

CITY OF SURPRISE
Regular City Council Work Session
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, March 2, 2021 @ 4:30 PM
COUNCIL CHAMBERS



NOTICE: In an effort to protect health and safety of city employees, residents, and visitors, the Council Chambers will be closed to the public during this meeting. The public may access the meeting by viewing a live stream or broadcast of the meeting. To watch live, please visit www.surpriseaz.gov/surprisetv, the Surprise City Gov Facebook page at www.facebook.com/cityofsurprise. Cox channel 11 and Century Link channel 8513 will also carry the meeting live.

For instructions on how to comment on agenda items and public hearings, please go to <https://bit.ly/3kFsM6l>

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Proclamation and Community Acknowledgements
- E. City Manager Report
- F. City Clerk Report
- G. Call To The Public

Public comment will be taken through email or via phone. To submit email comments, including Call to the Public for non-agenda items, please email publiccomments@surpriseaz.gov. Comments for Call to the Public must be submitted prior to the start of the meeting. To comment on agenda items, emails must be submitted prior to the time(s) designated for public comment by the Mayor during the meeting or before the agenda item has otherwise concluded.

To comment live by phone for Call to the Public for non-agenda items or for agenda items, please call 623-222-1250 prior to, or during, the meeting to have your name placed on a callback list. If you reach voicemail, please leave your name and phone number. The City Clerk will call those wishing to comment from the dais during the meeting, and the call will be streamed through the Council Chamber audio system. Only calls received before Call to the Public for non-agenda items or before or during the time(s) designated for public comment by the Mayor during the meeting on the subject agenda item will be accepted and streamed. No calls will be accepted after the time(s) designated by the Mayor for public comment or after an agenda item has otherwise concluded.

- H. Regular City Council Work Session Agenda
- CONSENT AGENDA:
- REGULAR AGENDA ITEM - PUBLIC HEARING:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|---|--|
| 1. | Citywide | Presentation and discussion pertaining to the proposed City of Surprise Property Maintenance Ordinance. | None

Tiffany Copp
Community
Development |
| 2. | Citywide | Presentation and discussion pertaining to citywide budgetary expenses. | None

Holly Osborn
Finance |
- I. Other Business and Future Agenda Items
- J. City Council Reports
- K. Executive Session
- For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:
- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
 - discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));
- L. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED:February 25, 2021 at 2:00 PM

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.



CITY OF SURPRISE Regular City Council Work Session

Council Meeting Date: March 2, 2021 Contact Person: Tiffany Copp, Assistant Director
Submitting Department: Community Development District: Citywide
Staff Recommendations: None

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Presentation and discussion pertaining to the proposed City of Surprise Property Maintenance Ordinance.

Motion:

Presentation and discussion only.

Background:

In 2007 City Council adopted the 2006 International Property Maintenance Code (IPMC) as published by the International Code Council (Ordinance 07-38), governing the appearance and safety of all residential and non-residential structures and premises within the City. The Property Maintenance Ordinance (PMO) is intended to facilitate the community's access to the ordinance that guides the City's expectations regarding property maintenance, and enforcement, as well as to replace the 2006 IPMC.

Objective Analysis:

Upon adoption, the PMO will become part of the Surprise Municipal Code. Adopting a local ordinance gives the City content and publication authority over the document. The IPMC cannot be published by the City but is made available in hard copy for residents to review at City Hall upon request. The intent and spirit of the PMO remains consistent with the IPMC. Changes which have been made to the PMO include streamlining redundant or overstated content and adding content specific to the processes and property maintenance expectations of the City of Surprise.

Policy Compliant:

The adoption of the Property Maintenance Ordinance is consistent with City and Council Policy.

Financial Impact:

While this item does not have an immediate financial impact, the future adoption of this ordinance will result in an estimated one-time cost of \$2,600 to convert the ordinance to MuniCode for inclusion with the other Surprise Municipal Codes. The actual cost will be determined once the final document length is known.

Budget Impact:

The budget impact associated with the future adoption of this ordinance will be incorporated as part of the Community Development Department's General Fund operating budget.

FTE Impact:

This item does not have an impact on current staffing levels.

ATTACHMENTS:

1. PMO Presentation
 2. PMO DRAFT
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PROPERTY MAINTENANCE ORDINANCE

Tiffany Copp, Assistant Director
Community Development, Code Enforcement Division

WHAT IS CODE ENFORCEMENT?

A division of Community Development charged with the enforcement of property maintenance codes; including the prevention, detection and investigation of potential violations of those codes.

WHAT IS A PMO?

A Property Maintenance Ordinance:

- Establishes minimum standards for all property maintenance
- Promotes and maintains a clean, healthy and safe community
- Is a guide for residents and Code Enforcement

BACKGROUND

- 2006 International Property Maintenance Code (IPMC) was adopted in 2007
- Limitations of the IPMC include:
 - Lack of transparency/ publication control
 - Lack of specificity

BACKGROUND

- Adopting a local PMO serves to:
 - Improve transparency/ publication control
 - Outline expectations for property maintenance specific to City of Surprise

BACKGROUND

Valley cities with similar local ordinances:

- Avondale
- Chandler
- Gilbert
- Glendale
- Goodyear
- Mesa
- Peoria
- Phoenix
- Scottsdale
- Tempe

IPMC VS. PMO

- Initial changes include:
 - Removal of redundant language and definitions
 - Addition of several new definitions
 - Outline Notice of Violation and citation processes
 - Outline abatement and lien processes
 - Addition of Inspection Warrant process

INTERNAL ENGAGEMENT

- Internal stakeholders:
 - Community Development
 - City Attorney
 - City Prosecutor
 - Public Safety Legal Advisor
 - Fire
 - Finance

PUBLIC ENGAGEMENT

03/02:
Work Session

03/03:
Begin 60-day Public
Comment Period

- Letters to HOA Boards
- Media & Video
Presentation Release
- PMO Webpage

03/30:
First Public Meeting

04/13:
Second Public Meeting

05/02:
Close Public Comment
Period

Incorporate revisions &
feedback into final PMO
document

06/15:
Council Presentation &
Adoption

07/015:
PMO Effective Date

March 2021

Apr 2021

May 2021

June 2021

July 2021



Questions/ Comments?

Surprise Municipal Code
Chapter XX
PROPERTY MAINTENANCE CODE

Article I- GENERAL PROVISIONS

Section XX-1 – Title

Section XX-2 - Intent and Scope

Section XX-3 – Conflict of Ordinances and Severability

Section XX-4 – Definitions

Article II- ADMINISTRATION AND ENFORCEMENT

Section XX-5 – Authority and Enforcement

Section XX-6- Liability

Section XX-7 – Violation Notice

Section XX-8 – Civil Citation

Section XX-9 – Criminal Complaint

Section XX-10 – Inspection Warrants

Section XX-11 – Abatement and Demolition

Section XX-12 - Condemnation

Article III- MAINTENANCE STANDARDS

Division 1. Building and Structure Maintenance

Section XX-13 – Building Systems

Section XX-14 – Interior Maintenance

Section XX-15 – Exterior Maintenance

Division 2. Land Maintenance

Section XX-16 - Exterior Premises and Land Maintenance

Section XX-17- Landscape Maintenance

Section XX-18 - Vehicles

Section XX-19 - Safety

Article I General Provisions

Section XX-1 Title

This chapter shall be known as the “The Property Maintenance Code of the City of Surprise, Arizona.” Within this text, the following terms, whether capitalized or not, shall be synonymous with the Property Maintenance Code of the City of Surprise: “this code,” “Surprise Property Maintenance Code,” “this ordinance,” and “The Property Maintenance Ordinance.”

Section XX-2 Intent and Scope

- (A) The purpose of this code is to promote the health, safety, and welfare of the residents of Surprise Arizona, and to protect neighborhoods against hazardous blighting and deteriorating influences or conditions that contribute to the downgrading of neighborhood property values, by establishing minimum standards for the condition and maintenance of all residential and nonresidential buildings, structures and vacant and improved lands.
- (B) This code shall apply to all buildings, structures, and lands within the City of Surprise.
- (C) This code shall be fairly, sensibly, and reasonably applied to promote the maintenance of all existing buildings and land within the jurisdiction of the City of Surprise.
- (D) This code shall not require changes in existing buildings and utilities when alterations were installed and have been maintained in accordance with the City of Surprise Adopted Codes in effect at the time of construction or alteration. This section does not apply when the building has been determined to be an imminent hazard, unsafe, unhealthy, blighted or deteriorated, or when the building has been moved to another location.

Section XX-3 Conflict of Ordinances and Severability

- (A) In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, Adopted Codes, safety or health ordinance or code existing on the effective date of this chapter, the provision of the zoning, Adopted Code, safety or health ordinance or code shall prevail.
- (B) Nothing in this chapter shall be construed to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, codes or ordinances, except those specifically repealed by this chapter, which shall remain in full force and effect.
- (C) If any section, subsection, paragraph, sentence, clause, or phrase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect; and to this end, the provisions of this chapter are hereby declared to be severable.

Abatement: Action taken by the City Code Official or designee to correct, repair, clear, demolish or remove any blighted condition(s) or violation(s) of this chapter or any of the Adopted Codes.

Abatement (Court Ordered): An order, in writing, signed by a judge of a court of competent jurisdiction, authorizing any employee, representative, or contractor of the City to enter onto any affected property to abate specified conditions.

Accumulation of Inoperable Vehicles: Two or more inoperable vehicles upon a residential lot, or upon a commercial or industrial lot where the primary business does not involve the service of vehicles or the storage of inoperable vehicles.

Adopted Codes: Any of the provisions of the construction codes including but not limited to the building, residential, mechanical, electrical, plumbing, residential, fuel gas, energy conservation, or fire code, as adopted and amended by the City.

Animal Waste: Household pet waste and/or waste from stables, kennels, pet pens, chicken coops, and veterinary establishments, or other establishments of a similar nature.

Architectural Pool: A constructed or excavated exterior area designed to contain a regular supply of water, other than a swimming pool.

Bathroom: A room containing plumbing fixtures including a bathtub or shower.

Blight: Unsightly conditions including but not limited to damage, tattered, faded, cracking, peeling, rusting or any other condition of disrepair, deterioration, or lack of maintenance.

Building: Any structure or dwelling having a roof that is supported by poles, columns, and/or walls, that is utilized or intended to be used for the housing and/or enclosure of persons, animals, or personal property.

Code Official: The City Manager or authorized designee in charge of the administration and enforcement of this chapter.

Condemn: To adjudge unfit for human occupancy.

Construction Materials: Any material commonly used in construction or landscaping including, but not limited to, asphalt, concrete, plaster, tile, rocks, bricks, sand, dirt, lumber, blocks, or other similar materials.

Debris: Substance or material of little or no apparent value including, but not limited to, deteriorated lumber, old newspapers, cardboard material, scrap metal, vehicle parts, discarded furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, abandoned, broken or neglected equipment, or the scattered remains of items.

Defendant: A person or group, company or institution, against whom a civil or criminal action is brought.

Deterioration or disrepair: The condition or appearance of a building, structure, or parts thereof be characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, any other evidence of physical decay or neglect, excessive use or lack of maintenance, or be incapable of performing the task for which it was designed and in the manner it was intended.

Driveway: An unobstructed paved area directly connecting a public or private street with vehicle parking, loading, or maneuvering areas.

Dust-Proof Surface: An area completely covered by (1) concrete, asphalt, cement, or sealed aggregate pavement; (2) crushed rock or gravel no smaller than one-quarter inch and no larger than three-quarters-inch maintained to minimum depth of two (2) inches; or (3) another stabilization material or method approved by the City. Dust-proof surface does not include areas of grass, lawn, compacted dirt, or hard-packed dirt.

Dwelling: A single unit as a whole building or portion thereof, providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Excavation: A swimming pool, architectural pool, pond, shaft, test hole, well, pit, trench, or other condition resulting from the removal or absence of earthen material resulting in a cavity or opening that is more than four (4) inches in any lateral dimension and more than three (3) feet in depth, excluding active sand or gravel mines being operated in compliance with City and State laws. City approved retention basins are not considered excavations for purposes of this chapter.

Exterior Surfaces: Outside walls, roofs, fixtures, fences, gates, and attachments to a building or structure, including, but not limited to, doors, windows, gutters, down spouts, lights, antennas, satellite dishes, porches, posts, railings, garages, eaves, trims, patios, and chimneys.

Exterior Property: The open space on the premises and on adjoining property under the control of the responsible party of such premises.

Fences (Includes retaining walls and screen walls): An artificially constructed barrier of wood, stone, masonry, metal or combination of materials erected to screen, separate, protect, confine, or enclose; not including landscaping or other natural growth. The term fence shall include all walls, except those as part of building.

Fixture(s): Something that is fixed or attached to a building or structure as a permanent appendage or as a structural part.

Garbage: An accumulation of spoiled, decaying, or discarded animal or vegetable material resulting from the handling, preparation, cooking, or consumption of food for

humans or animals, as well as other organic waste material subject to rapid decomposition.

Graffiti: Any drawing or inscription that degrades the appearance of property which is carved, drawn or painted on a surface in a place that can be seen by the public.

Hazard: Any condition that presents a risk to the safety of any person or adversely affects or jeopardizes the health or well-being of any person or endangers property. Such conditions include, but are not limited to, occupancy without adequate water or sanitation facilities, accumulation of human or animal waste, presence of medical or biological waste, sharps, gaseous or combustible materials, radioactive waste, dangerous or corrosive chemicals or liquids, flammable or explosive materials, friable asbestos, offal or decay matter.

Imminent Hazard/ Danger: A hazard on or condition of real property that creates an immediate or unreasonable risk of death or injury to any person or an immediate or unreasonable risk of loss of or damage to property.

Incongruous Materials, Colors, and Finishes: Exterior surfaces that are not matching, and are inconsistent, incompatible, and discordant with the adjacent exterior surfaces.

Infestation: A proliferation of unpleasant, damaging, or unhealthful insects, rodents, reptiles, or pests.

Inoperable Vehicle: A motor vehicle or any major portion thereof that is unlicensed and is incapable of movement under its own power and will remain so without major repair, including but not limited to repair of the differential, transmission, head, engine block, or oil pan.

Inspection Warrant: An order in writing, signed by a judge of a court of competent jurisdiction, directed to a state, county or local official, authorizing entry into private property to inspect for violations of the Surprise Municipal Code or other relevant laws and regulations.

Judge: A City of Surprise Municipal Court Judge.

Municipal Court: The City of Surprise Municipal Court.

Occupant: A person, persons, or legal entity that, through rights of ownership or tenancy, has possession or the use and enjoyment of the subject real property. Any individual living or sleeping on premises, in a building or structure, or having possession or custody of a space on or within a premise, building or structure.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the property.

Persons: Includes any individual or group of individuals, corporations, partnerships, associations, or any other organized group of persons, including state and local governments and agencies thereof.

Private Property: Land owned by any person other than the United States, the State of Arizona, a county, a city, a school district, or a special district.

Premises: A lot, plot, or parcel of land including any buildings thereon.

Responsible Party: An owner, occupant, lessor, lessee, manager, licensee, or other person having control over a structure or parcel of land; and in the case where demolition of a structure is proposed as a means of abatement, an lienholder whose lien interest is recorded in the official records of the Maricopa County Recorder's Office.

Right-of-Way (ROW): A designated or otherwise legally established strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, trees, or for another special use.

Sound Condition: Free from decay or defects and capable of performing the task for which it was designed and in the manner it was intended.

Structure: That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

Tenant: A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Toilet Room: A room containing a water closet or urinal but not a bathtub or shower.

Trash/Litter: Decaying or non-decaying solid and semi-solid wastes, including, but not limited to both combustible and noncombustible wastes, such as paper, trash, cardboard, waste material, cans, yard clippings, wood, metal, glass, bedding, debris, scrap paving material, discarded appliances, discarded furniture, dry vegetation, weeds, dead trees and branches, vegetation, and trees which may harbor insect or rodent infestations or may become a fire hazard, piles of earth mixed with any of the above, or any foreign objects.

Unlawful Structure: An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or which was erected, altered or occupied contrary to law.

Unsafe Equipment: Unsafe equipment including electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property, or safety of the public or occupants of the premises or structure.

Unsafe/ Unfit Structure: A structure that is found to be dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants, in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Utility Service: Those services required for plumbing and electrical systems, heating and cooling systems, ventilation systems and fixtures, and appliances to properly operate, including water service, sewer service, electric service, and gas service.

Vehicle: Every device by which any person or property is or may be transported or drawn; including, but not limited to, automobiles, motor homes, travel trailers, utility trailers, or watercraft. Devices moved by human power or used exclusively upon stationary rails or tracks are exempt.

Vehicle Cover: A vehicle cover placed on any vehicle that is visible from any public street or sidewalk must be properly maintained and made exclusively for covering vehicles. A proper cover does not include bed linen, paper, cardboard, plastic sheeting, tarps, or any other item or material not manufactured specifically as a vehicle cover. The use of a vehicle cover on any abandoned or inoperable vehicle as defined in this chapter is limited to a vehicle that is stored in a carport.

Vehicle Parts: Any part(s), component(s), or accessory of a vehicle.

Weed: A useless and troublesome plant generally accepted as having no value and frequently of uncontrolled growth. This shall include all grasses, annual plants and vegetation, other than cultivated trees, shrubs, flowers or gardens.

Yard: An open area of a residential lot that is at grade level between the dwelling and the adjoining lot lines, except as otherwise provided in this Code.

1. **Yard, Front:** A yard extending between two (2) side lot lines and the depth of which is the distance between the street and the primary building.
2. **Yard, Rear:** A yard extending between two (2) side lot lines and the depth of which is the distance between the rear lot line and the primary building.
3. **Yard, Side:** A yard extending between the fence return or front yard and rear yard and the depth of which is the distance between the side lot line and the primary building. The required side yard area is the area of the side yard that is bound by the front and rear yards and side lot lines.
4. **Yard, Street Side:** A side yard which is along the side lot line that abuts a street.

Zoning Ordinance: The adopted Land Development Ordinance of the City of Surprise, Arizona.

Article II- Administration and Enforcement

Section XX-5 Authority and Enforcement

- (A) The Code Official shall have authority, as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures, to interpret and implement the provisions of this chapter, and to secure the intent thereof.
1. For purposes of this chapter, the term Code Official shall have the meaning of City Manager or designee.
 2. The City's Code Enforcement Division shall be charged with the administration and enforcement of this chapter.
 3. The Code Official shall keep official records of all enforcement actions in accordance with applicable State laws.
- (B) In determining compliance with this chapter and the Adopted Codes, interior and exterior inspections of private property, yards, or vacant land may be conducted. Interior inspections and the inspection of fenced yards having an expectation of privacy shall be conducted as follows:
1. With approval of the responsible party of the home where the violation exists or is believed to exist;
 2. From the second story of a neighboring property, with the consent of the responsible party for that property, and where the violation can be seen in plain view from a window, balcony, patio or the like;
 3. By court order.
- (C) The City may proceed either civilly or criminally against any person who is found to be responsible for causing, permitting, or facilitating any violation of any provision of this chapter or for failing to perform any act or duty required by this chapter.
1. Each day a violation of any provision of this chapter or the failure to perform any act or duty required by this chapter continues shall constitute a separate violation or offense.
 2. Violations of this chapter are in addition to any other violation enumerated within the City Code or other applicable law and in no way limit the penalties, actions or procedures, which may be taken by the City for any violation of this chapter, which is also a violation of any other provision of the City Code or any other applicable law.
 3. The remedies specified herein are cumulative and the City may proceed under these or any other remedies authorized by law.
 4. When two (2) or more persons have liability to the City or are responsible for a violation of this chapter, their responsibility shall be joint and several.

Section XX-6 Liability

- (A) Persons charged with the enforcement of this code, acting in good faith and without malice, and within the authority of their official capacity, shall be

indemnified by the City in accordance with Chapter 4 of the Surprise Municipal Code.

- (B) No person shall obstruct, impede, or interfere with any officer, employee, or authorized representative of the City who is lawfully engaged in the enforcement or execution of the provisions of this code.
 - 1. Any person who violates the requirements of this provision shall be guilty of a class 1 misdemeanor and shall be subject to the penalties in section 2-238, or any other penalties as appropriate and authorized by law.

Section ~~XX-7~~ Violation Notice

- (A) Upon inspection, if the City finds facts or circumstances which give at least reasonable cause to believe that a violation of this code, or any other Surprise Municipal Code or the Adopted Codes exists, the City may notify the responsible party through the issuance of a Violation Notice, that voluntary correction of the observed violations is warranted. A Violation Notice shall include:
 - 1. Identification of the property in violation.
 - 2. Statement of violations in sufficient detail to allow the responsible party to identify and correct the violation(s).
 - 3. Expiration date; the date by which corrections should be made to bring the property into compliance.
 - 4. Address and phone number of a City representative to contact.
 - 5. If the notice includes possible abatement action, it shall also state the City's intent to abate if voluntary compliance is not achieved. The notice shall include a cost estimate to correct the violation(s), and the authority to assess a lien against the property for the costs to correct the violations, should the violation not be corrected within the time provided for voluntary compliance.
 - 6. If the notice includes possible removal or demolition, it shall also state the City's intent to remove or demolish the structure or equipment if voluntary compliance is not achieved. The notice shall include a cost estimate for the removal or demolition, and the authority to assess a lien against the property for the costs to correct the violations, should the violation not be corrected within the time provided for voluntary compliance. Such notice shall be recorded with the Maricopa County Recorder's Office.
 - 7. The potential for civil or criminal penalties for failing to correct the violation.
 - 8. If the violation is accompanied by a Notice of Condemnation it shall comply with section ~~XX-12~~.
- (B) Nothing within the chapter shall preclude the City from giving additional verbal or written notice at its discretion. If the City does elect to give any additional notice in any instance, it shall not be obligated to give such additional notice thereafter in the same or similar situations.
- (C) Nothing in this chapter shall require the issuance of a Violation Notice prior to the commencement of civil or criminal proceedings. The Code Official shall approve

commencement of any proceeding in which a Violation Notice is not issued prior to commencement.

- (D) A Violation Notice shall be deemed properly served by any of the following means:
1. Personal service.
 2. Mailing a copy by first class, certified, or registered mail, return receipt requested, to the last known address. Proof of such service shall be filed with the Surprise Municipal Court upon receipt.
 3. Posting the Violation Notice on or about the entrance of the premises where the violations exists.
 4. Publishing the Violation Notice one-time in a newspaper of general circulation, and posting for a period of thirty (30) days.
 5. Any means provided for in the Arizona Rules of Civil Procedure.
- (E) The City may record a Violation Notice with the Maricopa County Recorder. A recorded Violation Notice shall run with the land and shall constitute notice, for all purposes of this code, to all person or entities acquiring an interest in the property. Failure to record a Violation Notice shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, a release of the recorded notice will be subsequently filed with the Maricopa County Recorder.
- (F) It shall be unlawful for any responsible party who has received a Violation Notice to sell, transfer, mortgage, lease or otherwise dispose of such property until the provisions of this chapter have been complied with, or until such responsible party first furnishes the grantee, transferee, mortgagee, or lessee a true copy of any notice issued by the Code Official, and furnishes to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging the receipt of such notice and fully accepting the responsibility without condition for making the corrections or repairs required by such notice.
- (G) Nothing in this section shall prevent the City from taking immediate action to protect the public from an imminent hazard to health or safety as otherwise provided by law.

Section **XX-8** Civil Citation

- (A) Should a violation continue past the time provided for voluntary compliance in the Violation Notice, a civil citation may be issued by the Code Official, unless submission to the City of Surprise Prosecutor for criminal charging is warranted.
- (B) The civil citation shall name the responsible party or parties for the property in violation as the “defendant” and include the following information:
1. The date, time and location where the violation(s) were observed.
 2. A reference to all section(s) of this or other chapters of the Surprise Municipal Code, or the Adopted Codes, which have been violated.
 3. The date and time to appear in the Surprise Municipal Court.

4. Notice that if the defendant fails to appear in court, a default judgement may be entered against them.

- (C) The civil citation shall be deemed properly served by any of the following means:
1. Personal service.
 2. Mailing a copy by first class, certified, or registered mail, return receipt requested, to the last known address. Proof of such service shall be filed with the Surprise Municipal Court upon receipt.
 3. Any means allowed by the Arizona Rules of Civil Procedure.

Section XX-9 Criminal Complaint

- (A) The Code Official or designee may seek the issuance of a criminal complaint by the Surprise City Prosecutor for the prosecution of any criminal offense as set forth in this or any other section(s) of the Surprise Municipal Code, or the Adopted Codes.
- (B) Every criminal action or proceeding under this chapter shall be designated a misdemeanor and commenced and prosecuted in accordance with the laws of the State of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.

Section XX-10 Inspection Warrants

- (A) The Code Official or designee may seek the issuance of an inspection warrant by a judge if denied access to any property, building, or structure that the City would otherwise have the authority to inspect for public health and safety reasons.
- (B) An affidavit for an inspection warrant shall be submitted to the judge establishing probable cause that a violation of this or another chapter of the City Code or Adopted Codes exists, and that the proposed inspection is reasonable and necessary. Probable cause may be established based on any of the following:
1. Previous inspections have shown violations and the present inspection is necessary to determine whether those violations have been abated.
 2. Complaints have been received by the City's Code Official or the Code Enforcement Division from persons who, by status or position, have personal knowledge of the violations of law occurring on the subject property, building, or structure.
- (C) Execution of inspection warrants granted under this chapter shall be coordinated with a sworn peace officer and in accordance with the Arizona Revised Statutes.
- (D) In executing an inspection warrant on occupied property, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to a responsible party in possession of and physically present at the property designated in the warrant and show the person the warrant or a copy thereof upon request. A copy of the warrant shall be left with the person in possession of the property and physically present at the time the property being inspected.

- (E) In executing an inspection warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person, or at the time reasonably believed to be in such condition. In such case, a copy of the inspection warrant shall be conspicuously posted on the property.
- (F) Any person who willfully refuses to permit an inspection lawfully authorized pursuant to this section is guilty of a misdemeanor.
- (G) An inspection warrant must be executed and returned to the court which issued it within five (5) calendar days of its date unless there has been a showing of need for additional time and the court has ordered otherwise.

Section **XX-11** Abatement and Demolition

- (A) If a responsible party is served a Violation Notice and fails to comply with such notice by the date provided for voluntary compliance, the City may abate the condition(s) as described in the notice.
- (B) No person shall allow or cause to remain on any property any damaged or dilapidated building, structure or equipment that is unreasonable to repair, contributes to blight or constitutes a hazard to the public health or safety, or such structures may be ordered removed or demolished by the Code Official.
- (C) Notwithstanding any other provision of this code if, in the opinion of the Code Official, the conditions at a property constitute an imminent hazard, the Code Official may order immediate abatement of the hazard without notice. Such abatement of an imminent hazard shall be limited to the minimum work necessary to remove the hazard.
- (D) When the City has effected an abatement, removal or demolition of any violation, the actual cost of such abatement, removal or demolition, including administrative and other incidental costs in connection with the enforcement action, shall become an assessment upon the building or real property from which such violation was corrected. The responsible party for such property shall be liable for the payment of same.
 - 1. If payment is not received within thirty (30) days of the billing date, a lien or assessment shall be placed on the property until paid.
 - 2. Such liens or assessments shall be prior and superior to all other liens, obligations, mortgages, or other encumbrances, except liens for general taxes.
 - 3. The City may pursue any or all means for recovery of cost if the lien or assessment is not paid. In the event it is necessary to enforce the lien or assessment by sale, the sale shall be made from a judgment of foreclosure and order of sale. The City shall have the right to enforce the lien or assessment in the Superior Court of Maricopa County at any time after

- recording, but failure to enforce the lien or assessment shall not affect its validity. The recorded lien or assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording.
4. If the lien or assessment is paid, the lien or assessment shall be removed by the City.
 5. Prior liens or assessments, for the purposes provided for in the code, shall not be a bar to a subsequent liens or assessments and any number of liens or assessments on the same parcel may be enforced in the same action.
 6. Any liens or assessments filed with the Maricopa County Recorder pursuant to previous provisions of this code or any similar code or ordinance shall remain in effect under the same terms and conditions that existed at the time of recording.
- (E) The City may dispose of any material of value resulting from an abatement, removal or demolition, in any manner, including but not limited to sale or destruction. The sale or destruction of such property shall comply with the City of Surprise Procurement Code.
- (F) In addition to any other abatement procedure provided in this chapter, the Code Official or designee may apply to the Surprise Municipal Court for an order permitting the City to abate any condition that constitutes a violation of this code and which the City has been denied access to or been otherwise unable abate, or which the owner or responsible party has demonstrated an unwillingness to abate.

Section XX-12

Condemnation

- (A) When a structure, premises or equipment is found by the Code Official to be unfit for human occupancy, unsafe, or unlawful, such structure, equipment or premises shall be condemned pursuant to the provisions of this section and the responsible party shall be issued a Violation Notice.
- (B) If a structure, premises or equipment is vacant and unfit for human occupancy, but does not present an imminent hazard, the Code Official is authorized to post a Notice of Condemnation on the structure, premises or equipment and order it closed up and secured by the responsible party, so as not to be a nuisance.
- (C) When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a structure or premises which endangers life, or when any parts thereof have fallen or failed, or when there is actual or potential danger because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized to post a Notice of Condemnation at each entrance to such structure and require the occupants to vacate the premises immediately and to order it to remain vacant. The property may then be abated pursuant to the provisions of section XX-11.

1. A structure condemned and ordered vacated or to remain vacant under the provisions of this section shall not be leased, rented, or occupied, until it has been inspected and deemed fit for occupancy by the City.
 2. The City shall pay the cost and expense for the abatement of a hazard from any appropriation made available for that purpose.
 3. A lien shall be recorded with the Maricopa County Recorder's Office and shall address the same costs and procedures identified elsewhere in this code.
- (D) Notices of Condemnation shall contain the following language and information:
1. **CONDEMNED Occupancy/Use Has Been Prohibited by the Code Official.**
 2. The date by which the structure or equipment is to be closed up and secured.
 3. Notice that the responsible party's failure to comply with the notice shall cause the Code Official to close up and/or secure the structure, premises or equipment through any available means and the cost thereof shall become a lien upon such real estate through the procedures identified elsewhere in this code, and which may be collected through any recourse as prescribed by law.
 4. Notice that any temporary securement of vacant structures must be done in accordance with City specifications.
- (E) Any person occupying or using a condemned structure, premises or equipment and/or any responsible party for the premises who knowingly or intentionally occupies or permits the occupancy or use of a condemned structure, premises or equipment, shall be guilty of a misdemeanor.
- (F) The Code Official shall remove the Notice of Condemnation whenever all the condition(s) or defect(s) upon which the condemnation action was based have been eliminated.
1. Any person who defaces or removes a Notice of Condemnation without the approval of the Code Official shall be guilty of a misdemeanor.

Article III Maintenance Standards

Division 1. Building and Structure Maintenance

Section XX-13 Building Systems

- (A) All systems within the interior of every building or structure, including but not limited to plumbing, electrical, heating, cooling, ventilation and mechanical systems, fixtures, appliances and equipment, including fire detection and suppression equipment and systems, shall be properly installed in conformance to the Adopted Codes in effect at the time of installation and shall be maintained in a state of good repair, free from hazards, and capable of performing their intended function.
1. Every dwelling or dwelling unit where heating systems are installed shall have heating systems capable of safely heating all habitable rooms, bathrooms and flushing toilet rooms to a temperature of at least seventy (70) degrees Fahrenheit at a distance three (3) feet above floor level in the

center of the room. Required heating shall be provided by permanently installed heating facilities.

2. Every dwelling or dwelling unit where cooling systems are installed shall have cooling systems capable of safely cooling all habitable rooms, bathrooms and flushing toilet rooms to a temperature no greater than eighty-six (86) degrees Fahrenheit, if cooled by evaporative cooling, or eighty-two (82) degrees Fahrenheit, if cooled by air conditioning. Temperature measurements shall be taken at a distance three (3) feet above the floor in the center of the room. Required cooling shall be provided by permanently installed cooling facilities.
- (B) Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property, or that of another tenant.
- (C) All utility service connections to or within every building or structure shall be of the appropriate size and use required for the building or structure and shall be maintained in good repair and functioning for the proper operation of all systems and appliances within the building or structure, in compliance with the Adopted Codes.

Section XX-14

Interior Maintenance

- (A) The interior of every building or structure shall be maintained in good repair, structurally sound, and in a safe and sanitary condition free from any accumulation of garbage, food waste, human or animal waste, infestation, or material generally considered trash, rubbish, or litter, graffiti or blight.
1. The responsible party of a structure, dwelling or dwelling unit shall maintain, in a clean and sanitary condition, the shared or public areas of the structure, dwelling or dwelling unit, or the parts thereof which they occupy or control.
- (B) All interior surfaces, including but not limited to walls, doors, cabinets, windows, ceilings, stairs, railings, floors and all other appurtenances shall be maintained good repair and in a safe and structurally sound condition.
1. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered.
 2. Paint applied to interior surfaces must be lead-free.
 3. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.
- (C) All buildings, dwellings or dwelling units shall have an adequate potable water supply in accordance with City of Surprise Land Development Ordinance 108-2.8.
- (D) All premises containing dwellings or dwelling units shall be provided with one or more bathrooms equipped with a toilet, sink, and either a bathtub or shower, as prescribed by the Adopted Codes, and maintained in a state of good repair and capable of performing their intended function.

- (E) Each sink, lavatory, bathtub, or shower or fixture shall be equipped with water from an approved water supply in amounts and pressure necessary for their normal operation, and consisting of running cold water and running heated water provided through a properly regulated mixing valve.
 - 1. Said fixtures shall be installed and maintained to provide a supply of water sufficient in volume and pressure such that the fixtures function safely and properly, free from defects and leaks and will perform their intended functions.
- (F) When a structure is equipped with an indoor cooking area, it must be provided with a sink separate and apart from any bathroom sink or lavatory.
- (G) Water heating facilities shall be properly installed per manufacturer standards, maintained in good repair and in a hazard-free condition, and capable of providing a supply of water in sufficient volume at every required sink, lavatory, bathtub or shower, and laundry facility, if provided, at a temperature of not less than one hundred ten (110) degrees.

Section **XX-15** Exterior Maintenance

- (A) The exterior of every building or structure, including accessory structures such as detached garages, fences and walls, shall be maintained in good repair, structurally sound, and in a safe and sanitary condition free from any accumulation of garbage, food waste, human or animal waste, or material generally considered trash, rubbish, or litter, graffiti or blight.
- (B) All exposed exterior surfaces of any building or structure shall be maintained in good repair and impervious to moisture and weather elements and shall be free of broken, rotted, split, curled, buckled or missing coverings or materials and shall not otherwise present a deteriorated appearance, including but not limited to the following:
 - 1. All exterior surfaces shall be protected by paint or other protective treatment; except such surfaces naturally resistant to rust, rot or decay.
 - 2. Paint applied to exterior surfaces shall be free of loose, cracked, scaling, chipping, or peeling paint in such amounts as to present a deteriorated appearance.
 - 3. The maintenance, repair, replacement, completion or use of materials, colors, or finishes shall be consistent with the predominant materials, colors, or finishes of an exposed exterior surface and free from any incongruous materials, colors or finishes.
 - 4. Roof drains, gutter and downspouts shall be maintained free from obstructions and shall not discharge in a manner that creates any public nuisance.
 - 5. Window screens shall be free from excessive tears or holes or bent or broken frames.
 - 6. All glazing materials shall be maintained free from cracks and holes.
 - 7. Leaning fences or walls and/or fences or walls that are missing slats or blocks, or which exhibit rot, damage, graffiti, peeling paint, deterioration of paint or materials, or an otherwise blighted appearance are prohibited.

8. Overhang extensions including, but not limited to, tarps, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored and kept in sound condition.
 9. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
 10. Roof coverings shall be substantially free from broken, rotted, split, or curled materials and shall not otherwise present a deteriorated or blighted appearance.
 11. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure.
 12. Roof water shall not be discharged in a manner that creates a public nuisance.
 13. The visible use or display of tarps, plastic sheeting, or other similar materials as flexible or inflexible screening, fencing or wall covering is prohibited.
- (C) Permanently boarded window or door openings on an occupied structure are prohibited but the temporary boarding prior to repairs is acceptable so long as it conforms to the City's specifications.

Division 2: Land Maintenance

Section XX-16 Exterior Premises and Land Maintenance

- (A) All exterior premises and lands, whether improved or unimproved, shall be maintained in a safe and sanitary condition free from any accumulation of garbage, human waste, animal waste, vegetation or food waste, hazardous waste, infestation, or any material generally considered trash, rubbish, litter, graffiti or blight.
- (B) Animal waste, such as manure and droppings, shall be removed from kennels, pens, stables, yards and other enclosures at least twice weekly and from the property at least once each week or more frequently if conditions necessitate.
- (C) No person shall cause, allow, or permit personal property which he owns, leases, rents, or controls to be abandoned on a public right-of-way, street, alley, or on any public or private real property within the City. Items placed by or approved by the City are exempt from this subsection.
1. Any person who violates this section shall be liable for all costs incurred by the City to remediate such violations in addition to any other penalties permitted by this chapter.
- (D) No person shall place and/or store any items in public view, such as furniture, except furniture designed and placed for outdoor use, equipment, appliances, construction or landscape materials, debris, or any other similar materials which are visible from beyond the boundaries of the lot, and which contribute to a blighted condition.

- (E) It is unlawful for any responsible party in charge of any construction or demolition site to cause, to maintain or permit the accumulation of any litter or debris on the site before, during, or after completion of the project, except in a designated contained area, or to allow any such litter or debris to become windblown, and carried or deposited upon any alley, street, public place, or adjacent property.
- (F) Vacant lots or lands which have been subject to dumping, trespass or the operation of vehicles on a non-dust controlled property shall be subject to the requirements of Surprise Municipal Code 34-111.
- (G) All property shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon, which may cause a hazardous or unhealthy condition, breed insects, or which is causing damage to foundations or foundation walls.
 - 1. No person shall allow any swimming pool, architectural pool, pond, or spa to remain or be maintained in a condition that may breed insects or result in insect or other infestation, is polluted or stagnant, or creates a blighting condition.
 - 2. Architectural pools that contain fish must be maintained to provide for the health of the fish. Dead fish must be removed immediately.
 - 3. Approved retention areas and reservoirs serving their intended and constructed purpose shall be the exception
- (H) Excavations, pits, wells, holes and other similar conditions, shall be maintained in a secure manner so as to not be a nuisance and to prevent a hazard to public health and safety.

Section XX-17 Landscape Maintenance

- (A) No person shall allow or permit to remain on any property that they own or control, any landscaping conditions which contribute to visual blight, including, but not limited to:
 - 1. Vegetation that is substantially dead or damaged, to include palm trees with an excessive accumulation of dead or dry fronds, which could result in insect or other infestations or result in other conditions that are likely to become a hazard to public health or safety.
 - 2. All noxious weeds and/or weeds in excess of six (6) inches in height.
 - 3. Tress, plants or shrubs which impede, obstruct or interfere with the free passage upon any public street, sidewalk or alleyway;
 - 4. Trees, plants or shrubs which obstruct the visibility of drivers, interfere with any traffic control sign, device, or street light
 - 5. Any tree whose limbs hang lower than fifteen (15) feet above any public street or seven (7) feet above any public sidewalk.

- (B) Grass or yard clippings, tree trimmings, or items of a similar nature shall not be placed or deposited onto public property or onto the property of another without permission.
- (C) All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be maintained and kept in a state of good repair and free from any deteriorated, blighted or hazardous conditions.

Section XX-18 Vehicles

- (A) All vehicles are prohibited from parking on any surface that is not considered an improved or dust-proof surface intended for the parking of vehicles.
- (B) No person shall place or store any inoperable vehicle or vehicle parts in public view unless the following applies:
 - 1. The vehicle is undergoing repair and is owned and titled to the owner or occupant of the residence; and
 - 2. The total period during which the vehicle is inoperable does not exceed fifteen days; or
 - 3. The vehicle is placed in a garage or carport and, if in a carport, is covered with a vehicle cover intended for the use of covering a vehicle.
- (C) Any accumulation of inoperable vehicles is prohibited.
- (D) The painting of vehicles is prohibited except within an approved spray booth.
- (E) Disposal of automotive liquids on any property or in any trash container is prohibited.
- (F) Automotive liquids shall not be permitted to accumulate or otherwise cause a blighted appearance upon driveways or sidewalks.
 - 1. Automotive liquids that have accumulated or caused a blighted condition shall be removed in a manner that does not causes the discharge of the automotive liquids into the City's storm drains, pursuant to Surprise Municipal Code 58-491.
- (G) The display of one (1) vehicle for sale is permitted at a residence when the vehicle is titled to the owner or occupant of the property, is parked on an improved or dust-proof parking surface, and is not being sold in connection with any automobile sales business.
 - 1. No more than three (3) vehicles may be displayed for sale at the same residence within a twelve (12) month period, and only one (1) may be for sale at a time.
- (H) No person shall park or permit to be parked any vehicle for the purpose of sale upon any property or vacant property, except where the sale of a vehicle is customary and incidental to the primary use of the property.

Section XX-19 Safety

- (A) All buildings or structures shall have an unobstructed path of travel to allow occupants to safely egress from doors, windows or other emergency escape openings from any point within the building to a public way, in accordance with the Adopted Codes.
- (B) Any condition which could hamper or obstruct the safe and expedient access or passage of public safety personnel into, out of, or within the vicinity of any structure or premises is prohibited.
- (C) All systems, device or equipment to detect, suppress or control a fire or actuate an alarm shall be maintained in good repair and in an operable condition at all times.



CITY OF SURPRISE Regular City Council Work Session

Council Meeting Date: March 2, 2021
Submitting Department: Finance
Staff Recommendations: None

Contact Person: Holly Osborn, AD - FINANCE
District: Citywide

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Presentation and discussion pertaining to citywide budgetary expenses.

Motion:

None, discussion only.

Background:

This is the third in a series of presentations regarding the development of the FY2022 Budget. This presentation will focus on an overview of city wide expenditures.

Objective Analysis:

The information presented will lead to future discussions around the FY2022 budget and will assist the Mayor and City Council with making informed decisions about future operations.

Policy Compliant:

This presentation is consistent with City and Council policy and falls in line with the state budget adoption timeline.

Financial Impact:

The information presented is intended to encourage discussion which will have an impact on future operations and capital improvement plans.

Budget Impact:

The information presented is intended to encourage discussion which will have an impact on the FY2022 City Manager Recommended budget and the Tentative budget.

FTE Impact:

The number of full time equivalents (FTE) is not impacted by this item.

ATTACHMENTS:
