



Glendale Code Compliance Update

City Council Workshop September 27, 2022





Glendale Code Compliance Purpose Statement

We strive to make Glendale a safe and vibrant place to live and work. We accomplish this through effective communication and continuous education to ensure compliance with city codes, providing a healthy and desirable community for all.



Background

- Code Enforcement Division created in 1980 – City Attorney’s Office
- Became a Department in 2006
- Back to a Division in 2014 – Development Services Department
- Moved to a Division in City Manager’s Office in 2019



Organization Overview

- 22 budgeted full-time employees
 - 3 office support – intake, customer service
 - 11 grid inspectors – residential
 - 5 senior inspectors – residential Zoning, rental and commercial
 - 2 supervisors
 - 1 administrator



Scope of Services

- Glendale City Code (GCC) Chapter 24 – vehicles
- GCC Chapter 25 Nuisance
- GCC Chapter 29.1 Residential Rental
- GCC Chapter 30 Visibility Triangle/Landscaping
- GCC Chapter 32 Barriers and Enclosures
- GCC Chapter 33 Drought Management
- The Zoning Ordinance
- GCC Chapter 19 Landscaping
- International Building Code



FY 2021-22 Results

- 15,000+ calls
- 5,045 opened complaint cases
- 25,000+ inspections
- 9,379 resolved cases
- 39% proactive cases
- 1,023 weekend inspections
- 135 citations or criminal filings



Most Common Violations

- Overgrown Weeds/Grass
- Weeds/Rubbish/Trash/Debris
- Items in Public View
- Front Yard Parking
- Abandoned Vehicle
- Dirt Front Yard
- Rental Code
- Zoning Ordinance
- Vegetation in the ROW
- Painted Surfaces



Civil Code Infractions

G.C.C. Sec. 13-21 through 13-24

G.C.C. 13-21(b)

“The purpose of this article is to provide as an additional alternative to other enforcement means, for an informal, speedy and inexpensive process for the adjudication of civil code infractions, based upon an administrative hearing model, in which citizens who receive a civil code infraction complaint may obtain a prompt, simplified hearing, without the need in most cases to retain an attorney to represent them and without the severity of the consequences which might follow a criminal conviction for a Class 1 misdemeanor.”



- Most Common violations, GCC Chapter 25, Article II:
 - 25-20 Property Maintenance
 - 25-21 Land Maintenance
 - 24-68 Vehicles
- Citizen complaint
- Code Compliance or Police discovery
- Only apply to conditions visible to person standing at ground level beyond the bounds of the lot
- General practice, but not required prior to civil citation
- Notice of Violation 7-10 days
- Final Notice 7-10 days



Step 4 Notice

- Legal notice of violation
- Civil Violation: service upon defendant, posting on property, or sent certified mail

Step 5 Initial Appearance

- Time and place to appear provided in citation
- Defendant may admit or deny allegations
- If admitted, court to enter judgment for City and impose a civil sanction

Step 6 Hearing

- If allegations denied, court sets civil code infraction hearing
- City must prove violation by preponderance of the evidence; Rules of evidence do not apply except relevancy.



Step 7 Judgment

- If court finds for defendant, court enters judgment dismissing complaint
- If court find for City, court enters judgment for city and imposes civil sanction
- Civil sanction: not less than \$20, not more than \$300; court may suspend fine (generally done in the interest of justice)

Step 8 Order to Abate

- G.C.C. Sec. 13-24: “in addition to any monetary civil sanction, the court shall order the defendant to abate the civil code infraction, unless it has been abated by the date of the hearing.”

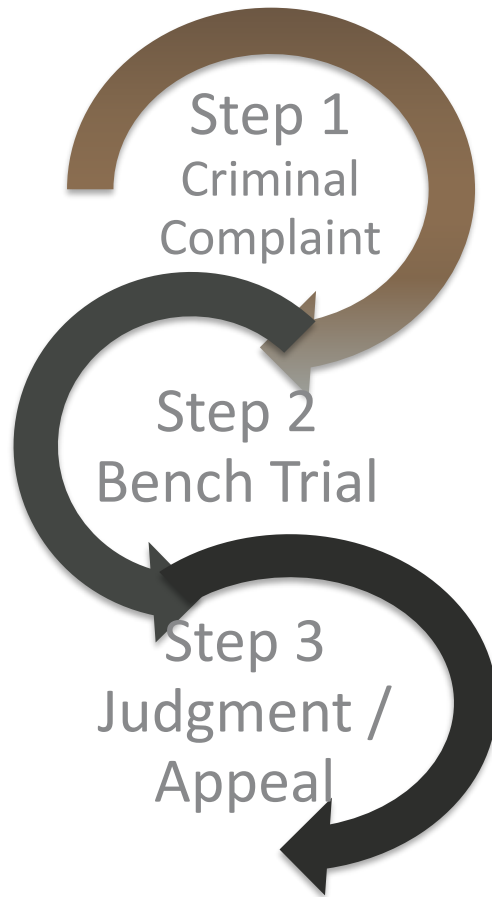
City may record notice of civil sanction and abatement

Step 9 Appeal

- Appeals are taken in the Superior Court



Two Alternatives: Alternative 1: Criminal Citation



- Cited by police officer or prosecutor sworn long-form complaint
- Proof beyond a reasonable doubt
- Rules of evidence apply
- Defendant may be entitled to Public Defender

- Appeal to Superior Court
- Class 1 Misdemeanor: punishable by up to 6 months jail; \$2500 fine



Step 1 Notice

Alternative 2: Abatement

A.R.S. 9-499 & G.C.C. 25-36-41

- Written Notice
- Personal service OR Certified mail to last known owner address AND to the same address as last tax bill
- Must give: 30 days for compliance; legal description of property; cost to City for removal; provisions for appeal

Step 2 City Abatement

- Applies only to rubbish, trash, weeds, filth, debris or dilapidated buildings (i.e. likely to burn/collapse and condition endangers life, health, safety or property of public).
- If not removed, City “may remove, abate, enjoin or cause their removal.”
- City may assess cost of removal/abatement, including cost of additional inspection and associated legal costs.

Step 3 Record / Appeal

- Appeal to City Council
- City may record assessment which becomes a lien “prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes.”



Results





Results





Results





Results





Results





Vacant Property Enforcement

- Arizona Revised Statute 9-499
- Requires minimum 30-day notice
- Applies to rubbish, trash, weeds, filth, debris, and open and dilapidated buildings
- Contractual abatement (49 in FY 2021-22)
- Bill to the owner
- Lien on the property if not paid
- Lien is priority over all liens except general taxes



Vacant Property Abatement





Pre-Notification Post Card

- Pilot Program to test effectiveness
- 10-12% corrected violations during the first round
- 15-19% corrected violations second round
- Develop systems
- Implement citywide – street by street, house by house inspections



Cross Departmental Coordination

- Community Revitalization assist low-mod income homeowners
- Neighborhood Services assistance
- Police – frequent coordination
- Streets
- Field Operations
- Right-of-Way
- Others



Code Challenges

- Fourth Amendment rights – curtilage of a home
- Legal interpretations of codes
- Court wins and losses
- Altercations
- Balance between hardships and enforcement



Code Modifications

- Glendale City Code (GCC) 25-21 (e and f) to address outside storage
- GCC 25-21 (g) to address grass in sidewalk cracks
- GCC 25-21 (k) to address dead and dry palm fronds
- GCC 25-24 (a) to address feeding pigeons as a nuisance
- GCC 25-36 – Enforcement to address where an inspector can view a violation
- GCC 29.1 Rental Code to establish heating and cooling standards



New Codes

- GCC 25-24 (j) to prohibit feeding pigeons on public property
- GCC 25-24 (k) to address Holiday and seasonal decorations
- GCC 25-25 to address newspaper dispensers
- GCC 25-26 to address beekeeping
- GCC 25-42 added the ability to obtain a Court-ordered abatement
- GCC 25-77 added the ability to designate slum rental property



Code Compliance Update

Questions?