

### 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.





## Current Code Penalty Fees

(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.





 Update Zoning Violation Civil Penalty Fees to <u>match</u> 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.

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



• <u>Increase</u> 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.

(Within a 24 consecutive month period)	Zoning Violation Civil Penalty Fees	Property Maintenance Civil Penalty Fees			
First Offense:	<del>\$250</del> <mark>\$500</mark>	<del>\$350-</del> \$500			
Second Offense:	<del>\$500</del>	<del>\$600</del> <b>\$750</b>			
Third Offense:	\$750 Criminal fine not to exceed	Criminal fine of \$1,000 not to exceed			
	\$2,500, and other criminal penalties	\$2,500, and other criminal penalties as a			
	as a result of a class 1 misdemeanor	result of a class 1 misdemeanor			
	conviction.	conviction.			



No change to penalty fees.

(Within a 24	Zoning Violation Civil	Property Maintenance Civil Penalty Fees				
consecutive month	Penalty Fees					
period)						
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.				

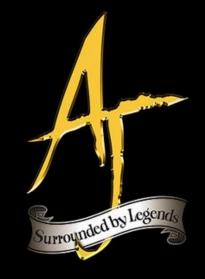




# Planning & Zoning Commission Recommendation

(Within a 24	Zoning Violation Civil Penalty Fees	Property Maintenance Civil Penalty			
consecutive month		Fees			
period)					
First Offense:	\$250	\$350			
Second Offense:	\$500	\$600			
Third Offense:	<del>\$750</del>	Criminal fine of \$1,000 not to exceed			
	Criminal fine not to exceed \$2500,	\$2500, and other criminal penalties			
	and other criminal penalties as a	as a result of a class 1 misdemeanor			
	result of a class 1 misdemeanor	conviction.			
	conviction.				



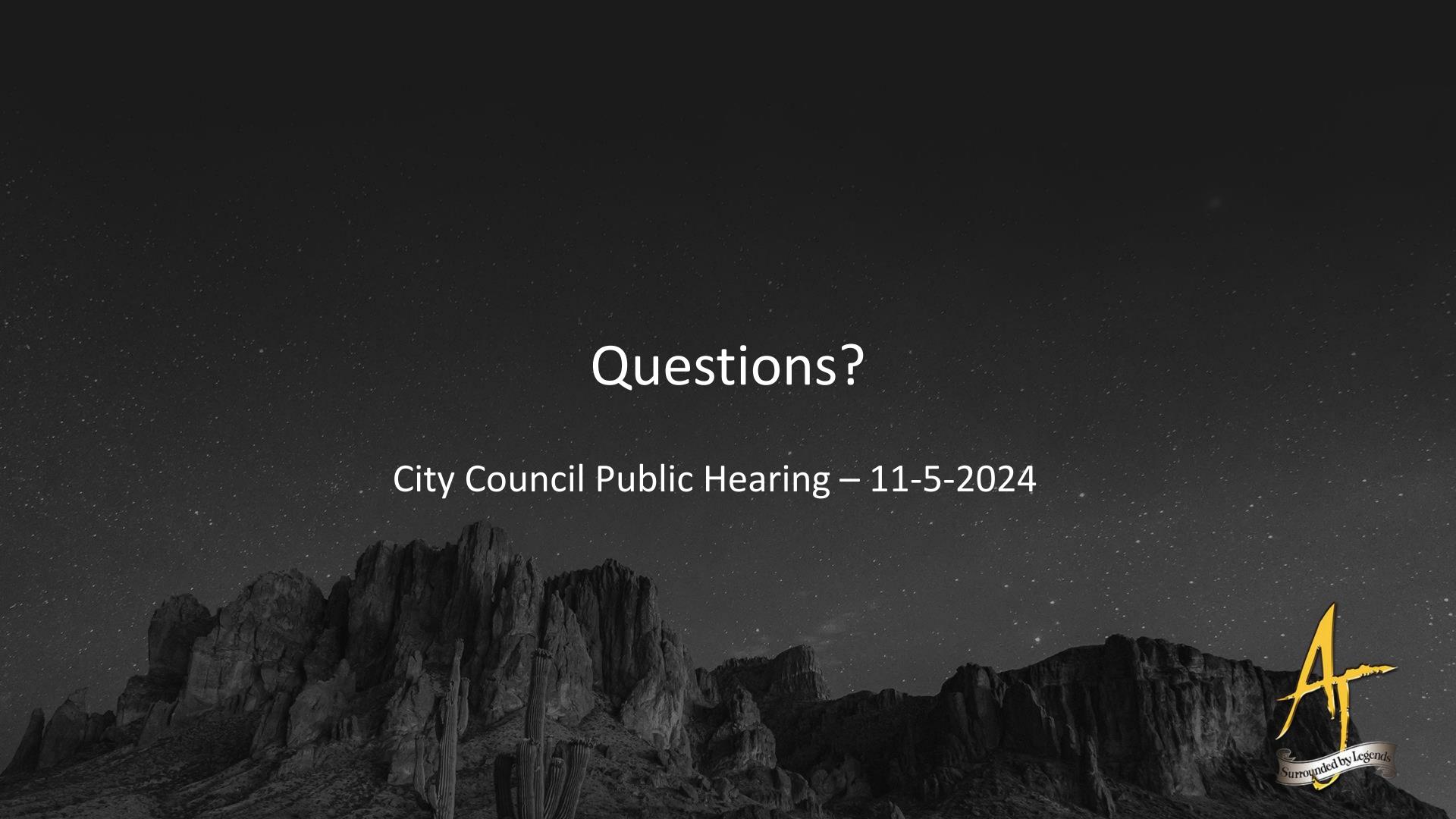


#### Summary

- Option 1: Match the two fee categories.
- Option 2: <u>Increase</u> both the fee categories to a higher value and make the third zoning offense within a 24 month consecutive period a class 1 misdemeanor.
- Option 3: No changes.
- Option 4, P&Z Recommendation: No changes to the penalty fees of the first and second violations but increasing the penalty of the third consecutive offense of both penalty types to a class 1 misdemeanor with a penalty fee not to exceed \$2500.







Ageney		Zoning					Property Maintenance - Civil					
Agency	<b>1</b> st	t Citation	2n	d Citation	3rc	d Citation	<b>1</b> s1	t Citation	2n	d Citation	3rd Citation	
City of Apache Junction	\$	250	\$	500	\$	750	\$	350	\$	600	\$ 1,000	
City of Mesa	\$	150-1500	\$	250-2500	\$	500-2500	\$	250-1500	\$	350-2500	\$ 500-2500	
Town of Queen Creek	\$	250	\$	500	\$	2,000	\$	250	\$	500	\$ 2,000	
City of Avondale	\$	250	\$	500	\$	1,000	\$	250	\$	500	\$ 1,000	
Town of Buckeye	\$	100	\$	100	\$	200	Determined by the court					
City of Casa Grande	\$100 to \$500					\$100 to \$500, \$250 to 1000 for 'enterprises'						
City of Goodyear	\$	500	\$	750	\$	1,000	\$5	50-\$300	\$3	300-\$500	\$550-\$1000	
Town of Marana	Cannot exceed \$1000				Determined by the court							
City of Maricopa	\$	250	\$	500	\$	1,000	\$	100	\$	200	\$ 400	
										"Habitual Offender": \$2500		
Town of Gilbert	Up to \$500					\$	100-500	\$	100-500	max, 500 per count.		
Town of Florence -Residential	ΦΕΩΩ marrialation				\$	250	\$	500	\$ 750			
Town of Florence -Commercial	\$500 per violation					\$	750	\$	1,500	\$ 2,000		
City of Phoenix	\$	100	\$	250	\$	500	\$	100-2500	\$	250-2500	\$ 500-2500	
City of Tempe	\$100 to \$1000				Up to \$2000							