

**CITY OF GOODYEAR  
COUNCIL ACTION REPORT**

<b>SUBJECT: Amend Section 10-6-1, (Enforcement, Penalties); Section 10-6-2 (Compliance, Abatement Notice); Section 10-6-4 (Abatement by the City) of the Goodyear City Code</b>	<b>STAFF PRESENTER:</b> Christopher Baker, Development Services Director  <b>CASE NUMBER:</b> NA  <b>OTHER PRESENTER:</b> NA
---	--

**PROPOSED ACTION:**

1. ADOPT RESOLUTION NO. 2018-1921 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND TITLED “AMENDMENTS TO SECTIONS 10-6-1 (ENFORCEMENT, PENALTIES), 10-6-2 (COMPLIANCE, ABATEMENT NOTICE) AND 10-6-4 (ABATEMENT BY CITY) OF CHAPTER 10 (HEALTH AND SANITATION) OF THE GOODYEAR CITY CODE”.
2. ADOPT ORDINANCE NO. 2018-1419 AMENDING AND REPLACING SECTIONS 10-6-1 (ENFORCEMENT, PENALTIES), 10-6-2 (COMPLIANCE, ABATEMENT NOTICE) AND 10-6-4 (ABATEMENT BY CITY) OF CHAPTER 10 (HEALTH AND SANITATION) OF THE GOODYEAR CITY CODE; AND PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES AND CODES, CORRECTIONS, SEVERABILITY AND AN EFFECTIVE DATE.

**BACKGROUND AND PREVIOUS ACTIONS:**

There has been no previous action regarding this item. Currently, the City of Goodyear City Code does not clearly address the process to be followed for repeat offenders of City code violations. Also, the property abatement process is being updated for clarity.

**STAFF ANALYSIS:**

The City’s Code Compliance Division enforces City Code and works with property owners on violations in order to arrive at voluntary compliance. Once a violation is confirmed a code officer will issue an Advisory Notice as the first step. This first step is intended to educate the citizen, so that it can be resolved. The code officer subsequently schedules a follow up inspection 10 working days later. A result of this inspection will either be resolution or a Notice of Violation. Once a Notice of Violation is issued, the property owner has an additional 10 days to resolve the matter and another inspection is scheduled. At the end of that 10 day period, if the violation is not resolved, a Final Notice is sent with one last 10 day opportunity to resolve the matter. If the matter is not resolved at that point then a citation is issued and a court date set for 30-45 days later.

This voluntarily approach works very well with most violations. However, on occasion code officers encounter the same owners concerning the same violations on a recurring basis. This scenario results in a cycle of notices, inspections, and reoccurring unresolved matters. When this happens it frustrates the public and creates significant non-value work for code officers.

Therefore, the proposed update to the city code clarifies the process and notifies potential repeat offenders that repetitive violations of the same offense within two years of the original violation, will result in an immediate citation. These proposed changes will reduce time required to deal with a repeat offender matter, result in quicker compliance and a more efficient court hearing, if warranted.

The proposed changes are as follows:

- *10-6-1 Enforcement, Penalties: Clarifying that increasing civil sanctions are applicable for each additional offense as set forth in 18-1-2*
- *10-6-2 Compliance, Abatement Notice: Updates made to clearly outline that a citation may be issued without issuing an advisory notice or notice of violation, emphasizing that the 30-day notice requirement is specifically applicable to the abatement process. Includes a clear statement that repeat offenders may be issued a citation without an advisory notice or notice of violation.*
- *10-6-4 Abatement by the City: Relocates section (E) to this section, which identifies that unpaid abatement costs may result in a lien on the property that will be recorded with County Recorder.*

#### **FISCAL ANALYSIS:**

There will be no fiscal impact to the city in fiscal year 2018-2019 or future years with the adoption of this ordinance.

#### **RECOMMENDATION:**

Staff recommends adoption of Ordinance 2018-1419 and Resolution 2018-1921 to add recidivism actions and update the abatement process.

#### **ATTACHMENTS:**

1. Resolution 2018-1921
2. Ordinance 2018-1419
3. Blackline version of Amendments to Section 10-6-1 (Enforcement, Penalties); Section 10-6-2 (Compliance, Abatement Notice), and Section 10-6-4 (Abatement By The City) Of Chapter 10 (Health And Sanitation) Of The Goodyear City Code