

ORDINANCE NO. 024-42

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF GLENDALE, ARIZONA, BY APPROVING ZONING TEXT AMENDMENT ZTA24-02 FOR ENFORCEMENT AND PENALTIES AMENDING THE UNIFIED DEVELOPMENT CODE AS FOLLOWS: CHAPTER 35 (UNIFIED DEVELOPMENT CODE), ARTICLE 7 (COMPLIANCE & NONCONFORMITIES) SECTION 35.7.002 (ENFORCEMENT AND PENALTIES); PROVIDING FOR SEVERABILITY, SETTING FORTH AN EFFECTIVE DATE; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE IS RECORDED.

WHEREAS, due and proper notice of such public hearing was given in the time, form, substance and manner provided by law including publication of such notice in *The Arizona Republic* on September 4, 2024; and

WHEREAS, the City of Glendale Planning Commission held a public hearing on September 26, 2024 in zoning text amendment case ZTA24-02 in the manner prescribed by law for the purpose of amending various sections of the Unified Development Code (UDC) for Enforcement and Penalties; and

WHEREAS, the City of Glendale Planning Commission has recommended to the mayor and the council approval of the zoning text amendment; as aforesaid and the mayor and the council desire to accept such recommendation and amend various sections of the unified development code.

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

SECTION 1. That the Zoning Ordinance of the City of Glendale, Arizona, Chapter 35 (Unified Development Code), Article 7 (Compliance & Nonconformities), Section 35.7.002 (Enforcement and Penalties), is hereby amended to read as follows:

A. The Development Services Director or designee shall be responsible for the enforcement of this UDC.

B. Any person, firm or corporation violating any provision of this UDC, or any amendment shall be guilty of a civil violation and/or a Class 1 misdemeanor, punishable by a fine or imprisonment, or by both fine and imprisonment. Any such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which any violation is committed, continued or permitted. The owner, lessee, tenant or other person in possession of any property used in violation of this UDC shall be responsible for any violation whether or not the owner or any related party

has committed the prohibited act or acts or has neglected to prevent the performance of the prohibited act or acts by another person.

C. In addition to, or independent of the penalties provided above, the City may bring a civil proceeding in a court of competent jurisdiction to enforce compliance with the terms of the Glendale UDC or to prevent, restrain or abate any violation of the terms of the Glendale UDC.

D. Any violation of this ordinance or of conditions or stipulations of issuance of any administrative or conditional use permit or variance is declared to be a public nuisance, and instead of, or in addition to, any other criminal or civil enforcement measure authorized by this ordinance, may be enjoined or restrained by the City as other nuisances are abated under authority of the City Charter and applicable State Law.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 3. That the provisions of this ordinance shall become effective thirty (30) days after passage of this ordinance by the Glendale City Council.

SECTION 4. The City Clerk is 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 22nd day of October, 2024.

Mayor Jerry P. Weiers

ATTEST:

Julie K. Bower, City Clerk

APPROVED AS TO FORM:

Michael D. Bailey, City Attorney

REVIEWED BY:

Kevin R. Phelps, City Manager

