



# City of Apache Junction

Development Services Department



## CITY COUNCIL WORK SESSION STAFF MEMO

**Date:** October 14, 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. The research data and options, along with the correlating fee values are provided in the attached staff report.

"**OPTION 1**" proposed to update Zoning Violation Civil Penalty Fees to match the Property Maintenance Violation Civil Penalty Fees.



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"**OPTION 2**" proposed to increase both the Zoning Violation Civil Penalty Fees and the Property Maintenance Violation Civil Penalty Fees to a higher value. At the recommendation of our city attorney's office, it also proposed to make 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, which is the state sentence for class 1 misdemeanors set by A.R.S. Section 13-802: Fines for misdemeanors. The third violation within a 24 month period for a property maintenance violation is already a class 1 misdemeanor, however this option proposes to update the maximum criminal fine to the state standard value (\$2,500) as well.

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

### Planning and Zoning Commission Recommendation

On September 24, 2024 the Planning and Zoning Commission held a public hearing and discussion to determine their recommendation. The Commission voted 6-0 to recommend approval of Text Amendment Case P-24-70-AM, with a recommendation to keep the penalty fees of the first and second violations exactly as they currently are (represented by option 3), while amending the penalty fee of the third consecutive offense within a 24 month period for both penalty types to a class 1 misdemeanor with a penalty fee not to exceed \$2500, matching the state penalty of class 1 misdemeanors.

The changes of this Planning & Zoning Commission recommendation, noted here as "**OPTION 4**," are depicted here:

(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:	<del>\$750</del> Criminal fine not to exceed \$2500, and other criminal penalties as a result of a class 1 misdemeanor conviction.	Criminal fine <del>of \$1,000</del> not to exceed \$2500, and other criminal penalties as a result of a class 1 misdemeanor conviction.



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Attachments:

- P-24-70-AM 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
- P&Z Staff Report from September 24, 2024
- Table of Comparison to other Cities & Towns