

ATTACHMENT B - PROPOSED



**NEIGHBORHOOD
SERVICES
DEPARTMENT**

Neighborhood Preservation Division

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.

Code Enforcement Policy

Neighborhood Services Department Mission

To Preserve, Enhance and Engage Phoenix Neighborhoods

Contact Us

Report a code violation:

phoenix.gov/myPHX311

(602) 534-4444

Check the status of a code enforcement case:

nsdonline.phoenix.gov/CodeEnforcement

(602) 534-4444

For information about the Neighborhood
Preservation Code Compliance program:

phoenix.gov/nsd/programs/compliance

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) 534-4444. TTY 711.**

Esta información está disponible en español.

Code Enforcement Policy

Statement of Intent

The Code Enforcement Policy is to be used to guide the efforts of the Neighborhood Services Department to address violations of the City Code. To achieve compliance, it is the intent of the department to lead with education, provide resources when hardships exist, and enforce when necessary. Code enforcement is intended to be used to foster partnership with residents to support the overall health, safety, and welfare of the City, and to protect neighborhoods against hazardous, blighting, and deteriorating influences or conditions. Neighborhood Preservation Inspectors provide excellent customer service and will operate with fairness, integrity, transparency, and consistent professionalism while working to meet the department's intent.

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. Hazard 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 within 24 hours or one business day to attempt an 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 11 days. Information on the most common blighting violations will also be included with the pre-notification letter.

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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 home occupation standards 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 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.

a. Timelines for NOV Compliance

- I. Standard – 15 days (minor violations)
- II. Standard – 35 days (significant cost to correct)
- III. Abatement – 35 days
- IV. Hazard – 0 to 24 hours
- V. Graffiti – 10 days
- VI. Rental Registration – 10 days
- VII. Illegal Signs – 5 days
- VIII. Mobile Vending – 0 to 15 days

The NOV will include an explanation that recidivists will receive only one official notice for a violation and that future offenses of city ordinances may result in legal action without issuance of further NOVs. Information on the most common blight violations will also be included with the NOV.

Cases involving inspections post issuance of an NOV will be conducted within four days of the scheduled compliance date.

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.

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6. Exceptions

Exceptions to the standard code enforcement policy are as follows:

Episodic Violations

- a. An episodic violation is one that occurs intermittently. To effectively address episodic violations in an expediated manner, the Neighborhood Services Department will deviate from the standard enforcement process and proceed to an immediate citation.

Violations include, but are not limited to, non-permitted events where the owner has been notified but activity continues, such as unauthorized parties that occur on commercial properties and events with outdoor entertainment without the appropriate use permit.

II. Recidivists Persons/Properties and Egregious Violations

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 (C)(4)(a), where within the last 12 months, the responsible party has been issued a NOV and/or civil citation, and/or had criminal charges filed for, and/or contractual abatement initiated.

An egregious violation is when the condition or state of a property is in an extreme state of violation, which could present health and safety issues, or is beyond the reasonable scenario where the owner may not be aware there is a violation.

If unusual or mitigating circumstances warrant, the City Manager or designee 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 with a violation **observed at the initial inspection**, which have been determined to be recidivist, chronic recidivist, **or are categorized as an egregious violation**, will not be issued a pre-notification letter or standard NOV, **and an inspection will be conducted within three days**. Cases will proceed immediately to one of the following code enforcement actions based on the unique facts of the case:

- issue a NOV requiring the abatement of the violations
- issue a civil citation
- request a criminal summons

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D. Consecutive Citations

If a violation remains uncorrected, a case involves imminent hazards, or a case remains open for an extended period of time, the inspector may issue a citation for each day the violation is observed. Issuing daily citations requires Code Compliance Manager approval.

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, mobile vending regulations, Vacant Property Registry, Shopping Cart Certification, and common blight violations may be enforced proactively.

B. Confidentiality of Complaints

The Neighborhood Services Department's policy is to not publicly disclose complainant information, unless required by law. Once a violation is substantiated, the City of Phoenix serves as the official complainant for the duration of the case.

A property may be reported anonymously, or residents may choose to leave their contact information as part of the process for any additional inquiries for the inspector. Anonymous complaints will be accepted with the following exceptions: home occupation complaints; portions of the animal ordinance (Chapter 8); 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 provides a name and contact phone number.

C. Exceptions

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

1. Neighborhood Action Plans

A Neighborhood Action Plan 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-based enforcement process will take place at the request of, and with the active support and cooperation of, area residents.

2. Strategic Code Enforcement Areas (Community Development Block Grant funded)

Strategic code enforcement activities are targeted to specific eligible regions determined to be deteriorating or deteriorated, to protect public health, safety, and welfare, and to encourage residents to maintain the appearance and value of their housing units, reduce crime in their neighborhood, and to protect the health and safety of residents using public facilities, in accordance with federal Department of Housing and Urban Development requirements. In order to be eligible,

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areas must be in low- and moderate-income census tracts and meet the requirements of being a slum and blight area, with a significant portion of the slum and blighted properties meeting that definition based on the built environment.

In addition to enforcement, other efforts may include, but are not limited to, conducting educational outreach on code compliance issues, initiating area property condition surveys, and providing technical and referral assistance to resolve city code violations.

3. 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 a complaint on the same property and determine whether violations exist on the following items identified by City Council or **similar/related violations**:
 - High 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 **or walls** in disrepair
 - Vehicles parked on a non-dust proofed surface or in non-permitted areas of residential front or side yards
 - Graffiti
- b. Inspect additional properties in the immediate area of the initial reported violation. **The immediate area is defined as the two adjacent properties plus the three across the street; may expand to the entire street at the inspector's discretion. A supervisor may approve to expand beyond the street if deemed appropriate.**
- 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 **(C)**(4)(a).
- d. Initiate appropriate enforcement action.

4. 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.

5. 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.

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6. 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.

7. 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 (C)(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 (C)(4)(a).

8. Private Communities

Enforcement of violations within private communities with private roads and/or limited public access are generally the responsibility of the owner(s), responsible party, property manager, and/or park managers. NSD will enforce violations visible from the property boundaries and health and safety violations reported by residents within the community.

9. Short Term Rental Properties

To ensure the appropriate permitting requirements are met, the Neighborhood Services Department may proactively enforce non-permitted Short-Term Rentals. Additionally, the Director may adopt a policy to regularly inspect properties for compliance with Section 10-205.

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, and support for owners/responsible parties who are impacted by homelessness. Assistance and support will be provided in the form of information, referral, counseling, outreach, the provision of volunteer labor and/or the provision of direct financial assistance. Additional time to achieve compliance may also be necessary due to the resources offered.

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

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- 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.