

Property Care Standards

September 27, 2022





Property Care Standards

Work Session Outline

- Property Care Overview
- Property Maintenance Ordinance (PMO)
- Survey Results
- Working Group
- Property Care Standards
- City Code
- Next Steps



Property Care Standards

Project Team

Dan Folke, Community Development Director

Mark Reavis, Heritage Preservation Officer & Neighborhood Planner

Jordan Hollinger, Associate Planner

Reggie Eccleston, Code Compliance Manager

Kevin Dunlap, Code Compliance Officer

Michelle McNulty, Planning Director

Tiffany Antol, Zoning Code Manager

Sara Dechter, Comprehensive Planning Manager

Staff Participation

Valeria Chase, Program Manager Off Campus Life & Neighborhood Liaison

Steven Thompson, Sustainability Volunteer & Event Coordinator

Jenny Neimann, Climate Program Manager

Robert Wallace, Open Space Specialist



Property Care Standards

Why consider property standards now?

- November 24, 2020 Future Agenda Item Request (FAIR)
- Property Maintenance Ordinance – 2012
- Work Session objective: receive direction on how to proceed



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What is a Property Maintenance Ordinance?

- Rules for maintenance of all land and buildings
- Life and safety regulations
- Accumulation of garbage/debris/refuse/litter
- Hazardous and dangerous conditions
- Deteriorating structures
- Abandoned properties



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Considerations

- Housing Emergency
- Climate Emergency
- Neighborhood & Heritage Preservation
- Social Equity
- Health and Safety



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Equity in Planning

“It is not enough for cities to be beautiful and efficient. They could, and should, be just and fair as well, and planners should work toward human betterment.”

Norman Krumholz, FAICP



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Property Maintenance Ordinance – 2012

- Traditional PMO
- New definition of terms
- Weather tight maintenance of structures
- Condition of property
- Abandoned building maintenance
- Repealed sections of City Code



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Engaging the Community

- A League of Neighborhoods
 - Southside Community Association
 - Sunnyside Neighborhood Association
 - La Plaza Vieja Neighborhood Association
- Flagstaff Community Forum survey
- Project email list & social media
- Working group meetings
- Project web page



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Flagstaff Community Forum Survey Overview

- 10 Questions that asked participants to identify:
 - the property care issues they see
 - how frequently they see these issues
 - how impactful they perceive them to be to quality of life in Flagstaff
 - the importance of adopting a property care ordinance
 - concerns related to the adoption of such an ordinance
- 7 Demographic Questions



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Flagstaff Community Forum Survey Responses

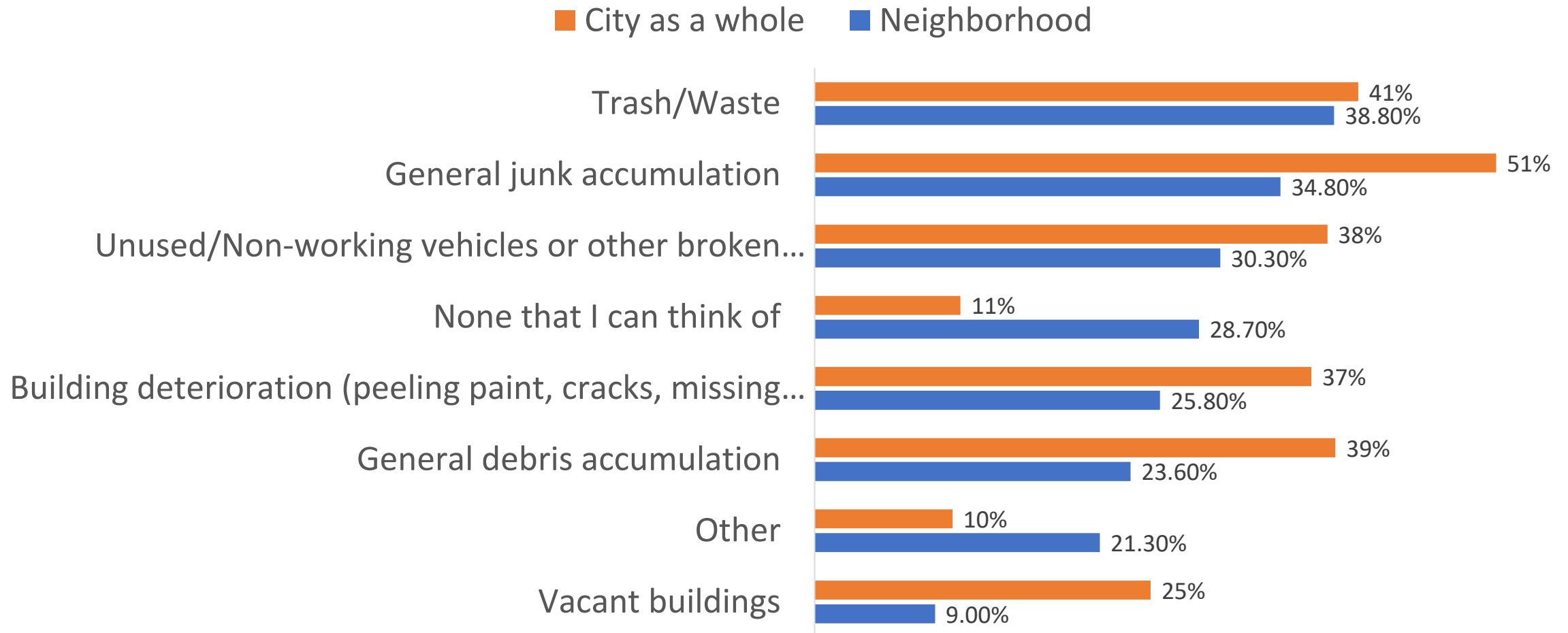
- 179 Total Responses
- At least 5 responses from each area of the City
 - Two largest response groups:
 - Northwest Flagstaff: Coconino Estates, Cheshire, North Hospital (18%)
 - East Flagstaff: Shadow Mountain, McMillan Mesa, Sunnyside, Greenlaw (23%)
- **73%** of Respondents do not pay HOA dues
- **85%** of Respondents have bachelor's or higher degree
- **66%** of Respondents over age of 40
- **75%** of Respondents are White



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Survey Results – Issues





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Survey Results – Issue Takeaways

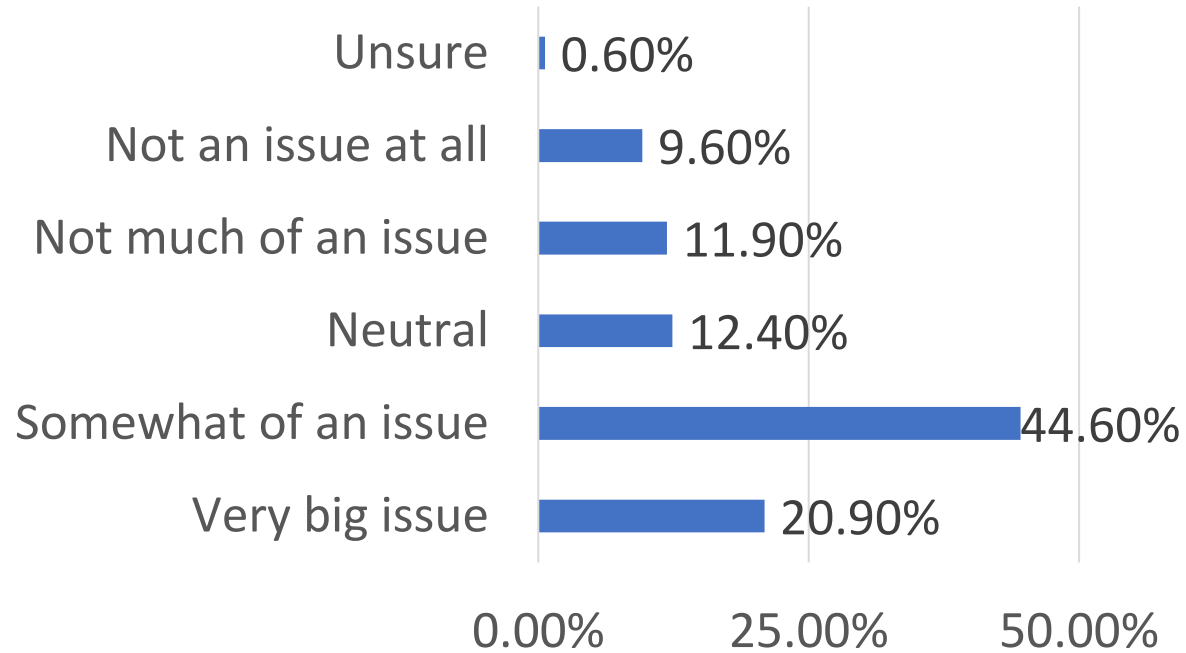
- At both the Neighborhood and City level, the perception of *Junk* and *Trash accumulation* were identified as the top issues.
- The majority of respondents listed at least one issue.
 - However: **29%** Of respondents answered that they did not notice property care issues in their Neighborhood.
- When asked what the respondent would like to see covered in a PCO, the top three items were:
 - Trash/Waste (67%), Junk accumulation (65%), Unused/Non working vehicles (63%)



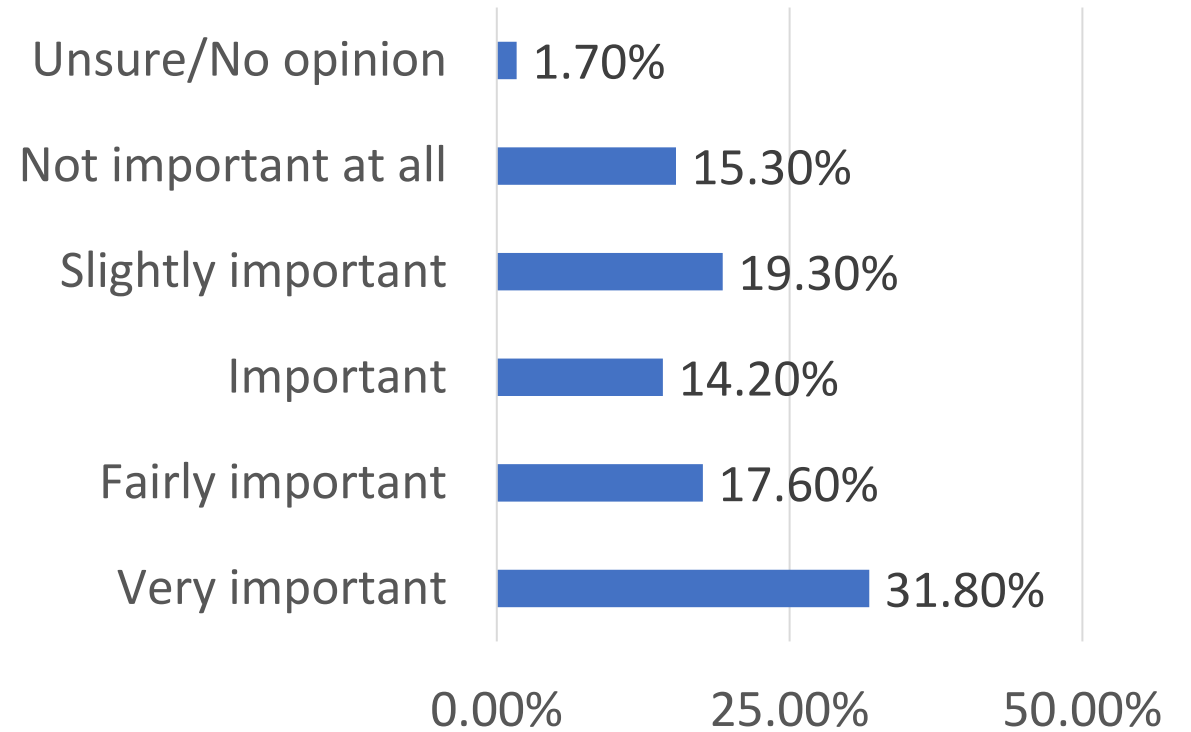
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Survey Results – Impact and Importance

How much of an issue is property care?



Importance of adopting PCO?





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Survey Results – Impact and Importance Takeaways

- **65%** of respondents answered that property care was either a *Very big issue*, or *Somewhat of an issue* to them personally.
- **49%** of respondents answered that adopting a PCO was *Very* or *Fairly important*.
 - Majority – Important or higher.
- **40%** of respondents answered that they had concerns about the City adopting a PCO. (18% Unsure, 42% No concerns)



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Survey Results – Primary concerns

- Inequitable impacts/ability to comply
 - health, race, income
- Existing ordinances in place
 - Enforce existing codes
- Subjectivity of aesthetic elements
- Overbearing – sounds too much like HOA
 - Many people chose to live without HOA



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Survey Takeaways

- Respondents clearly identified that they perceive issues with property care in the City.
 - Key issues are: Trash/Waste, Junk, Building Deterioration, and Unused/Nonworking vehicles.
- Majority of respondents believe adopting a PCO is important.
- Respondents were split almost down the middle on having concerns or not.



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Working Group

- 6 hybrid meetings: May, June & July 2022
- Open meetings
- Meeting videos posted

[Property Care Ordinance | City of Flagstaff Official Website \(az.gov\)](#)



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Working Group Topics

- Purpose and Intent
- Debris accumulation
- Hazards
- Equipment & vehicles
- Recycling & refuse
- Attractive nuisance
- Property perimeter & street frontage
- Building deterioration
- Abandoned/vacant building
- Vacant/undeveloped property



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Selected Approach

- Create simple, clear standards for buildings and land
- Support standards with existing city code
- Appendix: how to meet the standards
- Consider new definitions
- Consider amendments to improve compliance efforts
- Continue to work with A League of Neighborhoods
- Create a Property Care program



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Purpose

The purpose of the Property Care Ordinance is to improve and maintain the appearance of neighborhoods and improve quality of life by protecting public health, safety, and welfare through the establishment of minimum exterior maintenance standards for all residential and non-residential buildings, structures and property, and vacant land in the city to protect against hazardous, deteriorating, and other dangerous conditions.

Intent

It is the intent of the city to work with property owners to preserve existing buildings and housing. The PCO shall be applied and enforced fairly and consistently. The city shall provide adequate notice to affected property owners to resolve conditions and the city may provide resources to assist property owners with compliance as they are available.



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Property Standard: Provide for and eliminate conditions of: Refuse-Recycling, Debris, Inoperable-Equipment, Hazard, Attractive Nuisance, for Health and Safety;

- Provide adequate capacity for refuse and recycling containers, providing additional capacity as required to protect health and safety.
- Eliminate debris accumulation that harbors pests, deteriorates conditions, presents a fire danger, and impacts health and safety.
- Remove inoperable equipment, vehicles & appliances that contributes to debris, hazard, safety and/or as an attractive nuisance to protect health and safety.
- Eliminate hazards on the property and encroaching hazards that impact health and safety.
- Remove invasive and noxious weeds
- Provide proper posting of no trespassing



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Buildings and Structures Standard: Provide for and eliminate conditions of Abandonment, Security, Deterioration, Attractive Nuisance, for Health and Safety;

- Resolve both visual and physical signs of vacancy of buildings and structures that invites issues as an attractive nuisance and/or criminal activities impacting health and safety. *NOTE: See appendix for recommended securing of a building or structure.*
- Provide security for buildings and structures that prevents unauthorized entry to a building or structure that impacts health and safety.
- Provide remedies to deterioration of a building or structure that threatens its longevity and/or impacts health and safety.
- Provide proper posting of no trespassing.



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Exemptions

It shall be the sole discretion of the City of Flagstaff to suspend enforcement of these standards due to circumstances beyond the control of the property owner, such as community events, natural disasters, fires, flooding and managing through recovery.



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Appendix

Recommendations for securing of buildings and structures: Repair, secure, remove and properly dispose of deteriorated materials, which indicate an appearance of abandonment visible from street frontage.

Recommendation for preventing building and structure deterioration: Provide remedies to the deterioration of a building that threatens its longevity and allows for continued safe and future healthy habitation. Repair, secure, replace and properly dispose of deteriorated materials.

Recommendations for Posting & Security: Vacant property owners are responsible for security of and addressing problems associated with their property.

Weed Management Guidance: Invasive weeds are plants that establish, persist, and spread widely outside the plant's native range, causing environmental and often economic damage.



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City Code

- Title 4 Building Regulations
- Title 5 Fire Code
- Chapter 6-04 Nuisances (abandoned buildings)
- Chapter 6-06 Littering
- Chapter 6-07 Abandoned Vehicles
- Chapter 7-01-001-0008 Collection Practices
- Chapter 7-04-001-0007 Storing or placement of Solid Waste and Recyclables
- Chapter 7-10 Graffiti Abatement
- Chapter 8-04 Trees and Shrubbery
- Chapter 8-13 Prohibition on Use of Right-of-Way
- Chapter 10-50.50.040 General Fencing and Screening Standards (refuse & recycling containers)
- Chapter 10-50.60.080 Maintenance (required landscaping)
- Chapter 10-50.80.030 General Parking Standards (unregistered & inoperable vehicles)
- Chapter 13-18-005 Maintenance (adjacent public right-of-way)



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Next Steps

How would City Council like to proceed?

1. Prepare an ordinance with the new Property Care Standards
 - Rely on current code for compliance standards
 - Continue to review and improve current code
2. Prepare traditional PMO – repeal and replace
3. Continue with current City Code