

State of Arizona
Senate
Forty-second Legislature
Second Regular Session
1996

FILED

Jane Dee Hull
Secretary of State

CHAPTER 306

SENATE BILL 1276

AN ACT

AMENDING SECTIONS 9-499, 11-268, 12-991, 12-992, 12-993, 12-994, 36-186 AND 36-602, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 12-991.01 AND 12-992.01; AMENDING TITLE 44, CHAPTER 11, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 44-1632; RELATING TO NEIGHBORHOOD REVITALIZATION.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-499, Arizona Revised Statutes, is amended to
3 read:

4 9-499. Removal of rubbish, trash, weeds, filth, debris and
5 dilapidated buildings; removal by city; costs
6 assessed; collection; priority of lien

7 A. THE GOVERNING BODY OF a city or town ~~council~~ ~~may~~ SHALL, by
8 ordinance, compel the owner, lessee, or occupant of buildings, grounds, or
9 lots to remove rubbish, trash, weeds, or other accumulation of filth or
10 debris which shall constitute a hazard to public health and safety from
11 buildings, grounds, lots, contiguous sidewalks, streets and alleys. Any such
12 ordinance shall require:

13 1. Reasonable written notice to the owner, occupant or lessee. ~~Such~~
14 ~~reasonable~~ THE notice shall be given not less than thirty days before the day
15 set for compliance, and shall include the cost of such removal TO THE CITY
16 OR TOWN IF THE OWNER, OCCUPANT OR LESSEE DOES NOT COMPLY. The notice shall
17 be either personally served or mailed to the owner, OCCUPANT or lessee, at
18 his last known address by certified ~~or registered~~ mail, or the address to
19 which the tax bill for the property was last mailed. If the owner does not
20 reside on such property, a duplicate notice shall also be sent to him at his
21 last known address.

1 2. Provisions for appeal to the GOVERNING BODY OF THE city or town
2 council on both the notice and the assessments.

3 3. That any person, firm or corporation ~~who shall place~~ THAT PLACES
4 any rubbish, trash, filth or debris upon any private or public property not
5 owned or under the control of said person, firm or corporation ~~shall be~~ IS
6 guilty of a CLASS 1 misdemeanor and, in addition to any fine which may be
7 imposed for a violation of any provision of this section, shall be liable for
8 all costs which may be assessed pursuant to this section for the removal of
9 said rubbish, trash, filth or debris.

10 B. Such ordinance may provide that if the owner, lessee or occupant
11 of such buildings, grounds or lots, after notice as required by ordinance,
12 which notice shall not be less than thirty days, does not remove such
13 rubbish, trash, weeds, or other accumulation of filth or debris and abate
14 such condition which constitutes a hazard to public health and safety, the
15 city or town may, at the expense of such owner, lessee or occupant, remove
16 or cause the removal thereof.

17 C. The GOVERNING BODY OF THE city or town council may prescribe by the
18 ordinance a procedure for such removal ~~of such~~ OR abatement, and for making
19 the actual cost of such removal or abatement, including ~~five per cent for~~ THE
20 ACTUAL COSTS OF ANY additional inspection and other incidental costs in
21 connection therewith, an assessment upon the lots, and tracts of land from
22 which such rubbish, trash, weeds or other accumulations are removed.

23 D. The ordinance may provide that the cost of removal of such rubbish,
24 trash, weeds, filth or debris from any lot, or tract of land, shall be
25 assessed in the manner and form prescribed by ordinance of such city or town
26 upon the lot or tract of land from which such rubbish, trash, weeds, or other
27 accumulations are removed. Such assessment, from the date of its recording
28 in the office of the county recorder in which county the lot or tract of land
29 is located, shall be a lien on said lot or tract of land, and the several
30 amounts assessed against such lot or tract of land, until paid. Such liens
31 shall be subject and inferior to the lien for general taxes and to all prior
32 recorded mortgages and encumbrances ~~of record~~. A sale of the property to
33 satisfy a lien obtained under the provisions of this section shall be made
34 upon judgment of foreclosure and order of sale. A city or town shall have
35 the right to bring an action to enforce the lien in the superior court ~~of~~ IN
36 the county in which the property is located at any time after the recording
37 of the assessment, but failure to enforce the lien by such action shall not
38 affect its validity. The recorded assessment shall be prima facie evidence
39 of the truth of all matters recited therein, and of the regularity of all
40 proceedings prior to the recording thereof.

41 E. A prior assessment for the purposes provided in this section shall
42 not be a bar to a subsequent assessment or assessments for such purposes, and
43 any number of liens on the same lot or tract of land may be enforced in the
44 same action.

1 F. ~~The foregoing provisions shall apply~~ THIS SECTION APPLIES to all
2 cities and towns organized and operating under general law of this state, and
3 also the cities and towns organized and operating under a special act or
4 charter.

5 Sec. 2. Section 11-268, Arizona Revised Statutes, is amended to read:
6 11-268. Removal of rubbish, trash, weeds, filth, debris and
7 dilapidated buildings; violation; classification;
8 removal by county; costs assessed; collection;
9 priority of lien; definitions

10 A. The board of supervisors ~~may~~ SHALL, by ordinance, compel the owner,
11 lessee or occupant of buildings, grounds or lots located in the
12 unincorporated areas of the county to remove rubbish, trash, weeds, filth,
13 debris or dilapidated buildings which constitute a hazard to public health
14 and safety from buildings, grounds, lots, contiguous sidewalks, streets and
15 alleys. Any such ordinance shall require and include:

16 1. Reasonable written notice to the owner, occupant or lessee. The
17 notice shall be given not less than thirty days before the day set for
18 compliance and shall include the estimated cost to the county for the removal
19 IF THE OWNER, OCCUPANT OR LESSEE DOES NOT COMPLY. The notice shall be either
20 personally served or mailed by certified mail to the owner, occupant or
21 lessee at his last known address, or the address to which the tax bill for
22 the property was last mailed. If the owner does not reside on the property,
23 a duplicate notice shall also be sent to the owner at the owner's last known
24 address.

25 2. Provisions for appeal to the board of supervisors on both the
26 notice and the assessments.

27 3. That any person, firm or corporation that places any rubbish,
28 trash, filth or debris upon any private or public property located in the
29 unincorporated areas of the county not owned or under the control of the
30 person, firm or corporation is guilty of a ~~petty offense~~ CLASS 1 MISDEMEANOR
31 and, in addition to any fine which may be imposed for a violation of any
32 provision of this section, is liable for all costs which may be assessed
33 pursuant to this section for the removal of the rubbish, trash, filth or
34 debris.

35 B. The ordinance may provide that if the owner, lessee or occupant of
36 the buildings, grounds or lots, after notice as required by ordinance does
37 not remove the rubbish, trash, weeds, filth, debris or dilapidated buildings
38 and abate the condition which constitutes a hazard to public health and
39 safety, the county may, at the expense of the owner, lessee or occupant,
40 remove or cause the removal of the rubbish, trash, weeds, filth, debris or
41 dilapidated buildings.

42 C. The board of supervisors may prescribe by the ordinance a procedure
43 for such removal or abatement and for making the actual cost of such removal
44 or abatement, including ~~five per cent for~~ THE ACTUAL COSTS OF ANY additional

1 inspection and other incidental costs in connection with the removal or
2 abatement, an assessment upon the lots and tracts of land from which the
3 rubbish, trash, weeds, filth, debris or dilapidated buildings are removed.

4 D. The ordinance may provide that the cost of removal of the rubbish,
5 trash, weeds, filth, debris or dilapidated buildings from any lot or tract
6 of land located in the unincorporated areas of the county be assessed in the
7 manner and form prescribed by ordinance of the county upon the lot or tract
8 of land from which the rubbish, trash, weeds, filth, debris or dilapidated
9 buildings are removed. The assessment, from the date of its recording in the
10 office of the county recorder in the county where the lot or tract of land
11 is located, is a lien on the lot or tract of land, until paid. The liens are
12 subject and inferior to the lien for general taxes and to all prior recorded
13 mortgages and encumbrances ~~of record~~. The county may bring an action to
14 enforce the lien in the superior court in the county in which the property
15 is located at any time after the recording of the assessment, but failure to
16 enforce the lien by such action does not affect its validity. The recorded
17 assessment is prima facie evidence of the truth of all matters recited in the
18 assessment and of the regularity of all proceedings before the recording of
19 the assessment.

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

24 F. Before the removal of a dilapidated building the board of
25 supervisors shall consult with the state historic preservation officer to
26 determine if the building is of historical value.

27 G. If a county removes a dilapidated building pursuant to this
28 section, the county assessor shall adjust the valuation of the property on
29 the property assessment tax rolls from the date of removal.

30 H. As used in this section "occupant" does not include any corporation
31 or association operating or maintaining rights-of-way for and on behalf of
32 the United States government, either under contract or under federal law.

33 I. As used in this section, "dilapidated building" means any real
34 property structure that is in such disrepair or is damaged to the extent that
35 its strength or stability is substantially less than a new building or it is
36 likely to burn or collapse and its condition endangers the life, health,
37 safety or property of the public.

38 Sec. 3. Section 12-991, Arizona Revised Statutes, is amended to read:
39 12-991. Nuisance; commercial buildings used for crime; action
40 to abate and prevent

41 A. The use of a COMMERCIAL building or place regularly used in the
42 commission of a crime is a nuisance and the criminal activity causing the
43 nuisance shall be enjoined, abated and prevented and damages may be
44 recovered.

1 B. If there is reason to believe that a nuisance as ~~defined~~ DESCRIBED
2 in subsection A exists, the attorney general, the county attorney, the city
3 attorney or a resident of a county or city who is affected by the nuisance
4 may bring an action in superior court to abate and prevent the criminal
5 activity, except that:

6 1. The court shall not assess a civil penalty against any person
7 unless that person knew of the unlawful acts.

8 2. The court shall not enter an order of closure.

9 3. The injunction shall be necessary to protect the health and safety
10 of the public or to prevent further criminal activity.

11 4. The order shall not affect the owner's interest in the building or
12 place used for the criminal activity.

13 Sec. 4. Title 12, chapter 7, article 12, Arizona Revised Statutes, is
14 amended by adding section 12-991.01, to read:

15 12-991.01. Nuisance: residential property used for crime:
16 action to abate and prevent; notice

17 A. THE USE OF A RESIDENTIAL PROPERTY REGULARLY USED IN THE COMMISSION
18 OF A CRIME IS A NUISANCE AND THE CRIMINAL ACTIVITY CAUSING THE NUISANCE SHALL
19 BE ENJOINED, ABATED AND PREVENTED AND DAMAGES AND EXPENSES MAY BE RECOVERED.

20 B. IF THERE IS REASON TO BELIEVE THAT A NUISANCE AS DESCRIBED IN
21 SUBSECTION A EXISTS, THE ATTORNEY GENERAL, THE COUNTY ATTORNEY, THE CITY
22 ATTORNEY OR A RESIDENT OF A COUNTY OR CITY WHO IS AFFECTED BY THE NUISANCE
23 MAY BRING AN ACTION IN SUPERIOR COURT AGAINST THE OWNER, OCCUPANT OR TENANT
24 OF THE AFFECTED RESIDENTIAL PROPERTY TO ABATE AND PREVENT THE CRIMINAL
25 ACTIVITY UNDER THE FOLLOWING REQUIREMENTS AND CONDITIONS:

26 1. A CIVIL PENALTY UNDER THIS SECTION SHALL NOT EXCEED TWO THOUSAND
27 FIVE HUNDRED DOLLARS AND THE COURT SHALL NOT ASSESS A CIVIL PENALTY AGAINST
28 ANY PERSON UNLESS THAT PERSON KNEW OF THE UNLAWFUL ACTS.

29 2. THE COURT SHALL NOT ENTER AN ORDER OF CLOSURE.

30 3. THE INJUNCTION SHALL BE NECESSARY TO PROTECT THE HEALTH AND SAFETY
31 OF THE PUBLIC OR TO PREVENT FURTHER CRIMINAL ACTIVITY.

32 4. THE ORDER SHALL NOT AFFECT THE OWNER'S INTEREST IN THE RESIDENTIAL
33 PROPERTY USED FOR THE CRIMINAL ACTIVITY UNLESS THE OWNER:

34 (a) IS A DEFENDANT IN THE ACTION,

35 (b) KNEW OF THE CRIMINAL ACTIVITY, AND

36 (c) FAILED TO TAKE SUBSTANTIAL ACTIONS LEGALLY AVAILABLE TO ABATE THE
37 NUISANCE.

38 5. IF THE OWNER KNEW OF THE CRIMINAL ACTIVITY AND FAILED TO TAKE
39 SUBSTANTIAL ACTIONS LEGALLY AVAILABLE TO ABATE THE NUISANCE, THE ORDER MAY
40 ASSESS THE OWNER FOR THE COST OF ABATING THE NUISANCE. THE ASSESSMENT IS A
41 LIEN AGAINST THE OWNER'S INTEREST IN THE RESIDENTIAL PROPERTY UPON RECORDING
42 WITH THE COUNTY RECORDER IN THE COUNTY WHERE THE PROPERTY IS LOCATED. A CITY
43 OR TOWN MAY BRING AN ACTION TO ENFORCE THE LIEN IN SUPERIOR COURT IN THE

1 COUNTY IN WHICH THE RESIDENTIAL PROPERTY IS LOCATED AT ANY TIME AFTER THE
2 LIEN IS RECORDED.

3 C. FOR PURPOSES OF THIS SECTION, AN OWNER IS CONSIDERED TO KNOW OF THE
4 NUISANCE IF THE OWNER HAS RECEIVED NOTICE OF MULTIPLE DOCKETED RESPONSES OR
5 CRIMINAL OFFENSES OCCURRING ON THE RESIDENTIAL PROPERTY. A LAW ENFORCEMENT
6 AGENCY, A MUNICIPAL ATTORNEY, A COUNTY ATTORNEY, THE ATTORNEY GENERAL OR A
7 PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE MAY SERVE THE NOTICE FOR
8 PURPOSES OF THIS SUBSECTION, EITHER PERSONALLY OR BY CERTIFIED MAIL, TO THE
9 OWNER AT THE OWNER'S LAST KNOWN ADDRESS OR AT THE ADDRESS TO WHICH A TAX BILL
10 FOR THE RESIDENTIAL PROPERTY WAS LAST MAILED OR THE OWNER'S AGENT AT THE
11 AGENT'S LAST KNOWN ADDRESS. THE NOTICE SHALL BE PRINTED IN AT LEAST TWELVE
12 POINT TYPE IN THE FOLLOWING FORM:

13 NOTICE

14 THIS IS FORMAL NOTICE THAT YOUR PROPERTY AT (INSERT
15 ADDRESS) HAS HAD (INSERT NUMBER OF) ARRESTS OR NUMBER OF
16 DOCKETED RESPONSES FOR ALLEGED CRIMINAL ACTIVITY AND IS
17 CONSIDERED A NUISANCE UNDER SECTION 12-991, A.R.S. A COPY OF
18 THE POLICE REPORTS IS ATTACHED.

19 YOU MUST IMMEDIATELY TAKE SUBSTANTIAL ACTIONS THAT ARE
20 LEGALLY AVAILABLE TO YOU TO ABATE THE NUISANCE FROM YOUR
21 PROPERTY. IF YOU FAIL TO DO SO, A RESTRAINING ORDER TO ABATE
22 AND PREVENT CONTINUING OR RECURRING CRIMINAL ACTIVITY WILL BE
23 PURSUED.

24 ULTIMATELY, IF YOU FAIL TO COOPERATE TO ABATE THE
25 NUISANCE, THE AUTHORITIES WILL ABATE THE NUISANCE AND THEIR
26 COSTS WILL BE A LIEN ON YOUR PROPERTY.

27 Sec. 5. Section 12-992, Arizona Revised Statutes, is amended to read:
28 12-992. Commercial property nuisances; temporary restraining
29 order; notice; hearing

30 A. If the existence of a nuisance ON COMMERCIAL PROPERTY as ~~prescribed~~
31 DESCRIBED in section 12-991 is shown in the action to the satisfaction of the
32 court either by verified complaint or affidavit, the court shall enter a
33 temporary restraining order to abate and prevent continuance or recurrence
34 of the criminal activity. The complaint shall be verified unless it is filed
35 by the attorney general or a county or city attorney.

36 B. Notice of the entry of a restraining order, COPIES OF THE
37 RESTRAINING ORDER AND THE COMPLAINT and NOTICE OF an opportunity for a
38 hearing shall be served on the defendant named in the action. ~~Notice of the~~
39 ~~action shall be served by certified mail on any owner, property manager or~~
40 ~~agent of the property affected by the restraining order. Service is complete~~
41 ~~on mailing to the last known address of the owner or agent.~~ SERVICE SHALL
42 BE MADE PURSUANT TO THE ARIZONA RULES OF CIVIL PROCEDURE.

43 C. A person who is directed to abate criminal activity pursuant to a
44 temporary restraining order issued pursuant to subsection A of this section

1 may request a hearing within ~~fifteen~~ TEN days after receiving the notice.
2 A VERIFIED ANSWER TO THE COMPLAINT SHALL BE FILED WITH THE REQUEST FOR A
3 HEARING. If a hearing is requested, notice of the request shall be served
4 on the plaintiff. The temporary restraining order remains in effect until
5 the hearing is completed.

6 D. If at the hearing the court determines that reasonable grounds
7 exist to believe that a nuisance, as ~~defined~~ DESCRIBED in section 12-991,
8 subsection A, exists, the court shall issue a permanent injunction abating
9 the criminal activity and may issue any other order that is reasonably
10 necessary to abate the criminal activity, including damages. If the court
11 determines that reasonable grounds do not exist to believe that a nuisance
12 exists, the court shall dismiss the action and terminate the temporary
13 restraining order.

14 E. A HEARING ON AN ACTION UNDER THIS SECTION SHALL BE SET WITHIN
15 THIRTY DAYS AFTER THE REQUEST IS FILED OR AFTER A VERIFIED ANSWER TO THE
16 COMPLAINT IS FILED IF A TEMPORARY RESTRAINING ORDER HAS NOT BEEN ISSUED.
17 BEFORE THE HEARING, THE COURT MAY ORDER ANY DISCOVERY THAT THE COURT
18 CONSIDERS TO BE REASONABLY NECESSARY AND APPROPRIATE.

19 ~~F.~~ F. If a hearing is not requested, the court shall issue a
20 permanent injunction abating the criminal activity.

21 Sec. 6. Title 12, chapter 7, article 12, Arizona Revised Statutes, is
22 amended by adding section 12-992.01, to read:

23 12-992.01. Residential property nuisances; temporary
24 restraining order; notice; hearing

25 A. IF THE EXISTENCE OF A NUISANCE ON RESIDENTIAL PROPERTY AS DESCRIBED
26 IN SECTION 12-991.01 IS SHOWN IN THE ACTION TO THE SATISFACTION OF THE COURT
27 EITHER BY VERIFIED COMPLAINT OR AFFIDAVIT, THE COURT SHALL ENTER A TEMPORARY
28 RESTRAINING ORDER TO ABATE AND PREVENT CONTINUANCE OR RECURRENCE OF THE
29 CRIMINAL ACTIVITY. THE COMPLAINT SHALL BE VERIFIED UNLESS IT IS FILED BY THE
30 ATTORNEY GENERAL OR A COUNTY OR CITY ATTORNEY.

31 B. NOTICE OF THE ENTRY OF A RESTRAINING ORDER, COPIES OF THE
32 RESTRAINING ORDER AND THE COMPLAINT AND NOTICE OF AN OPPORTUNITY FOR A
33 HEARING SHALL BE SERVED ON THE DEFENDANT NAMED IN THE ACTION. SERVICE SHALL
34 BE MADE PURSUANT TO THE ARIZONA RULES OF CIVIL PROCEDURE.

35 C. A PERSON WHO IS DIRECTED TO ABATE CRIMINAL ACTIVITY PURSUANT TO A
36 TEMPORARY RESTRAINING ORDER ISSUED PURSUANT TO SUBSECTION A OF THIS SECTION
37 MAY REQUEST A HEARING WITHIN TEN DAYS AFTER RECEIVING THE NOTICE, SHALL FILE
38 A VERIFIED ANSWER TO THE COMPLAINT WITH THE REQUEST FOR A HEARING AND SHALL
39 SERVE NOTICE OF THE REQUEST ON THE PLAINTIFF. THE TEMPORARY RESTRAINING
40 ORDER REMAINS IN EFFECT UNTIL THE HEARING IS COMPLETED.

41 D. IF AT THE HEARING THE COURT DETERMINES THAT REASONABLE GROUNDS:

42 1. EXIST TO BELIEVE THAT A NUISANCE DESCRIBED IN SECTION 12-991.01,
43 SUBSECTION A, EXISTS, THE COURT:

44 (a) SHALL ISSUE A PERMANENT INJUNCTION ABATING THE CRIMINAL ACTIVITY.

1 (b) MAY ISSUE ANY OTHER ORDER THAT IS REASONABLY NECESSARY TO ABATE
2 THE CRIMINAL ACTIVITY, INCLUDING DAMAGES.

3 2. DO NOT EXIST TO BELIEVE THAT A NUISANCE EXISTS, THE COURT SHALL
4 DISMISS THE ACTION AND TERMINATE THE TEMPORARY RESTRAINING ORDER.

5 E. A HEARING ON AN ACTION UNDER THIS SECTION SHALL BE SET WITHIN
6 THIRTY DAYS AFTER THE REQUEST IS FILED OR AFTER A VERIFIED ANSWER TO THE
7 COMPLAINT IS FILED IF A TEMPORARY RESTRAINING ORDER HAS NOT BEEN ISSUED.
8 BEFORE THE HEARING, THE COURT MAY ORDER ANY DISCOVERY THAT THE COURT
9 CONSIDERS TO BE REASONABLY NECESSARY AND APPROPRIATE.

10 F. IF THE COURT DETERMINES AT THE HEARING THAT REASONABLE GROUNDS
11 EXIST TO BELIEVE THAT A NUISANCE AS DESCRIBED IN SECTION 12-991.01 EXISTS OR
12 ON DEFAULT OF AN ANSWER TO THE COMPLAINT, THE COURT:

13 1. SHALL ISSUE A FINAL JUDGMENT, INCLUDING A PERMANENT INJUNCTION
14 ABATING THE CRIMINAL ACTIVITY.

15 2. MAY ISSUE ANY OTHER ORDER THAT IS REASONABLY NECESSARY TO ABATE THE
16 CRIMINAL ACTIVITY, INCLUDING ORDERS:

17 (a) TO PAY DAMAGES.

18 (b) TO ENHANCE THE LIGHTING ON THE PROPERTY.

19 (c) TO AWARD EXPENSES THAT WERE INCURRED IN ABATING THE NUISANCE,
20 INCLUDING:

21 (i) THE COSTS OF INVESTIGATION AND ENFORCING THE RESTRAINING ORDER.

22 (ii) REASONABLE ATTORNEY FEES.

23 (iii) A CIVIL PENALTY OF NOT MORE THAN TWO THOUSAND FIVE HUNDRED
24 DOLLARS.

25 G. IF THE DEFENDANT IS THE LANDLORD AND THE NUISANCE IS CREATED BY THE
26 TENANT, AND THE LANDLORD UNSUCCESSFULLY ATTEMPTS A FORCIBLE ENTRY AND
27 DETAINER ACTION, THE COURT MAY TERMINATE THE RESTRAINING ORDER AND DISMISS
28 THE COMPLAINT.

29 Sec. 7. Section 12-993, Arizona Revised Statutes, is amended to read:

30 12-993. Precedence of action; reputation of place as evidence;
31 dismissal; costs

32 A. An action that is described in section 12-991 OR 12-991.01 and that
33 is filed has precedence in the trial courts over all actions except juvenile
34 proceedings, criminal proceedings, election contests and hearings on
35 injunctions.

36 B. In the action, evidence of the general reputation of the building
37 or place is admissible for the purpose of proving the existence of the
38 nuisance.

39 C. If the action is brought by a citizen and the court finds that
40 THERE WAS NO reasonable ~~grounds~~ BASIS for BRINGING the action ~~do not exist~~,
41 the court ~~shall~~ MAY assess costs AND REASONABLE ATTORNEY FEES against the
42 citizen. If the court determines that reasonable grounds do exist and issues
43 a final judgment IN FAVOR OF THE PLAINTIFF, the court ~~shall~~ MAY assess costs
44 AND REASONABLE ATTORNEY FEES against the defendant ~~in favor of the plaintiff~~.

1 Sec. 8. Section 12-994, Arizona Revised Statutes, is amended to read:
2 12-994. Violation; classification

3 IN ADDITION TO OR IN LIEU OF ANY OTHER POWER THAT THE COURT POSSESSES
4 TO ENFORCE A TEMPORARY RESTRAINING ORDER, AN INJUNCTION OR ANY OTHER ORDER,
5 a person who violates or disobeys a temporary restraining order, an
6 injunction or ~~another~~ ANY OTHER order issued by the court pursuant to this
7 article is guilty of a class 6 felony.

8 Sec. 9. Section 36-186, Arizona Revised Statutes, is amended to read:
9 36-186. Director of local health department; powers and duties

10 The director of a local health department shall:

11 1. Be the executive officer of the department.

12 2. Perform all duties required by law of the county superintendent of
13 health.

14 3. Enforce and observe the rules of the director of the department of
15 health services, the director of the department of environmental quality and
16 the local board of health, county rules and regulations concerning health,
17 and laws of the state pertaining to the preservation of public health and
18 protection of the environment.

19 4. Appoint necessary personnel in accordance with regulations of the
20 county board of supervisors.

21 5. Submit an annual report to the local board of health, the county
22 board of supervisors, each city in the district, and the director of the
23 department of health services. The report shall set forth:

24 (a) The condition of public health in the county or district.

25 (b) Activities of the department during the preceding year.

26 (c) The character and extent of all diseases reported.

27 (d) Expenditures of the department.

28 (e) Such recommendations as he deems advisable for protection of the
29 public health.

30 6. ENFORCE ANY LAW OR ORDINANCE ENACTED OR ADOPTED BY THE RESPECTIVE
31 JURISDICTION RELATING TO PUBLIC HEALTH, INCLUDING LAWS AND ORDINANCES THAT
32 RELATE TO PUBLIC BUSINESSES, RENTAL PROPERTIES AND VACANT PROPERTIES.

33 Sec. 10. Section 36-602, Arizona Revised Statutes, is amended to read:
34 36-602. Abatement of nuisances, sources of filth and causes of

35 sickness

36 When a nuisance, source of filth or cause of sickness exists on private
37 property, the county or city board of health or the local health department
38 shall order the owner or occupant to remove it within twenty-four hours at
39 his own expense. The order may be given to the owner or occupant personally,
40 or left at his usual place of abode. If the order is not complied with, the
41 board or department SHALL IMPOSE A CIVIL PENALTY OF NOT MORE THAN FIVE
42 HUNDRED DOLLARS AND shall cause the nuisance, source of filth or cause of
43 sickness to be removed, and expenses of removal shall be paid by the owner,

1 occupant or other person who caused the nuisance, source of filth or cause
2 of sickness.

3 Sec. 11. Title 44, chapter 11, article 3, Arizona Revised Statutes,
4 is amended by adding section 44-1632, to read:

5 44-1632. Pawnshop hours; city or town ordinance

6 A CITY OR TOWN MAY ADOPT AN ORDINANCE PROHIBITING THE OPERATION OF
7 PAWNSHOPS FROM 12:00 A.M. TO 6:00 A.M.

8 Sec. 12. Tax free zones task force; report

9 A. A tax free zones task force is established consisting of the
10 following members:

11 1. The chairman of the senate finance committee who shall serve as
12 cochairman of the task force.

13 2. The chairman of the house of representatives ways and means
14 committee who shall serve as cochairman of the task force.

15 3. One member of the senate who represents the minority party and who
16 is appointed by the president of the senate.

17 4. One member of the house of representatives who represents the
18 minority party and who is appointed by the speaker of the house of
19 representatives.

20 5. Two members who represent neighborhoods, one of whom is appointed
21 by the president of the senate and one of whom is appointed by the speaker
22 of the house of representatives.

23 6. Two members who represent neighborhoods from low income census
24 tracts and who are appointed by the governor.

25 7. Two members who represent the business community and who are
26 appointed by the governor.

27 8. One member who represents a county and who is appointed by the
28 governor.

29 9. One member who represents municipalities and who is appointed by
30 the governor.

31 10. The director of the department of commerce or the director's
32 designee.

33 B. The tax free zones task force shall study the issue of tax free
34 zones, including the impact that tax free zones that have been established
35 in other states have had on neighborhood revitalization. The task force
36 shall report its findings and conclusions to the governor, the president of
37 the senate and the speaker of the house of representatives by October 15,
38 1996.

39 Sec. 13. Delayed repeal

40 Section 12 of this act is repealed from and after December 31, 1996.

APPROVED BY THE GOVERNOR APRIL 30, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 1996