

# Cochise County Anti-Blight / Public Nuisance Abatement Ordinance

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Board of Supervisors — Work Session  
February 5, 2025



# Presentation Overview

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## **Why an updated ordinance is needed**

Understanding the gaps in current enforcement tools and their community impact

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## **How enforcement, appeals, and cost recovery work**

Walking through the administrative process and legal safeguards

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## **What the ordinance does and does not do**

Clarifying scope, authority, and boundaries of the new framework

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## **What we need from the Board today**

Discussion, feedback, and next steps toward adoption

# Board Direction Requested Today

- Confirm overall approach and policy direction
- Confirm enforcement framework and Hearing Officer appeal path
- Identify any issues to clarify, modify, or refine before public hearing
- Provide direction on outreach and implementation priorities

## **New Ordinance Benefits**

- Clearer roles and streamlined process
- Better due process and consistent appeals
- Less duplication, improved coordination
- Stronger cost recovery when County must abate





# Why This Matters

## Community Impacts

Blight and illegal dumping create serious health and safety risks across unincorporated Cochise County. These conditions lead to fire hazards, pest infestations, and unsafe structures that endanger residents.

Beyond safety, blight diminishes property values and erodes quality of life for neighboring property owners.

## Policy Goal

This ordinance establishes clear legal authority and a consistent, efficient process for addressing nuisance conditions.

It is specifically focused on unincorporated areas of Cochise County, providing modern tools to protect public health, safety, and welfare while respecting property rights.

# Where We Are Today

Ordinance 041-11

## **Hazard Abatement**

Managed by Development Services

- Targets hazardous accumulations
- Addresses dilapidated buildings
- Standalone ordinance, also provisions in Zoning Regs (Outdoor Storage)

Ordinance 032-03

## **Solid Waste Disposal (Illegal Dumping)**

Managed by Facilities & Solid Waste

- Regulates waste disposal practices
- Enforces dumping violations
- Separate enforcement track

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## **Why Update Now**

Current ordinances create overlapping processes and duplicate efforts. We need clearer departmental roles, modern due process procedures, and better alignment with Arizona state law to serve our community effectively.

# Ordinance 041-11: Current Focus + Limits

## What It Targets

- Hazardous accumulations including trash, debris, weeds, and filth
- Dilapidated, abandoned, or unsecured buildings
- Conditions posing immediate safety concerns

## Key Limitations

- Not designed to address broader blight conditions beyond immediate hazards
- Primarily complaint-driven with limited proactive enforcement
- Lacks modern administrative due process tools
- Overlaps with other county enforcement programs, creating confusion



# Proposed Ordinance: What It Does

Creates a comprehensive, updated nuisance-abatement framework with clear authority and modern procedures:



## **Defines Conditions**

Establishes clear definitions of blight and public nuisance conditions subject to enforcement



## **Require Correction**

Places legal obligation on property owners and occupants to correct violating conditions



## **Set Timelines**

Provides structured timelines for notice, compliance, and appeal to ensure fairness



## **Legal Options**

Includes both administrative hearing and judicial review pathways



## **County Action**

Allows County cleanup only as a last resort when owners fail to comply



## **Cost Recovery**

Enables recovery of abatement costs through property assessments and liens

# What It Does NOT Do

- Does not replace state law or other County enforcement mechanisms**  
All existing statutory authority and enforcement tools remain fully in effect
- Does not limit Environmental Health, Sheriff, Fire, or Building authority**  
Departments retain their independent enforcement powers and jurisdictions
- Does not eliminate criminal enforcement options**  
Criminal prosecution remains available where appropriate under state law
- Does not replace solid waste disposal enforcement**  
Ordinance 032-03 continues to govern solid waste violations separately



# Roles & Administration

## Primary Coordinator

**Development Services — Code Compliance** will serve as the lead department for administration and enforcement of the ordinance.

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## Support As Needed

- Environmental Health
- Sheriff's Office
- Fire Districts
- Building Officials

These departments provide technical expertise and coordinate on enforcement when their jurisdiction or expertise is required.



### Key Administrative Update

This ordinance uses the Administrative Hearing Officer system established under A.R.S. § 11-815.

The Board of Supervisors is **not** the routine appeal body, streamlining the process and reducing Board workload.

# Key Definitions (Plain Language)



## Blight

Unsightly accumulation of waste, junk, debris, or deteriorated property conditions that negatively impact the community



## Public Nuisance

Blight or any condition that threatens public health, safety, or welfare, or violates zoning and land use regulations



## Abate

To fully correct, remove, or remedy the violation and restore the property to compliance



## Lawful Vantage Point

Observation made from public property or with permission, without trespassing or using enhanced viewing devices



## Shared Responsibility

Property owners, tenants, and occupants may all be held responsible for violations occurring on the property

# Basic Enforcement Process



## 1. Notice to Abate

Issued when reasonable cause exists that a violation has occurred. Provides minimum 30 days to comply.

**Includes:** Description of violation, required corrective actions, compliance deadline, and appeal rights



## 2. Appeal (Optional)

Property owner has 15 days to file an appeal with the Administrative Hearing Officer.

**Effect:** Filing an appeal pauses the compliance deadline until the hearing decision is issued



## 3. Hearing & Decision

Administrative Hearing Officer reviews evidence and testimony, then issues a decision to affirm, modify, or dismiss the notice.

**Further review:** Judicial review is available in Cochise County Superior Court.



## 4. Abatement & Cost Recovery

If owner fails to comply after final decision, County may abate the nuisance and recover costs through property assessment and lien.

Option of last resort – county may abate when the deadline to abate passes without compliance

# Cost Recovery, Liens & Enforcement Tools

- County documents actual costs after abatement
- Board approval required if assessment exceeds \$5,000
- Notice of pending lien provides 30 days to pay
- Lien recorded if unpaid (A.R.S. § 11-268)
- Foreclosure only as a last resort through legal process

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## Enforcement Tools

- Criminal enforcement remains available (misdemeanor)
- Illegal dumping may be charged separately (misdemeanor)
- Administrative civil penalties available through Hearing Officer
- County may use civil, administrative, and criminal tools as appropriate

# Next Steps

- Feb. 24: BOS public hearing to consider adoption of the Cochise County Anti-Blight / Public Nuisance Abatement Ordinance (Public Hearing)
- Feb 11: Planning and Zoning Commission work session, zoning text amendment definitions and outdoor storage
- Mar 11: Planning and Zoning Commission public hearing, zoning text amendment definitions and outdoor storage
- April 7: BOS public hearing to consider zoning text amendment
- Staff and PIO revise implementation procedures, forms, and develop public education materials

Foreclosure Registry




COCHISE COUNTY  
**Comprehensive Plan** CP 2045  
Review the draft/Learn more  
CP2045.cochise.az.gov

The Cochise County Comprehensive Plan is the County's long-range guide for future growth, development, and conservation. It establishes a shared vision—supported by goals and policies—that direct how the County will manage land use, infrastructure, natural resources, and community needs. The current Comprehensive Plan was adopted in 2015 and, under Arizona law, must be updated every ten years. **A draft updated Plan is now available for review.** Your feedback on this draft is essential. The updated Plan will help ensure Cochise County remains a desirable place to live, work, and play while thoughtfully managing growth and protecting the qualities that make our communities unique. [Click here to review the plan.](#) **Input comments on the project website:** [CP2045.cochise.az.gov/](http://CP2045.cochise.az.gov/)

Home > Departments > Development Services > Code Compliance

## Code Compliance



### Welcome to the Code Compliance Division of Development Services, Cochise County

The Code Compliance Division ensures properties in Cochise County follow zoning regulations. The goal is to protect public health, safety, and welfare while preserving property values and neighborhood character, including through programs such as the [Foreclosure Registry](#), which helps prevent blight by requiring foreclosed and bank-owned properties to be registered, inspected, and maintained.

#### REPORT A VIOLATION

- [Report a Violation](#)
- Illegal Dumping Hotline Phone: 520-432-9777

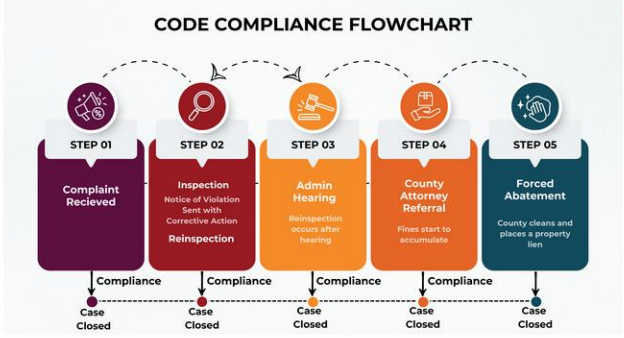
#### HOW CODE COMPLIANCE WORKS

- Complaint Received:** Most zoning violations are complaint-driven; however there are specific areas around Sierra Vista and Douglas that receiving proactive inspections on a more regular basis.
- Notice and Voluntary Compliance:** Property owners and tenants (if applicable) are notified of violations. Deadlines and resources are provided to encourage voluntary correction before fines are issued.

**Hearing & Enforcement:** If violations continue, an administrative hearing is scheduled. The Code Compliance Hearing Officer, appointed by the Board of Supervisors, issues compliance orders and may impose civil penalties. Hearings are conducted in accordance with the [Cochise County Hearing Officer Rules and Procedures](#), which outline hearing processes, evidence standards, and appeal rights. Continued non-compliance may lead to civil enforcement by the County Attorney, including daily fines or litigation.

**Legal Action & Cleanup:** If a property owner doesn't follow a hearing officer's order, the County may take the case to court. If the owner still doesn't respond, the court can give permission for Development Services to enter the property and fix the problem. The property owner pays for all cleanup costs. A legal claim, called a lien, may be placed on the property until the costs are fully paid. Sometimes the County can work with the owner to clean up the property and lower fines, but the lien stays until all County costs are recovered.

#### CODE COMPLIANCE FLOWCHART



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graph TD; S1[STEP 01: Complaint Received] -- Compliance --> C1[Case Closed]; S2[STEP 02: Inspection Notice of Violation Sent with Corrective Action Reinspection] -- Compliance --> C2[Case Closed]; S3[STEP 03: Admin Hearing Reinspection occurs after hearing] -- Compliance --> C3[Case Closed]; S4[STEP 04: County Attorney Referral Fines start to accumulate] -- Compliance --> C4[Case Closed]; S5[STEP 05: Forced Abatement County cleans and places a property lien] -- Compliance --> C5[Case Closed]; S1 -.-> S2; S2 -.-> S3; S3 -.-> S4; S4 -.-> S5;
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#### Challenges

Abandoned properties and those with unavailable or deceased owners pose significant challenges, often delaying compliance for years. Unauthorized occupants can exacerbate violation issues, complicating enforcement efforts.

### Contact Us

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**Development Services**  
[developmentservices@cochise.az.gov](mailto:developmentservices@cochise.az.gov)

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Bisbee, AZ 85603

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### FAQs

- [How can I report a code enforcement complaint?](#)
- [Can I remain anonymous when filing a complaint?](#)
- [Why was my complaint closed, and do I need to keep reporting the same issue?](#)

[View All](#)

[REPORT A VIOLATION](#)