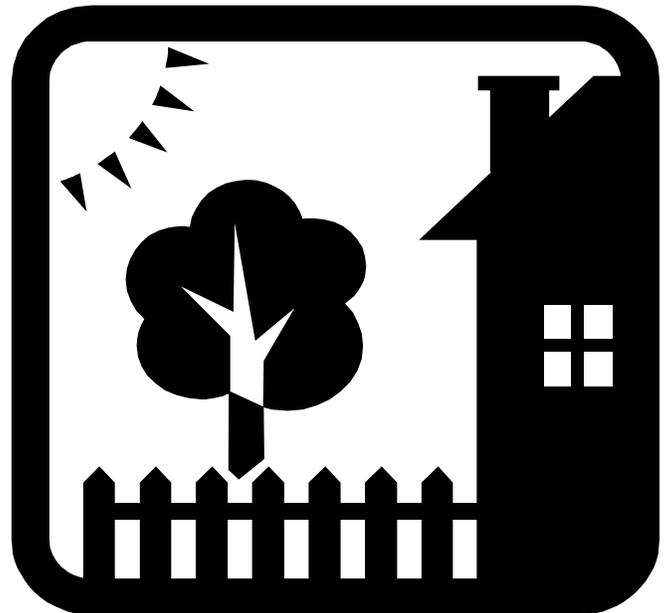




City of Phoenix
Neighborhood Services Department

CODE ENFORCEMENT POLICY

The Code Enforcement Policy, adopted by the Phoenix City Council, provides guidelines for enforcement of the Neighborhood Preservation Ordinance, Zoning Ordinance and portions of other codes and ordinances.



Effective June 29, 2006

Neighborhood Services Department:
A dynamic, committed partner in building vibrant neighborhoods

Neighborhood Services Department

Our mission

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

Contact Us

To report a violation, ask about a case or get information about the Neighborhood Preservation Ordinance and/or Code Enforcement Policy, contact the Neighborhood Preservation Division at:

blight@phoenix.gov

or

(602) 534-4444.

Learn about the Neighborhood Services Department by visiting **phoenix.gov/NSD**

For a copy of this publication in an alternate format or for reasonable accommodations contact:
Neighborhood Services Department ADA Liaison,
200 W. Washington St., Phoenix, AZ 85003.
Voice (602) 495-5456. TTY (602) 495-0685.
Esta información está disponible en español.

Code Enforcement Policy

I. Standard Code Enforcement

A. Purpose

It is the intent of the city of Phoenix to promote the health, safety and welfare of the residents of Phoenix, Arizona. Part of this responsibility includes protecting neighborhoods from blighting and deteriorating conditions that have a negative impact on area property values 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

City of Phoenix residents 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 city 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 city will respond in the following manner:

a. Immediate Inspections

If the alleged violation concerns a potential 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 city will respond with an immediate inspection.

b. Pre-Notification Letter

If the alleged violation is not a potential health or safety hazard, if the property is occupied and if a mailing address is available, the city will issue a pre-notification letter to the owner/responsible parties notifying them that specific complaints have been received and that an inspection will be conducted within 10 days.

Included with the pre-notification letter will be an explanation that recidivists will receive only one official notice of ordinance violation for a violation and that future offenses of city 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 pre-notification letter.

2. Formal Notice of Ordinance Violation (NOV)

Except in cases involving 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 involving vendors, 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

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will be taken by the city 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 pre-notification letter will be an explanation that recidivists will receive only one official notice of ordinance violation for a violation and that future offenses of city 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.

3. 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:

- In general, tenants/occupants will be held responsible for items concerning routine maintenance and for personal property items.
- In situations where tenants/occupants have failed to fulfill their responsibility for compliance with city 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.

4. Criminal Complaint

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

5. City Abatement

The city, 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.

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 city 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.

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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 City 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) (4) (a) for a period of 90 days following the date the prior case was closed.

If unusual or mitigating circumstances warrant, the City Manager or designee may exempt a responsible party from the recidivist designation. In such cases, the City 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:

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

III. Inspection/Enforcement

A. Purpose

The Neighborhood Preservation Ordinance, Zoning Ordinance and other ordinances and codes enforced by the Neighborhood Services Department are enforced on a complaint basis. This is designed to encourage resident, neighborhood association, block watch or other city department participation in the enforcement process. The graffiti supplies non-access regulations (Section 39-10 D) of the Neighborhood Preservation Ordinance and mobile vending regulations are enforced proactively.

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. Exceptions

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

1. Active Neighborhood Fight Back Areas

The Neighborhood Fight Back Program is a resident mobilization effort that provides a temporary increase in city services to assist in community revitalization efforts. The increased services are targeted to reduce crime, eliminate or prevent blight and help restore or stabilize neighborhoods. Deviation from the complaint-

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based enforcement process will take place at the request of, and with the active support and cooperation of, area residents.

2. **Neighborhood Initiative Areas**
Combined with the city's long-standing commitment to improve distressed areas, the Neighborhood Services Department is focusing resources for concentrated and comprehensive revitalization in five Neighborhood Initiative Areas. The concept is to concentrate resources, complete revitalization, then move to other areas of need. The neighborhoods identified and selected require a comprehensive approach for restoration and revitalization. Staff works with residents so that success can be defined and a strategy developed to achieve it. These and future designated NIAs will allow for non-complaint based inspections and enforcement.
3. **Redevelopment Areas, Neighborhood Revitalization Areas or other Target Areas**
The Neighborhood Services Department works with resident advisory committees and neighborhood organizations in the city's designated Redevelopment Areas and other Target Areas to eliminate blight and to promote residential and commercial redevelopment and revitalization. In order to support and complement redevelopment and revitalization efforts within the designated redevelopment and Target Areas, systematic and non-complaint based code enforcement may be required.

At the request of Phoenix City Council members, certain Neighborhood Revitalization Areas are designated by the Neighborhood Services Department for neighborhood organization and revitalization activities. Based upon the request of, and in partnership with, the neighborhood organization, non-complaint based code enforcement may be implemented in these areas.

4. **Properties in the Immediate Area which are an Obvious Detriment or Blight**
When an initial inspection is conducted, based on a complaint, the inspector may:
 - a. Expand upon the initial complaint on the same property and determine whether violations exist on the following items identified by City Council:
 - Overheight weeds/grass or dead/dry bushes, trees, weeds and/or other vegetation
 - Inoperable vehicles
 - Junk, litter and/or debris
 - Open/vacant buildings and structures
 - Outside storage
 - Fences in disrepair
 - Vehicles parked on non-dustproofed surfaces or in non-permitted areas of residential front or side yards
 - Graffiti

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- b. Inspect additional properties in the immediate area of the initial reported violation; and
 - c. Limit the inspection to those items, which appeared as violations on the initial property on which the complaint was received; and the items listed in III (B)(4)(a).
 - d. Initiate appropriate enforcement action.
5. 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 city will summarily inspect/abate any and all conditions which are discovered without benefit of complaint.
6. Seamless Service Efforts
The Neighborhood Services Department may be called upon by other departments or governmental agencies to partner on issues of community concern in areas outside of the city'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 City Manager or designee.
7. City-designated Slum Properties
In an effort to comprehensively and effectively address multiple violations at city-designated slum properties, the Neighborhood Services Department may implement non-complaint based code enforcement.
8. Recidivist/Chronic Recidivist Properties
To address frequently recurring violations on recidivist properties, the Neighborhood Services 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) (4) (a).
- To assure lasting compliance on chronic recidivist properties, the Neighborhood Services 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. (4) (a).

IV. Hardship Assistance

A. Purpose

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

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form of information, referral, counseling, the provision of volunteer labor and/or the provision of direct financial assistance.

B. Available Resources

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

- Information

- Housing, financial, landlord/tenant counseling

- Referral to public, private or nonprofit sources of assistance

- Tool lending

- Volunteer labor assistance

- Graffiti abatement supplies and assistance

- Financial assistance to bring violations into compliance

- Housing rehabilitation/reconstruction (limited geographic areas only)

V. Interdepartmental/Interagency Cooperation

A. Purpose

The Neighborhood Services 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 of the director or designee, the Police Department and any other department of the city will assist and cooperate with the director 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 city manager or designee may order immediate abatement of a hazard without notice. The Neighborhood Services 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 Maricopa County Environmental Services departments.

VI. Annual Review by City Council

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