

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: Update 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.

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 the penalty fees.

OPTION 4, PLANNING & ZONING COMMISSION RECOMMENDATION: Keep the penalty fees of the first and second violations exactly as they currently are, while amending the penalty 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.

OPTION 1 TEXT:

**APACHE JUNCTION, ARIZONA
CITY CODE, VOLUME I,
§ 9-1-4 ENFORCEMENT AND ABATEMENT.**

(C) Civil/criminal citations and complaints.

(1) If the owner or other responsible party fails to comply with the notice of violation, a civil/criminal action to enforce the provision of this article may be commenced and a summons shall be issued in accordance with the procedures set forth in the Arizona Revised Statutes and applicable city ordinances. Jurisdiction of proceedings in this article shall be in the municipal court of the city.

(2) The City Manager, or his or her designee, shall be responsible for filing civil and criminal citations with the municipal court with the following minimum penalties:

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

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

(c) Third offense and subsequent offenses within 24 months of first offense: criminal fine of **\$1,000**, and other criminal penalties as a result of a class 1 misdemeanor conviction.

(3) The 24-month period shall be calculated from the dates the violations are committed. The owner or responsible party shall receive the progressively higher civil penalty upon a finding of responsibility for any violation of this article committed within 24 months of the commission of another violation for which the owner or responsible party was found responsible or was convicted. In no event shall the court reduce the minimum dollar penalties referenced above. A criminal case shall only be filed only after 2 successive civil violations have been committed within a 24-consecutive-month period.

(4) Every day any violation of any provision of this article continues shall constitute a separate violation or offense. The owner of record, as reflected in the Pinal or Maricopa County Recorder's Office, may be presumed to be a person having lawful control over the building, structure or parcel of land that is the subject of the violation. If more than 1 person is recorded as the owner of the property, the persons may be jointly and severally presumed to be the persons having lawful control over the building, structure or parcel of land.

**APACHE JUNCTION CITY CODE,
VOLUME II, LAND DEVELOPMENT CODE
§ 1-16-16 VIOLATIONS, PENALTIES AND ENFORCEMENT.**

(F) *Civil citations and complaints.* If the owner or other responsible party fails to comply with the notice of violation, and fails to appeal the notice, or loses the appeal hearing and fails to pursue other available appellate courses of action, a civil action to enforce the provision of this chapter may be commenced and a summons shall be issued in accordance with the procedures set forth in the Arizona Revised Statutes and applicable city ordinances. Jurisdiction of

proceedings in this Chapter shall be in the Municipal Court of the City of Apache Junction. The City Manager and/or his or her designee shall be responsible for filing civil citations with the Apache Junction Municipal Court subject to the following:

(1) *Penalties.*

- (a) First offense during 24 consecutive month period: civil penalty of ~~\$250~~ \$350;
- (b) Second offense during 24 consecutive month period: civil penalty of ~~\$500~~ \$600;
- (c) Third offense during 24 consecutive month period: civil penalty of ~~\$750~~ \$1000.

OPTION 2 TEXT:

**APACHE JUNCTION, ARIZONA
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§ 9-1-4 ENFORCEMENT AND ABATEMENT.**

(C) Civil/criminal citations and complaints.

(1) If the owner or other responsible party fails to comply with the notice of violation, a civil/criminal action to enforce the provision of this article may be commenced and a summons shall be issued in accordance with the procedures set forth in the Arizona Revised Statutes and applicable city ordinances. Jurisdiction of proceedings in this article shall be in the municipal court of the city.

(2) The City Manager, or his or her designee, shall be responsible for filing civil and criminal citations with the municipal court with the following minimum penalties:

(a) First offense during a 24-consecutive-month period: civil penalty of ~~\$350~~ 500;

(b) Second offense during a 24- consecutive-month period: civil penalty of ~~\$600~~ 750;

(c) Third offense and subsequent offenses within 24 months of first offense: criminal fine ~~of \$1,000~~ not to exceed \$2500, and other criminal penalties as a result of a class 1 misdemeanor conviction.

(3) The 24-month period shall be calculated from the dates the violations are committed. The owner or responsible party shall receive the progressively higher civil penalty upon a finding of responsibility for any violation of this article committed within 24 months of the commission of another violation for which the owner or responsible party was found responsible or was convicted. In no event shall the court reduce the minimum dollar penalties referenced above. A criminal case shall only be filed only after 2 successive civil violations have been committed within a 24-consecutive-month period.

(4) Every day any violation of any provision of this article continues shall constitute a separate violation or offense. The owner of record, as reflected in the Pinal or Maricopa County Recorder's Office, may be presumed to be a person having lawful control over the building, structure or parcel of land that is the subject of the violation. If more than 1 person is recorded as the owner of the property, the persons may be jointly and severally presumed to be the persons having lawful control over the building, structure or parcel of land.

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set forth in the Arizona Revised Statutes and applicable city ordinances. Jurisdiction of proceedings in this Chapter shall be in the Municipal Court of the City of Apache Junction. The City Manager and/or his or her designee shall be responsible for filing civil citations with the Apache Junction Municipal Court subject to the following:

(1) *Penalties.*

- (a) First offense during 24 consecutive month period: civil penalty of ~~\$250~~ \$500;
- (b) Second offense during 24 consecutive month period: civil penalty of ~~\$500~~ \$750;
- (c) ~~Third offense during 24 consecutive month period: civil penalty of \$750.~~ 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.

OPTION 3 TEXT, (NO CHANGE):

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(2) The City Manager, or his or her designee, shall be responsible for filing civil and criminal citations with the municipal court with the following minimum penalties:

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

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

(c) Third offense and subsequent offenses within 24 months of first offense: criminal fine of **\$1,000**, and other criminal penalties as a result of a class 1 misdemeanor conviction.

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(1) *Penalties.*

- (a) First offense during 24 consecutive month period: civil penalty of **\$250**;
- (b) Second offense during 24 consecutive month period: civil penalty of **\$500**;
- (c) Third offense during 24 consecutive month period: civil penalty of **\$750**.

OPTION 4 TEXT, PLANNING & ZONING COMMISSION RECOMMENDATION:

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

(c) Third offense and subsequent offenses within 24 months of first offense: criminal fine ~~of \$1,000~~ not to exceed **\$2500**, and other criminal penalties as a result of a class 1 misdemeanor conviction.

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- (c) ~~Third offense during 24 consecutive month period: civil penalty of \$750.~~ 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.