

ORDINANCE NO. O21-51

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE CHAPTER 25 (NUISANCES) ARTICLE III (ADMINISTRATION AND ENFORCEMENT) SECTION 36 (ENFORCEMENT-GENERAL), SECTION 42 (COURT-ORDERED ABATEMENT) AND SECTION 43 (APPEAL OF COURT DECISION) AND SETTING FORTH AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the Glendale City Code Chapter 25, Article III, Section 36 be amended by adding the following language and shall read as follows:

ARTICLE III – ADMINISTRATION AND ENFORCEMENT

Sec. 25-36 Enforcement-General

Section 25-36 is hereby amended by adding the following language:

(a) The provisions of article II of this chapter shall only apply to conditions that are visible to a person standing at ground level beyond the boundaries of the lot except where the city determines that the conditions are or are likely to become a threat to the public health or safety or where the conditions are so severe they are or are likely to become a nuisance to a neighborhood.

(b) A violation of any of the provisions of article II of this chapter shall be considered to be a public nuisance. The city may elect to proceed either civilly or criminally against any person who is found to be responsible for causing, permitting, facilitating, or aiding or abetting any violation of any provision of article II.

(c) Any Code compliance inspector or police officer that observes a violation of any of the provisions of article II of this chapter is empowered to issue a citation to the alleged violator. Prior to issuing a citation, the Code compliance inspector or police officer may, in his/her discretion, issue a written notice of violation. If the violation is not remedied within the time frame specified in the notice of violation, a citation may be issued.

(d) Jurisdiction of all proceedings to enforce the provisions of this ordinance shall be in the Municipal Court of the City of Glendale.

(e) Civil actions to enforce this ordinance may be adjudicated by a judge or a court hearing officer.

(f) The Municipal Court of the City of Glendale shall have jurisdiction to issue orders permitting the City to abate conditions that constitute a violation of the provisions of this ordinance.

Sec. 25-42 Court-Ordered Abatement

Section 25-42 is hereby added with the following language:

- (a) In addition to any other abatement procedure provided in this chapter, the City Manager or designee or the City Prosecutor, in the name of the City of Glendale, may apply to the Municipal Court for an order permitting the City to abate any condition that constitutes a violation of Chapter 25.
- (b) After notice to the owner and any responsible party, the judge or court hearing officer shall conduct a hearing. The hearing shall be informal and open to the public. Evidence may be taken from any interested party and considered in determining whether a condition in violation of the code exists and what, if any, abatement action should be permitted. Any person who fails to appear after notice of the hearing may be deemed to have waived any right to introduce evidence. The court's determination shall be based on the preponderance of evidence.
- (c) Upon finding that abatement is appropriate, the court may order securement, cleanup or any other action the court deems reasonably necessary to correct the violation(s).
- (d) The reasonable costs of any abatement permitted by the court's order shall be the responsibility of the owner and may be collected as provided in Section 25-39.

Section 25-43 Appeal of Court Decision

Section 25-43 is hereby added with the following language:

Any party may appeal the judgment of the court to the Superior Court. Appeals from civil proceedings shall be in accordance with the Superior Court Rules of Appellate Procedure-Civil, or its successor statutes, if any. Appeals from criminal proceedings shall be in accordance with Superior Court Rules of Appellate Procedure-Criminal, or its successor statutes, if any. Execution of any judgment shall be stayed pending appeal when the defendant posts an appeal bond in accordance with the order of the trial court, or when no bond is fixed, and a notice of appeal has been filed.

SECTION 2. That the provisions of this ordinance shall be effective thirty (30) days after passage of this ordinance by the Glendale City Council.

SECTION 3. That the City Clerk is accordingly instructed and authorized to forward a certified copy of this ordinance for recording to the Maricopa County Recorder's Office.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 10th day of August, 2021.

Mayor Jerry P. Weiers

ATTEST:

Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

Michael D. Bailey, City Attorney

REVIEWED BY:

Kevin R. Phelps, City Manager