REPORT WITH TREASURER:**

Section 810. If the Assessor and tax collector assess property and collect taxes for this jurisdiction, a certified copy of the assessment shall be filed with the Treasurer within thirty (30) days after recordation of the lien. The descriptions of the parcels report shall be those used for the same parcels on the Assessors map book for the current year.

**COLLECTION OF ASSESSMENT – PENALTIES FOR FORECLOSURE:**

Section 811. The amount of the assessment shall be collected when and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and procedures and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.

**USE OF PROCEEDS:**

Section 812. All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure shall be paid to the Treasure, who shall credit the same to the General Fund.

**MULTIPLE ASSESSMENTS:**

Section 813. A prior assessment for the purpose provided in this section is not a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

Chapter 9

DUMPING

PLACING RUBBISH, TRASH, FILTH, OR DEBRIS UPON PROPERTY OF ANOTHER  
PENALTY; ASSESSMENT

Section 901. Any person who places any rubbish, trash, filth, or debris upon any private or public property which is not a permitted facility, as defined by A.R.S. § 49-773, is guilty of a petty offense as defined and as prosecutable under the Criminal Code of the State of Arizona, and, in addition to any fine which may be imposed under that Code; is liable for all costs which may be assessed pursuant to this Ordinance for the removal of the nuisance, enforceable either in a separate civil action or through restitution in the criminal action, as provided by the laws of Arizona.

Chapter 10

VALIDITY

SEVERABILITY:

Section 1001. The various parts of this Ordinance are hereby declared to be severable. If any Chapter, Section, Subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of said Ordinance.


REPEAL OF CONFLICTING REGULATIONS:

Section 1002. All regulations or ordinances or a portion of some in conflict with the provisions of this Ordinance, inconsistent with the provision of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.


EFFECTIVE DATE:

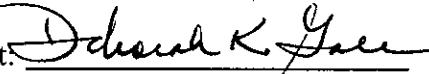
Section 1003. This Ordinance shall become effective beginning November 25, 2004 and remain in full force and effect thereafter.

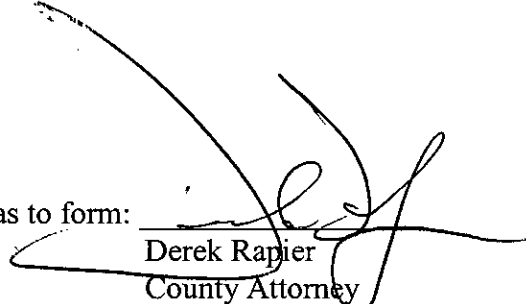
APPROVED AND ADOPTED BY THE GREENLEE COUNTY BOARD OF SUPERVISORS  
THIS 4th DAY OF November, 2004.

  
Hector Ruedas, Chair, District 2

  
Dixie Zumwalt, Member, District 3

  
Donald Stacey, Member, District 1

Attest:   
Deborah K. Gale, Clerk

Approved as to form:   
Derek Rapier  
County Attorney