



# Staff Report

---

Agenda Item: Worksession on Property Maintenance Code procedures

Staff Contact: Mike Baker, Building Official  
Sherry L. Bailey, Community Development Director

Sponsored By: Councilmember Curt Bohall

Meeting Date: February 13, 2007

Background:

Council had requested at the time they approved the International Property Maintenance Code that staff return with some recommendations for procedures and approaches for public education. Since approval there have been some A number of citizens have expressed concern about the adoption and the approach the town might take to enforcement. We would like to address many of the issues that have been raised and make some suggestions for approaches to enforcement for council discussion.

At the recommendation of the Town Attorney council approved the International Property Maintenance Code before Proposition 207 became Arizona Law. Because the Property Maintenance Code is a companion code to the Town's Building Code [International Building Code] and is not a land use code Proposition 207 should have no effect, but to be sure council approved the code in November. Since that time we have had only five complaints. Four of those have centered around trash and junk in the yard and one was a deteriorated sub-flooring complaint in a rental unit.

At this time our approach is to do the following:

1. We investigate the complaint to see if in fact we have a violation.
2. We document the violation
3. We send a certified letter to the property owner informing them that they are in violation of the code, the applicable section of the code and requesting that they correct the violation or get in touch with our office to set up a timeline for compliance. We ask that they contact us within either 15 to 30 days of receipt of the letter.
4. If they do not correct the problem we send them another letter, certified, informing them they have two weeks to correct the problem or get in touch with our office. If they do not get in touch with us we will start formal compliance procedures. We inform them of the appeal procedure in our letter.
5. Failure to comply or contact our office means we issue a citation and schedule the case before the judge for hearing.
6. In the event of a life safety emergency, such as a fire damaged structure, the procedure would be set aside and the matter would be coordinated with the Town's Attorney.

If the property owner gets in touch with our office we try to set up a reasonable schedule that they can live with that will ultimately result in correction of the violation.

In reviewing past complaints the Town has received and looking at the fact that we have only two people who can reasonably devote only a couple of afternoons to specific enforcement of the PMC staff would like some direction from council on the approach staff is recommending on enforcement of the PMC. Our suggestion would be to establish a priority list of the proactive enforcement issues that the staff then would systematically inspect each neighborhood for compliance. Historically, the most complaints have been **trash and junk in the yards and abandoned/inoperable automobiles**. A third priority would be making sure that every structure has their address numbers prominently displayed and the right size to be seen from the street. Too many of the residences in Clarkdale are impossible for emergency crews to find if they are called out. This is an issue everywhere in the valley, and all the jurisdictions are working on correcting the problem. We have only had the one complaint concerning any interior structure issues and that was related to the fact that the structure was a rental property. Without the Property Maintenance Code the town does not have any way to address even life safety structural issues, even if a formal complaint is filed.

The entire town has been divided into neighborhoods either based on subdivisions or centered around collector streets. We are proposing to take these neighborhoods alphabetically and inspect each street for compliance with these first two or three priorities using the procedure listed above. The intent is to conduct a systematic review of the whole town, rather than proceed on a complaint basis, which might be considered selective enforcement if an issue was to end up in court. Considering the availability of staff time and the amount of area to be covered we would anticipate this whole procedure could take 1 to 2 years to complete. Any complaint that comes to the town on other issues would be taken care of as a priority item above this process.

Council was very clear in their direction that they wanted to review the program at specified intervals. We are proposing to return to council for an update in May 2007 and December 2007. Staff will be tracking the types of violations, the location, complaints called in and violations identified during neighborhood review. We want to have a comprehensive picture for council review including any instances of neighbor versus neighbor retaliation. Many citizens are concerned that this code will be a mechanism for retaliation but that has not been the case in other jurisdictions. We can revisit any aspect of this code any time the council desires. We understand that there are a number of people who have raised issues about interior standards outlined in the PMC and what are considered insignificant issues. Staff is not proposing that any interior standards should be part of the priority list. The only way they would be addressed would be if a formal complaint was filed. Reasonably, the only complaints that probably will be filed on interior standards would be if the property was a rental property and a landlord was unresponsive. Our department would then handle the complaint like any complaint, do the inspection, determine if the property was in violation, and proceed as outlined above.

The approach we are proposing to take is to proceed with the top two or three priorities, cover the town street by street using the alphabetical neighborhood approach, follow the notification procedure and handle complaints as they are filed with the Town.

1. We investigate the complaint to see if in fact we have a violation.
2. We document the violation
3. We send a certified letter to the property owner informing them that they are in violation of the code, the applicable section of the code and requesting that they correct the violation or get in touch with our office to set up a timeline for compliance. We ask that they contact us within either 15 to 30 days of receipt of the letter.
4. If they do not correct the problem we send them another letter, certified, informing them they have two weeks to correct the problem or get in touch with our office. If they do not get in

touch with us we will start formal compliance procedures. We inform them of the appeal procedure in our letter.

Failure to comply or contact our office means we issue a citation and schedule the case before the judge for hearing

Recommendation:

This is a worksession only, and requires no formal action from the council. Staff would appreciate direction from the council on staff's procedure and approach.