

Town of Gila Bend Code Compliance Policy

I. Mission

To preserve and improve the physical, social and economic health of Gila Bend neighborhoods, support community self-reliance, and enhance the quality of life for residents through community-based problem solving, community development-oriented services and public/private cooperation.

II. Purpose

It is the intent of the Town of Gila Bend through this policy is to promote the health, safety, economic, aesthetic and general welfare of the Citizens of the Town of Gila Bend. Part of this responsibility includes protecting neighborhoods against blight, deteriorating conditions and public nuisances that have an adverse or negative impact on area property values, encourage social disorder and crime. This is achieved through Town ordinances and by establishing policies and procedures used by the Community Development Services Department to guide compliance actions. This document does not repeat, amend or modify the ordinances of the Town of Gila Bend.

III. General Philosophy

The general philosophy for code compliance in the Town of Gila Bend is to provide a timely response to resident concerns about physical conditions in their neighborhoods. This means that staff functions as problem solvers by working with responsible parties to ensure compliance with Town codes and ordinances. This response and resulting compliance will be achieved through consistently applied processes as described. It is expected that all staff responsible for enforcing Town codes will be responsive, exercise good judgment and common sense, and use a reasonable approach.

IV. Goals

This policy is designed to provide Town residents with a fair and consistent process to address code compliance. The ultimate goal of this policy is to bring properties into compliance through informal procedures by way of communication and cooperation with the property owner or other responsible party. Efforts will be made to work with the responsible party to make sure they understand the violation and have the violation corrected short of prosecution. Informal procedures, such as oral warnings and violation notices, will be used whenever possible to correct violations in an expeditious manner. Generally, the Code Compliance Policy may be enforced on either a complaint basis or as part of a proactive enforcement initiative targeting health and safety violations.

V. Authority

The Planning and Economic Development Director or their designee, known as the Code Compliance Representative, is assigned the primary responsibility of enforcing this policy, through the enforcement of Town codes and ordinances, and is granted the express and implied authority needed and necessary for enforcement. Nothing in this policy shall preclude the Planning and Economic Development Director or their designee, known as the Code Compliance Representative, from seeking voluntary compliance with the provisions of this article or for enforcing this article, proactively or reactively, through warnings, notices to comply or other such devices designed to achieve compliance in the most efficient and effective manner under the circumstances.

VI. External Education and Communication

A. Ongoing efforts to educate the Town's citizens, property owners and businesses should be a regular practice emphasizing new ordinances and code sections that are unique to Gila Bend. These education efforts should include the use of the:

- Town's web site
- Town's News Letter
- Local Circulated Newspaper

B. Ongoing education and communication of the Town's code provisions should help eliminate confusion and resolve questions concerning the responsibilities of citizens and others for complying with the Town code.

VII. Internal Education and Communication

A. The Town has established a coordinated effort to respond to reports of alleged violations. As a part of this program Town departments have been assigned to respond to certain complaints. In general, violations of the Zoning Ordinance, blight and matters affecting aesthetics will be directed to the Community Development Services Department's Code Compliance program.

B. However, the Public Works Department will also respond to these types of violations when they are located within Town owned-right-of-ways. The Sherriffs/Police Department will respond to health and safety violations of immediate concern, traffic, and other offenses, and the Town Building Official/Code Compliance Representative will respond to violations of the Fire Code and Building Code. Town staff should recognize possible violations and direct the matter to the proper department for possible code compliance action. Code compliance complaints and all follow up actions will be documented in order to ensure thorough and appropriate response to citizen complaints and to monitor repeat violations.

C. "Code Compliance Representative" includes the Town Fire Marshal, any Peace Officer, Town Building Official/Inspectors, the Planning and Economic Development Director, and any other person designated by the Planning and Economic Development Director to have authority to issue a citation for a code violation.

VIII. Standard Code Compliance

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

B. Actions The following actions will be taken on properties where there has been no previous history of violations and/or compliance action.

1. Response and Investigation. When a complaint is received, the Town may respond in the following manner:

a. Inspection of the Property: The Code Compliance Representative will schedule an initial inspection of the property to confirm the existence of the violation and document it.

b. The initial complaint may be expanded upon on the same property to determine whether other violations exist, such as:

- Over-height weed/grass or dead/dry bushes, trees, tall grasses, and or other vegetation,
- Inoperable vehicles
- Junk/litter/debris
- Fences in disrepair
- Graffiti
- Blight
- Nuisances
- Un-kept Pools
- Any other violations of the Town's codes and ordinances
- c. Additional properties may be inspected in the immediate area of the initial reported violation.
- d. A compliance action may be initiated with the issuance of a Notice of Violation or use of warnings and other informal means.

2. Notice of Violation

a. Notice of Violation Form or Letter: The Code Compliance Representative may issue a notice of violation letter to the owner/responsible parties, notifying them that specific complaint(s) which has/have been received. The notice shall: explain the violation; advise the responsible party, when appropriate, of specific corrective action(s) required; and set a compliance date. The responsible party will also be advised that, if the violation is not corrected by the given date, the representative will submit the complaint to the Town Attorney's office for legal action.

b. Follow Up Inspection: The Code Compliance Representative will revisit the property on the compliance date, or shortly thereafter, to determine if the violation has been corrected.

c. The time given for compliance shall be:

- Immediately: For violations that present a hazard to life and public safety;
- 15 days: For violations involving miscellaneous nuisance violations such as grass, weeds, trash, inoperable vehicles, etc.
- 30 days: For violations involving structural building violations.
- d. Documentation for Compliance Action: If the violation has not been corrected on the given compliance date, the representative will photograph the violation, document the site visit, and either issue a Final Notice of Violation, a short form complaint or upon review of the violation by the Planning and Economic Development Department Director refer it to the Attorney's Office for further action.

3. Civil Citation

- a. Owners/responsible parties who fail to comply will be subject to the issuance of a civil complaint and/or citation that will be adjudicated in the Gila Bend Municipal Court.
- b. In general, tenants/occupants will be held responsible for violations concerning routine maintenance of the property and for personal property items.
 - In situations where tenants/occupants have failed to fulfill their responsibilities for compliance with Town ordinances, owners/responsible parties may also be held accountable.
 - In cases involving unoccupied properties, owners/responsible parties will be held accountable for all property conditions.
- c. The charge may be dismissed at the request of the Code Compliance Representative if the violation is corrected prior to the hearing date.
- d. The charge may be deemed admitted should the responsible party fail to appear.

4. Criminal Violations.

- a. If the violation concerns an imminent hazard, an environmental hazard, fire hazard, or other similar condition that may immediately endanger, or place residents, or adjoining property, in peril, the representative may issue the violator a criminal citation or submit the file to the prosecutor for review of criminal charges.
- b. The prosecutor may issue long form criminal code violations in accordance with the Town codes and ordinances.
- c. The prosecutor will meet with the violator and or their representative and work towards compliance. The prosecutor may:
 - File a motion to dismiss the charges upon verification that the violation has been corrected.
 - Enter into a deferred prosecution agreement whereby the violator pays a fine and refrains from any further violations for a set time period. At the end of the specified time period and upon successful completion of the agreement, the charges would be dismissed.
 - The prosecutor may proceed to a trial on the matter.

1 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 city ordinances or regulations.

2 Non-violations When the complainant does not have a valid complaint, or if an inspection determines no violation, the Code Compliance Representative will inform complainant in a timely manner. The representative will also offer to meet with the complainant and educate him or her on the Code and provide ideas or options on how they might solve the problem.

IX. Repeat Offender Violation

A. The repeat offender process is designed to provide relief, via an expedited enforcement process, for neighborhoods experiencing problems with residents who repeatedly violate Town codes and ordinances and who have demonstrated an inability or unwillingness to comply with Town codes and ordinances.

B. Definition A repeat offender case is a newly opened case where there is a past history of violations involving the same responsible party. A repeat offender is any person whom or property which, within the last twenty-four (24) months, has received three (3) or more Notices of Violation and/or civil citations, and/or had criminal charges filed for, and/or contractual abatement initiated.

1 The twenty-four (24) month period will commence on the latest date that any final notice of violation has expired or an abatement process has concluded.

2 Person(s) who has/have been designated or identified as a repeat offender will proceed immediately to the court system for adjudication of the violation, rather than through the procedure for standard code compliance. The discovery of a repeat offense will be cause for the Code Compliance Representative to take immediate action either by issuing a citation and summons immediately; issuing a final notice of violation letter in concert with a citation and summons; or forwarding to the Attorney's office for the issuance of a long form criminal complaint and summons.

X. Hardship Assistance/Exceptions

A. The Town desires to provide assistance to all low and very low-income households that are eligible for financial assistance, and to residents that are physically or mentally disabled. Assistance may be provided in the form of information, referral, counseling, the provision of volunteer labor and/or the provision of direct financial assistance.

B. Definition Residents that qualify as low and very low income households as defined by U.S. Department of Housing and Urban Development Fiscal Year Income Limits for the Public Housing and Section 8 Programs, or are physically or mentally disabled and are unable to perform the necessary requirements to bring their property in to compliance may apply to the Planning and Economic Development Department for assistance. The Planning and Economic Development Department working with the Town Manager will attempt to obtain grants or other financial aid or other programs or resources to assist residents to bring their property into compliance with Town code regulations and property maintenance standards.

C. Available Resources Based upon funding availability, and in some cases participant eligibility, the Planning and Economic Development Department or other Town staff, cooperating therewith, may provide or coordinate the following types of assistance:

- Information
- Housing, financial, landlord/tenant counseling
- Referral to public, private or nonprofit sources of assistance
- Toolending
- Volunteer labor assistance
- Graffiti abatement supplies and assistance
- Financial assistance to bring violations into compliance
- Housing rehabilitation/reconstruction

WITNESS/COMPLAINANT

Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____
Email: _____
Signature: _____

VIOLATION LOCATION

Assessor's Parcel Number (APN#): _____
Address: _____
City: _____ State: _____ Zip: _____
Property Owner (if known): _____

COMPLAINT TYPE

- Housing/Building Code
- Vacant/Abandoned Building
- Junk/Debris
- Visual Blight
- Overgrown Weeds/Grass
- Outside Storage
- Abandoned/Inoperable Vehicles
- Parking on Unimproved Surfaces
- Fences
- Signage
- Unlicensed Businesses
- Un permitted construction
- Other; Describe: _____

DESCRIPTION OF VIOLATION:

NOTE: ALL SECTIONS MUST BE COMPLETE FOR THE TOWN TO ACT ON THE MATTER. ALL COMPLAINTS ARE KEPT CONFIDENTIAL AND YOUR PERSONAL INFORMATION WILL NOT BE GIVEN OUT.

DEPARTMENT USE ONLY:

Received By: _____
Date Received: _____
Inspector: _____
Inspection Date: _____
Inspectors Observation/Act: _____

Town of Gila Bend -P.O. Box A, 644 West Pima Street -Gila Bend, AZ85337
Tel. 928.683.2255 Fax. 928-683-6430 www.gilabendaz.org