



ANOTHER WAY TO HANDLE SOME CODE ENFORCEMENT CASES

PINAL COUNTY DEVELOPMENT SERVICES & PCAO

CODE ENFORCEMENT CASE LOAD

602 Total Active Cases

- 495 active zoning code cases
- 107 building code case
- 17 (3%) are “proactive”
 - (cases triggered without a complaining party)

602 Cases Divided Among 7 Staff Members

- 6 Code Compliance Officers
- 1 Building Safety Inspector



NUMBERS AS OF MARCH 2024

CODE ENFORCEMENT CASE LOAD CONT.

602 Active Cases

- Comprised of 1,173 Total Violations

Types of Violations being Investigated

- 247 (21%) violations related to scrap/debris
- 167 (14%) violations related to inoperable vehicles
- 147 (12%) violations related to buildings without permits (“BWOPs”)
 - Constructed unlawfully and extent of safeguards, conditions, and/or defects is unknown.
 - Majority are backlogged/old cases prior to existing BWOP process.
- 113 (10%) violations related to land use



NUMBERS AS OF MARCH 2024



03.25.2021 10:26







09/28/2022
13:23



CURRENT CODE ENFORCEMENT PROCESS

A.R.S. § 11-815

1

COMPLAINT
RECEIVED



2

INSPECTION
OF PROPERTY



3

ATTEMPTS TO RESOLVE
VIA VOLUNTARY
COMPLIANCE



4

NON-COMPLIANCE
VIOLATION(S)
REFERRED TO
CIVIL HEARING OFFICE ("CHO")



7

IF VIOLATION IS NOT ABATED, CHO DECISION IS REFERRED
TO PCAO TO CONSIDER FILING A LAWSUIT TO OBTAIN:
INJUNCTION, AUTHORIZATION TO ABATE OR REMOVE THE
UNLAWFUL CONSTRUCTION OR USE, AND FINE
PCAO HAS 102 CASES PENDING ENFORCEMENT

6

IF IN VIOLATION,
CHO ASSESSES A FINE
OF UP TO \$750 PER
VIOLATION AND
ORDERS ABATEMENT



5

CHO HEARING
HEARING OFFICER FINDS
WHETHER OR NOT
PROPERTY IS IN VIOLATION



INEFFICIENCIES WITH CURRENT PROCESS

- Every code violation, regardless of type or severity, if not voluntarily abated, may result in a lawsuit to seek a judgment
- Basic code violation cases can take years to resolve
- Amount of court and staff time it takes to obtain authorization for abatement
- Significant resources used to obtain judgment for abatement



ANOTHER OPTION FOR ENFORCEMENT

- A.R.S. § 11-268
- “The BOS, by ordinance, shall compel the owner, lessee or occupant...to remove rubbish, trash, weeds, filth, debris or dilapidated buildings...”
 - i.e. a hazard to public health and safety
- A.R.S. § 11-268 was amended in 2011 and 2013
- County Ordinance 111099-RTO approved in 1999 but has not been updated
 - Therefore, not being used



NEW PROPOSED ENFORCEMENT PROCESS

A.R.S. § 11-268

1

COMPLAINT
RECEIVED



2

INSPECTION
OF PROPERTY TO
DETERMINE IF
VIOLATION(S) /
PUBLIC NUISANCE
EXISTS



3

SERVICE OF NOTICE TO
ABATE W/ESTIMATED
COST OF ABATEMENT IF
OWNER, LESSEE, OR
OCCUPANT DOES NOT
ABATE VIOLATION(S)



4

NOTICE PROVIDES:
SPECIFIC VIOLATION(S) CITED,
DEADLINE TO ABATE,
COUNTY HAS RIGHT TO ABATE IF
VIOLATION(S) REMAIN AFTER 30 DAYS,
& APPEAL RIGHTS



5

IF NOTICE IS APPEALED,
CHO HEARS APPEAL AND
ISSUES DECISION



6

IF CHO FINDS VIOLATION(S),
APPELLANT HAS 30 ADDITIONAL
DAYS TO ABATE, OTHERWISE
COUNTY CAN ABATE



WHAT IF COUNTY MUST ABATE?

- If County abates violation(s)/nuisance, the costs shall be an Assessment against the real property where violation(s) occurred
- Assessment shall not exceed written estimate in Notice to Abate
- Notice of Assessment shall be served in same manner as Notice to Abate with same right to appeal
- Assessment unpaid after 30 days will be recorded and will function as a lien against the real property

APPEAL & ABATEMENT: REPLACEMENT ORDINANCE

- If Notice to Abate not appealed -> County may abate 30 days after service of Notice if violation/nuisance remains
- Notice to Abate appealed and CHO finds violation(s) -> County may abate 30 days after CHO decision if violation(s)/nuisance remains
- Notice to Abate appealed and CHO finds no violation(s) -> County may not abate

WHAT ARE WE LEFT WITH?

- Two “types” of code violations on two different enforcement tracks
- Type 1: Trash, Debris, Dilapidated Buildings (A.R.S. § 11-268)
 - (hazard to public health and safety)
- Type 2: Zoning Violations (A.R.S. § 11-815)
- Proposed Ordinance deals with Trash, Debris, Dilapidated Buildings which are 21% of current violations