



City of Apache Junction
Development Services Department



**PLANNING AND ZONING COMMISSION
PUBLIC HEARING STAFF REPORT**

DATE: September 24, 2024

TO: Planning and Zoning Commission

THROUGH: Rudy Esquivias, Development Services Director
Sidney Urias, Planning Manager

FROM: Nick Leftwich, Planner

CASE NUMBER: P-24-70-AM

REQUEST: 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 to match 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.

RESEARCH

To evaluate fees, Staff has researched the penalty fee structure of other municipalities within the valley. The attached table depicts the data and scaling of zoning violation penalty fees and property maintenance penalty fees for the first, second, and third violation.



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The City of Apache Junction’s penalty fee structure consists of the following:

(Within a 24 consecutive month period)	Zoning Violation Civil Penalty Fees	Property Maintenance Civil Penalty Fees
First Offense:	\$250	\$350
Second Offense:	\$500	\$600
Third Offense:	\$750	Criminal fine of \$1,000, and other criminal penalties as a result of a class 1 misdemeanor conviction.

Per our consultation with the Code Compliance Division and the City Attorney, most code violation cases are closed before they are ever charged in court. An estimated 95% of all violation cases being closed prior to a civil judgement. Even rarer is the escalation of a first offense to a second or third offense.

PLANNING DIVISION RECOMMENDATION

Planning Staff prepared 3 courses of action for the Planning & Zoning Commission to evaluate and choose which to recommend to the City Council.

OPTION 1: Update Zoning Violation Civil Penalty Fees to **match** the Property Maintenance Violation Civil Penalty Fees.

This would amend the zoning violation civil penalty fees of:

1. The first offense during 24 consecutive month period from \$250 to **\$350**;
2. The second offense during 24 consecutive month period from \$500 to **\$600**;
3. The third offense during 24 consecutive month period from \$750 to **\$1000**.

OPTION 2: **Increase** both the Zoning Violation Civil Penalty Fees and the Property Maintenance Violation Civil Penalty Fees to a higher value, and make the third offense within a 24 month consecutive period a class 1 misdemeanor.



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This would amend both the property maintenance and zoning violation civil penalty fees of:

1. The first offense during 24 consecutive month period to **\$500**;
2. The second offense during 24 consecutive month period to **\$750**;
3. The third offense and subsequent offenses within 24 months of first offense shall be a **criminal fine not to exceed \$2500**, and other criminal penalties as a result of a class 1 misdemeanor conviction.

OPTION 3: No change to penalty fees.

RECOMMENDED MOTION

I move that the Planning and Zoning Commission recommend to the Apache Junction City Council Option #__ of text amendment case P-24-70-AM, an amendment to the 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 as described in the attached text exhibit.

Nick Leftwich

Prepared by Nick Leftwich
Planner

Attachments:

-P-24-70-AM Draft Amendment 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

-Table of Comparison to other Cities & Towns