

ORDINANCE NO. 1555

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, CHAPTER 1: ZONING ORDINANCE, BY REPEALING AND REPLACING ARTICLE 1-16: ADMINISTRATION, §§ 1-16-16 (D)(6) and (F)(1) VIOLATIONS, PENALTIES AND ENFORCEMENT; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, on August 5, 2024, the city council gave direction to staff to compare zoning and property maintenance code penalties and to assess functionality of both; and

WHEREAS, on September 24, 2024, the planning and zoning commission voted 6:0 to recommended not changing the zoning penalty fees on a first and second violation, but recommended amending the penalty fee of a third offense within 24 months of the first violation to a class 1 misdemeanor with a penalty fee not to exceed \$2500; and

WHEREAS, on October 14, 2024, the city council met to discuss the recommendations and gave staff direction to match the penalty fees, but also make the third offense within 24 months the first violation a class 1 misdemeanor with a penalty fee not to exceed \$2500.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I IN GENERAL

1) That existing Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-16: Administration, § 1-16-16 (D)(6), Enforcement Procedures for Non-emergency Matters, be amended as follows:

(6) A warning that failure to comply may result in the filing of a civil or criminal misdemeanor case.

2) That existing Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-16: Administration, § 1-16-16 (F)(1), Civil Citations and Complaints, Penalties, be amended as follows:

(F) *Civil citations and complaints.*

(1) *Penalties.*

(a) First offense during 24 consecutive month period: civil penalty of \$350;

(b) Second offense during 24 consecutive month period:
civil penalty of \$600;

(c) Third offense and subsequent offenses within 24
months of first offense: criminal fine not to exceed
\$2500, and other criminal penalties as a result of a
class 1 misdemeanor conviction.

SECTION II REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the
provisions of this ordinance or any part of the codes adopted
herein by reference are hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion
of this ordinance or any part of the codes or regulations
adopted herein by reference 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 IV PROVIDING FOR PENALTIES

Unless noted otherwise, any violation of any provisions adopted
herein, shall be punishable as a class 1 misdemeanor consistent
with Apache Junction City Code, Volume II, Chapter 1: Zoning
Ordinance, Article 1-1: Introductory Provisions, § 1-1-7 General
Penalty.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
APACHE JUNCTION THIS 5TH DAY OF NOVEMBER, 2024.

SIGNED AND ATTESTED TO THIS ____ DAY OF _____, 2024.

WALTER "CHIP" WILSON
Mayor

ATTEST:

JENNIFER PENA
City Clerk

APPROVED AS TO FORM:

RICHARD J. STERN
City Attorney