



# City of Apache Junction

Development Services Department



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## CITY COUNCIL WORK SESSION STAFF MEMO

**Date:** November 5, 2024

**To:** Honorable Mayor and City Council Members

**Through:** Bryant Powell, City Manager  
Rudy Esquivias, Development Services Director  
Sidney Urias, Planning Manager

**From:** Nick Leftwich, Planner

**Case Number:** P-24-70-AM

**Subject:** Text Amendment to City Code Vol. I, Chapter 9: Health & Sanitation, Article 9-1: Property Maintenance Standards, § 9-1-4 Enforcement and Abatement and City Code Vol. II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-16: Administration, § 1-16-16 Violations, Penalties and Enforcement to amend the zoning violation penalty fees and the property maintenance penalty fees.

### Background

On August 5, 2024, the Apache Junction City Council directed staff to review the zoning violation penalty fees and the city code property maintenance penalty fees. The objective was to assess if the penalty fees should be amended to match each other, with the possible option of increasing the penalty fees in order to discourage future code violations.

Staff researched the penalty fee structures of other municipalities within the valley pursuant to this direction and provided this data and three different options of fee structures to the Planning and Zoning Commission for review so that they may provide their recommendation to the City Council, which has been included as "Option 4".

On October 14, 2024, the city council met to discuss the recommendations and gave staff direction to provide an "Option 5" which matches the penalty fees of a first and second violation between the two code types, and also makes the third offense



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within 24 months of the first violation a class 1 misdemeanor with a penalty fee not to exceed \$2500, which is the state sentence for class 1 misdemeanors set by A.R.S. Section 13-802: Fines for misdemeanors.

### SUMMARY OF OPTIONS:

"**OPTION 1**" proposes to raise the Zoning Violation Civil Penalty Fees to match the scale of the Property Maintenance Violation Civil Penalty Fees.

"**OPTION 2**" proposes to increase both the Zoning Violation Civil Penalty Fees and the Property Maintenance Violation Civil Penalty Fees to a higher value and makes the third offense of a zoning ordinance violation within a 24 month consecutive period a class 1 misdemeanor, with the penalty fee being updated to a criminal fine not to exceed \$2,500.

"**OPTION 3**" proposes no change to any of the penalty fees.

"**OPTION 4**", which the Planning and Zoning Commission recommended by a 6:0 vote on September 24, 2024, proposes no change to the first and second violation penalties of both violation types, but does make the penalty of third offenses within 24 months of the first violation a class 1 misdemeanor with a penalty fee not to exceed \$2500.

"**OPTION 5**", per the direction given by the City Council on October 14, 2024, proposes to match the first and second violation penalties at the scale of the Property Maintenance Violation Civil Penalty Fees, but makes the penalty of third offenses within 24 months of the first violation a class 1 misdemeanor with a penalty fee not to exceed \$2500.

The precise correlating fee values of each option are provided in the attached P-24-70-AM Draft Amendment Options document.

In revising the ordinance draft, our city attorney also noted the proposed amendment would affect the language of § 1-16-16 (D) (6) Enforcement procedures for non-emergency matters, which names items contained in zoning enforcement notices and reads:

"(6) A warning that failure to comply may result in the filing of a civil or criminal misdemeanor case, depending on whether this violation is the 1st, 2nd, 3rd or 4th violation over a 24-month consecutive period."



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With the possible change of the penalty scale, it has been recommended to simplify this language to read: “(6) A warning that failure to comply may result in the filing of a civil or criminal misdemeanor case.”

**Draft Ordinance No. 1554**, amending Apache Junction City Code, Volume I, Chapter 9: Health and Sanitation, Article 9-1: Property Maintenance Standards, § 9-1-4 (C) Enforcement And Abatement and **Draft Ordinance No. 1555**, amending Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-16: Administration, § 1-16-16 (D)(6) And (F)(1) Violations, Penalties And Enforcement have been prepared according to City Council direction.

#### Attachments:

- Draft Ordinance No. 1554
- Draft Ordinance No. 1555
- P-24-70-AM Draft Amendment Options to Apache Junction City Code Vol. I, Chapter 9: Health & Sanitation, Article 9-1: Property Maintenance Standards, § 9-1-4 Enforcement and Abatement and City Code Vol. II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-16: Administration, § 1-16-16 Violations, Penalties and Enforcement
- P&Z Staff Report, dated September 24, 2024
- City Council Work Session Staff Memo, dated October 14, 2024
- Table of Comparison to other Cities & Towns