



Date: November 16, 2021

From: Lisa Shafer, Community and Neighborhood Services Director

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## **Code Enforcement Policy**

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### **EFFECTIVE IMMEDIATELY**

#### **I. Standard Code Enforcement**

##### **A. Purpose**

It is the intent of the Town of Marana to promote the health and safety of the residents and businesses of Marana, Arizona. Part of this responsibility includes protecting neighborhoods from blighting and deteriorating conditions that have a negative impact on the health and safety of the community and encourage social disorder and crime. This is achieved through ordinances and by establishing a policy to guide enforcement of the ordinances.

##### **B. Standard Enforcement Policy**

Town of Marana residents and business owners are encouraged and supported in their efforts to maintain the physical environment of their neighborhoods through standards set in local ordinances. To assist in this endeavor, the following code enforcement policy has been established to guide the town in addressing properties with code violations.

The following actions will be taken on properties where there has been no case history or history of violations and/or previous enforcement action:

##### **1. Inspection/Pre-notification**

When a property complaint is received, the town will respond with timely inspections. If the alleged violation concerns an imminent health or safety hazard to the neighborhood or neighbors, inclusive of open/vacant buildings, fire and/or health hazards, unsecured pools or other health and safety hazards, the town will respond with an immediate inspection. All other reported violations will be

responded to within forty-eight (48) hours.

2. Courtesy Notice

Except in cases with previous history of code violations, imminent health or safety hazards, commercial business violations and violations of a transient nature, the owner / responsible party will be notified a violation was observed on their property and that failure to abate the violation may result in further code enforcement action.

3. Formal Notice of Ordinance Violation (NOV)

In cases involving imminent health and safety violations, cases with previous history of code violations, violations of a transient nature such as commercial business violations, home occupation violations and violations that remain following the issuance of a courtesy notice, the responsible party or parties will be officially notified that a violation has been discovered through an inspection and will be advised of specific corrective action required. They will also be advised through this process of what further action will be taken by the town if they do not comply. In addition, owners/responsible parties will be advised of available appropriate assistance as enumerated in Section IV(B) of this policy.

Also included with the NOV to owners/responsible parties who have not previously received the information with a courtesy notice, will be an explanation that recidivists will receive only one official notice of ordinance violation for a violation and that future offenses of town ordinances may result in legal action without issuance of further notices of ordinance violation. Information on the most common blighting violations will also be included with the NOV.

4. Civil Citation

Owners/responsible parties who fail to comply will be subject to the issuance of a civil citation that will be adjudicated by a hearing officer/judge. In the case of properties that are not owner occupied the following general guidelines will apply:

- a. In general, tenants/occupants will be held responsible for items concerning routine maintenance and for personal property items.
- b. In situations where tenants/occupants have failed to fulfill their responsibility for compliance with town ordinances, owners/responsible parties may also be held accountable.
- c. In cases involving unoccupied properties, owners /responsible parties will be held accountable for all property conditions.
- d. In cases involving businesses or business centers, owners

/responsible parties will be held accountable for all property conditions.

5. Criminal Complaint

Failure to comply with any of the preceding actions will be cause to proceed with a criminal complaint.

6. Town Abatement

The town, at its own discretion, may choose to directly abate and assess (lien) for any and all violations that remain in non-compliance with town ordinances or regulations following expiration of the time given in the notice.

**II. Recidivists Persons/Properties**

A. Purpose

The recidivist process is designed to provide relief via an expedited enforcement process for neighborhoods experiencing problems with residents who repeatedly violate town ordinances and who have demonstrated an inability or unwillingness to remain a good neighbor by maintaining their property.

B. Definition

A recidivist case is a newly opened case on a property involving the same responsible party for the same violation or any of the common blight violations as specified in Section III (B) (4) (a), where within the last 24 months, the responsible party has been issued a Notice of Ordinance Violation and/or civil citation, and/or had criminal charges filed for, and/or contractual abatement initiated.

A chronic recidivist case is a case on a property where within the last 24 months the property has had unresolved notice(s) of violation of the Town codes for six months or more, excluding time for administrative appeals or hardship assistance processes. A chronic recidivist designation shall apply until the property has remained in compliance for past violation(s) and any of the common blight violations, as specified in Section III (B) for a period of 90 days following the date the prior case was closed.

If unusual or mitigating circumstances warrant, the Town Manager or designee may exempt a responsible party from the recidivist designation. In such cases, the Town Manager or designee will seek input from the complainant, neighborhood associations or block watches in the area, area residents or other staff, as appropriate, to assist in making a determination.

C. Notification Policy

Cases which have been designated as recidivist or chronic recidivist will proceed through a legal fast track. The discovery of a repeat offense or

continuous offenses of six months or more will be cause to:

1. Issue an immediate civil citation (for those offenses deemed appropriate);
2. Issue a formal notice of violation in conjunction with a civil citation for offenses that warrant abatement; and/ or;
3. Issue a criminal summons.

### **III. Inspection/Enforcement**

#### **A. Purpose**

The Neighborhood Preservation Ordinance, Zoning Ordinances and other ordinances and codes enforced by the Community and Neighborhood Services (CNS) Department are enforced on a complaint basis. This is designed to encourage resident, business, neighborhood association, block watch or other town department participation in the enforcement process.

Anonymous complaints will be accepted with the following exceptions: illegal commercial business complaints; when past complaints for the same alleged violation on the same property have been found to be invalid on three or more occasions; and in situations when a street address is not provided. Complaints in these categories will require that the complainant provide a name and contact phone number.

#### **B. When an initial inspection is conducted, based on a complaint, the inspector may:**

1. Expand upon the initial complaint on the same property and determine whether violations exist on the following items identified by Town Council:
  - a. Over height weeds/grass or dead/dry bushes, trees, weeds and/or other vegetation
  - b. Inoperable vehicles
  - c. Junk, litter and/or debris
  - d. Open/vacant/dilapidated buildings and structures
  - e. Outside storage
  - f. Fences in disrepair
  - g. Graffiti
2. Inspect additional properties in the immediate area of the initial reported violation; and
3. Limit the inspection to those items, which appeared as violation on the initial property on which the complaint was received; and the items listed in the III(B).
4. Initiate appropriate enforcement action.

### **IV. Exceptions**

Exceptions to the complaint-based enforcement policy are as follows:

- A. Scheduled neighborhood canvassing as posted on the Code Enforcement page of the Town's website.
- B. Special target areas identified by the Community and Neighborhood Services director in an effort rehabilitate deteriorating neighborhoods.
- C. Properties in the immediate area which are an obvious detriment or blight
- D. Environmental, Imminent Hazard and/or Fire Safety Conditions  
In order to maintain and protect neighborhoods from imminent hazards, environmental hazards, fire hazards and other types of similar conditions that may immediately endanger or place residents in peril, the town will summarily inspect/abate any and all conditions which are discovered without benefit of complaint.
- E. Seamless Service Efforts  
The CNS Department may be called upon by other departments or governmental agencies to partner on issues of community concern in areas outside of the town's designated Target Areas. It is the department's goal to provide seamless and coordinated service in such circumstances to facilitate the resolution of an identified community problem. In order to support and complement these interagency/interdepartmental efforts, systematic and non-complaint based code enforcement may be implemented with the approval of the Town Manager or designee.
- F. Recidivist/Chronic Recidivist Properties  
To address frequently recurring violations on recidivist properties, the CNS Department may initiate non-complaint based inspections/code enforcement on recidivist properties after case resolution to check for a recurrence of the same violation(s) and/or any of the common blight violations as identified in Section III (B).

To assure lasting compliance on chronic recidivist properties, the CNS Department shall initiate non-complaint based exterior inspections/code enforcement on designated chronic recidivist properties after case resolution, to check for a recurrence of the same violation(s) and/or any of the common blight violations as identified in Section III (B).

## **V. Hardship Assistance**

### **A. Purpose**

It is the intent of the Town to provide assistance to all low- and moderate-income households that are eligible for financial assistance. Assistance will be provided in the form of information, referral,

counseling, the provision of volunteer labor, if/when available and/or the provision of direct financial assistance.

**B. Available Resources**

Based upon funding availability and in some cases participant eligibility the CNS Department will provide or coordinate the following types of assistance:

1. Information
2. Housing, financial, landlord/tenant counseling
3. Referral to public, private or nonprofit sources of assistance
4. Tool lending
5. Volunteer labor assistance
6. Graffiti abatement supplies and assistance
7. Housing rehabilitation/reconstruction

**VI. Interdepartmental/Interagency Cooperation**

**A. Purpose**

The CNS Department will cooperate with other departments and agencies when appropriate to further the mutual goals of nuisance abatement and neighborhood maintenance for the benefit of the entire community.

**B. Cooperation From Other Departments**

Upon the request, the Police Department and any other department of the town will assist and cooperate in the performance of duties related to the enforcement of ordinances. This cooperation may include assistance in enforcement or abatement actions, including removal of persons from buildings or structures to be demolished.

**C. Hazardous Conditions**

The town manager or designee may order immediate abatement of a hazard without notice. The CNS Department may also request official concurrence from other departments as to whether immediate abatement action is necessary. These departments or agencies include, but are not limited to, Police, Fire, Public Works, Development Services and the Pima County Environmental Services departments.

**VII. Annual Review by Town Council**

This Code Enforcement Policy will be reviewed and evaluated annually by the Town Council