ORDINANCE NO. O2018.29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 21, ARTICLE I, TEMPE CITY CODE, RELATING TO NUISANCES, BY ADDING A NEW SECTION 21-3 (B)(21), RELATING TO ENUMERATED VIOLATIONS.

WHEREAS, under the Arizona Constitution, a city with a population of more than 3,500 people is entitled to establish a charter for its government and that a charter city is granted autonomy over matters of local interests;

WHEREAS, the voters of the City of Tempe established the Tempe City Charter in 1964 that vests policymaking in the Tempe City Council; and,

WHEREAS, the City of Tempe is vested with the obligation and authority to regulate activities that create a hazard to the public health or a nuisance to the residents of Tempe; and,

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

Section 1. That Chapter 21, Article I, Section 21-3(b)(21) of the Tempe City Code is hereby added as follows:

Sec. 21-3. Enumerated violations.

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

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(21) The keeping or feeding of outdoor birds that by frequent public defecation on private or public property, annoys or disturbs a neighborhood or any number of persons; provided, that an action for a violation of this subsection shall not be initiated, unless a petition is received signed by at least three (3) witnesses in separate households with independent knowledge of the nuisance. The petition requirements may be waived if the circumstances and evidence otherwise support grounds for enforcement.

Note—Zoning and Development Code reference—Section 3-404(1), small animals, and Section 7-120, definitions - "small animal".

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Section 2. Pursuant to Tempe City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 26th day of April, 2018.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney