

Independent Audit and Performance Commission (IAPC) City of Tucson Code Enforcement Division Audit

Introduction

The origin of the City of Tucson Code Enforcement Division (CE) audit was by request from former Ward 3 Councilman, Paul Durham. Councilman Durham's request was forwarded to the IAPC by City of Tucson (COT) Chief Financial Officer/Assistant City Manager, Joyce Garland. The request is included in this report as "**Attachment A**".

Upon consideration of the request and additional guidance from Councilman Durham, the IAPC sought an overview of CE, the basis for its mission, its processes and structure. With that information and consideration of the logical basis for the requested audit, the IAPC agreed that the need for an audit was important and warranted, and the CE Subcommittee was formed. Commissioners from Ward 4, Ward 5, and Ward 6 volunteered to serve on this audit. The Ward 6 Commissioner was elected to serve as the CE Subcommittee Chair.

The first meeting of the subcommittee was held in January 2021. The audit effort encountered a significant delay from May 2021 until January 2022 due to the retirement of the Ward 5 Commissioner and the resulting lack of a quorum required for both the IAPC and the CE Subcommittee to duly transact the business of the Commission. This delay ended in January 2022 with the addition of new appointees to the Commission and the resumption of IAPC and CE Subcommittee meetings.

Audit Scope

The subcommittee conducted the audit through a series of public meetings, COT staff interviews, document review, and field visits with CE Inspectors. One of the first meetings was dedicated to clarifying the scope of the audit based on Councilman Durham's request (reference: **Attachment B**). The final agreed upon Code Enforcement Audit Scope consisted of these listed major and minor objectives:

1. Evaluate if current practices align with legal requirements
 - a. Identify the scope of legal requirements
 - b. Review policies and procedures for alignment with legal requirements
 - c. Evaluate if all legal requirements are being met/addressed

2. Evaluate if current code enforcement practices are efficient
 - a. Obtain source documents to identify available resources
 - b. Identify goals and objectives of the division
 - c. Identify and flowchart division processes
 - d. Identify criteria and/or benchmarks used to evaluate performance
 - e. Evaluate how well processes align with the achievement of goals and objectives

3. Evaluate the effectiveness of enforcement practices
 - a. Identify enforcement practices/methods/tools
 - b. Identify methods used to monitor enforcement actions and outcomes
 - c. Identify criteria used to evaluate enforcement outcomes
 - d. Evaluate the level of success in achieving positive outcomes

Audit Process

The audit process began with gathering of information about the codes, statutes and ordinances CE is responsible to uphold. As stated on the Code Enforcement website: “The COT CE Division is responsible for enforcing property maintenance codes throughout the City of Tucson”. The following regulations are listed as governing the CE Division’s mission on its webpage:

- Chapter 16 of the City Code, the Neighborhood Preservation Ordinance (NPO)
- Sign Ordinance: Unified Development Code Article 7a
- Portions of the Unified Development Code

The Neighborhood Preservation Ordinance, Chapter 16 of the Tucson City was obtained as a primary document and basis for the mission and goals of the CE Enforcement Division. It was not clear from the City’s webpage, initially, which of the 11 Articles (400 printed pages) of the Unified Development Code the CE Division was responsible to enforce. Lastly, the Sign Ordinance: Unified Development Code Article 7a was obtained from the City of Tucson website.

Processes of the CE Division and its approach to enforcement were made available to the CE Subcommittee in copies of the Code Enforcement Procedures Manual (revision 5/1/17) (reference: **Attachment D**) and by extensive sharing of information from CE staff at meetings held on: 11/23/20- (Carlos DeLa Torre), 1/26/21 – (Carlos DeLa Torre, Martin Romero), 2/16/21- (Carlos DeLa Torre, Laurie Pumphrey, Christina Polsgrove), 3/8/21- (Richard Vidal), 4/5/21- (Carlos DeLa Torre), 5/12/21 (Christina Polsgrove, Laurie Pumphrey, Pat Tapia, Martin Romero), 1/31/22 – (Carlos DeLa Torre, Martin Romero, Laurie Pumphrey) 2/18/22- (Carlos DeLa Torre), 3/22/22-) (Martin Romero, Laurie Pumphrey).

To better understand the enforcement process and procedures for investigating, substantiating and mitigating code violations, members of the CE Subcommittee accompanied CE Inspectors during field operations. These “ride alongs” provided a real time view of the workings of CE Inspectors engaged in actual enforcement actions. A secondary benefit of the field visits was learning from the inspectors about obstacles and limitations that currently impact code enforcement processes, deviation(s) from the division’s own procedures manual, as well as creative innovation that is being used to foster compliance.

A review of code enforcement cases was performed to determine departmental efficiency and conformity to law in prosecuting cases. Cases were chosen using random statistical sampling methods to ensure that cases reviewed were a representative cross section of the type(s), location(s) and Code Enforcement Inspector(s) of those enforced. A 100-case sample size from a pool of 9,000 cases opened in 2021 was used with a resulting 95% confidence level. Timeliness of action, thoroughness, accuracy of case documentation and satisfactory outcomes were analyzed and documented (reference: **Attachment E**).

Audit Results

After consideration of all of the information and data, the subcommittee arrived at the following conclusions related to each of the Audit Scope Requirements.

Alignment of Current Practices with Legal Requirements

CE management and the CE audit Subcommittee reviewed the various City codes that CE is responsible for enforcing. The practices appeared to be in alignment with many of the published City codes and ordinances. CE makes it a practice to reference the City code being violated, in each code report documented in Permits Plus, the computer based reporting software used by

CE. The Subcommittee was not able to explore whether the City codes met State, County, and Federal legal requirements, or conflicted with them, or if there were additional governmental codes that CE would be responsible for following through to abatement. This in itself would have been a very large undertaking.

- a. As described to the Subcommittee by CE management, the scope of legal requirements included (but may not be limited to):
 - Tucson City Code (TCC), Chapter 13, Fire Protection and Prevention.
 - TCC Chapter 15, Environmental Services Department
 - TCC Chapter 16, Neighborhood Preservation Ordinance (NPO)
 - TCC Chapter 25, Streets & Sidewalks
 - TCC Chapter 26, Floodplain Stormwater and Erosion Hazard Management
 - Sections of the Unified Development Code (i.e. sign code, accessory buildings and structures, home occupation, group dwelling, and others).

Attachment C, provided by CE Management, is a listing of the codes and ordinances that CE is responsible for investigating and abating when complaints are received.
- b. CE policies and procedures were reviewed for alignment with legal requirements. The documented procedures included the Code Enforcement Procedures Manual and the published City Codes and Ordinances. The CE Procedures Manual makes reference to the Tucson City Code Chapter 16 in the Mission Statement but does not make any reference to the other codes or ordinances it has been tasked with enforcing.
- c. An evaluation as to if all legal requirements are being addressed was a key focus of the Subcommittee. Based on interviews and a review of code cases, it was concluded that all legal requirements are not being addressed by CE, including enforcement of entire sections of codes (i.e. posting of handbills, signs and banner flags).

Efficiency of Current Code Enforcement Practices

Overall, the code enforcement process is not efficient.

- a) Interviews with CE management and CE personnel were used to determine available resources. The department operates with fewer resources in the current time period than in past years, even though the City of Tucson has grown in population and the number of residences has increased.
- b) There were many objectives defined in the Mission and Purpose sections of the CE Procedures Manual. These included: a) “The Code Enforcement Division works... to keep Tucson’s environment and neighborhoods beautiful by reducing blight and other unsightly and unsafe conditions”; b) Code Enforcement encourages and enhances economic and community development efforts...”; c) “The prioritization of code enforcement cases” d) “Initiation and investigation of alleged code violations”; e) “Enforcement of City codes through voluntary compliance”; f) “Prosecution of code violators who do not comply after notice”; and g) “Recovery of the City’s investigation and enforcement costs”. There was no comprehensive data found that would support that these objectives are being met.
- c) The CE Procedures Manual adequately describes the flow of a CE case from receipt through to abatement, with the exception of the “referral” assignment of cases. Because of the detail in the CE Procedures Manual, the Subcommittee did not feel it was necessary to flowchart the CE process.
- d) Criteria and benchmarks used to evaluate performance did not appear to be adequate to provide measurement of CE efficacy across the whole CE process.

- There was only one measurable goal defined in the CE Procedures Manual. This goal was to respond to Normal Priority Complaints within ten (10) business days.

CE Management did verbally communicate the following goals and performance metrics:

- High priority cases are to be mitigated within 24 hours
- Medium priority cases should be inspected within 7 days.
- Low priority cases are to be inspected by a CE inspector taking place in 10 working days – we assumed that this goal should be met 100% of the time.
- Goal for conducting case follow up on time – no time guidelines were set for follow up on a timely basis.

- e) Due to the lack of stated goals to measure the objectives, there was no information available for the Subcommittee to determine if all the processes in place aligned with the achievement of goals and objectives.

The Subcommittee did not find adequate evidence to determine the objectives stated in Mission and Purpose section of the CE Procedures Manual are being measured to ascertain if they are being met.

What is being tracked are the number of cases, and various type of cases that were being initiated and those that are being completed by CE, including an average as to how many cases were handled per CE Inspector. This only appeared to provide a measure of capacity which was relative to the number of inspectors.

The results of the Subcommittee case review found that many CE cases had not been abated in a reasonable amount of time (i.e. 30 days or less).

There is data in Permits Plus showing dates cases were opened, inspected, notices issued, etc. However, that report needed to be manually generated, because the system does not monitor that data in real time. There may also be a time lapse discrepancy between the date the complaint was received and the date the case was opened.

Effectiveness of Code Enforcement Practices

The overall conclusion is that the department is so understaffed and unsupported that they are unable to effectively enforce the code under their purview across the city. The audit also revealed they were not effective in respect to the time taken to abate, or in reducing the of overall code issues in the City.

This was based on the following:

- a) Enforcement practices, methods, and tools were not adequate in positively supporting process effectiveness.
- The computer system (Permits Plus) is not tailored to the CE process. The new computer-based system that the CE department is preparing to use, but it is also not designed for CE services and ‘work arounds’ may need to be done to accommodate CE.

- There was no tracking as to when a complaint was received and the lapsed time for entry into Permits Plus.
 - CE Inspectors did not have daily access to printing equipment necessary to print case information and information to distribute to homeowners and residents due to Covid protocols in place by the City. It was not known if office staff were also operating from locations (i.e. home) and did not have access to all of the tools (i.e. software and other electronic information) that were required to perform their functions.
 - A significant amount of time is spent on locating and contacting some property owners or their local fiduciary. This greatly affects the time it takes to abate issues.
 - There is no calendar tool or consistent method used to ensure open case follow up was conducted on or around the date documented in Permits Plus, unnecessarily prolonging the abatement in some cases.
 - CE inspector training is not a documented process and may diminish the uniformity of knowledge between inspectors. Training seems to occur via mentorship, which could be effective, if properly documented and records maintained.
- b) Criteria used to evaluate enforcement outcomes appeared to be limited to tracking the total number of cases received compared to the number of cases closed, thus either showing abatement had taken place or conversely that no violations were found. This information did not provide enough data to determine if all of the significant steps in the CE process are effective and efficient. Each significant step would need its own goal and performance metrics to determine if the goal is being met.
- c) During the Subcommittee case review, many cases were found that had been ‘referred’ to agencies outside of CE for enforcement action. The agencies to which the cases were referred, did not provide information back to CE in Permits Plus as to whether the case had been abated, had never been acted upon or was still pending. The referral process failed to provide the data to determine whether the methods and process used for referred cases was effective.

Additional Observations by the Subcommittee

- a) The CE manual and CE management indicated that all City employees are encouraged to report code violations. CE staff stated that this is difficult to manage and there is not adequate follow-up to ensure this is occurring. The inspectors themselves are precluded from initiating reports of code violations other than emergency priority violations. It was not possible with the available data to determine if code violation reporting is done by City staff. Firsthand observation of the many code issues that exist in Tucson on any given day (illegal signs, tall weeds, illegal dumping, junk motor vehicles (JMV's), etc.) is an accurate, real time indicator that this method is not effective.
- b) **CE staff repeatedly stated that there was a lack of resources, predominately a shortage of CE inspectors.**
- c) **CE practices lack uniformity throughout the City.** CE staff stated that there are different levels of nuisance throughout the City, and they do apply some leeway in the time allowed for abatement and the requirements to effect abatement, as they don't want to call undue attention to their efforts or appear heavy handed.
- d) **CE cases are complaint based**, with reporting being done predominately by residents. This results in inconsistent reporting and mitigation of violations. Some neighborhoods

may have residents with little or no knowledge of the codes and what constitutes a violation. There may also be time constraints that prevent a resident from being able to report suspected code violations. More affluent neighborhoods may be more successful in reporting code issues and therefore, in the aggregate, end up having fewer code violations or getting them resolved faster. This may appear as some neighborhoods receiving preferential treatment but may be due to the neighborhood's available resource allocation for this activity. It is likely that due to the tight housing market and increasing prices, residents who rent, or may be on fixed incomes, may not be willing to report their code issues for fear landlord retaliation, including being evicted. Residents may also be afraid of retaliation from nearby neighbors for making a code violation report and reluctantly not report a neighboring property's code violation.

- e) **The current system allows violators to exploit the code enforcement process, resulting in protracted time frames and/or repeat violations.** The current city enforcement procedure fails to establish proactive, consistent code violation mitigation. There is a lack of consequences for those who violate City codes or for repeat offenders.
- f) **Properties with Repetitive Issues Require Continuous CE Resources.** There is inconsistency in how CE deals with properties with repetitive code violations and the Permits Plus software does not appear to be able to automatically alert CE that the issue is repetitive. The definition of repetitive is defined in the CE Procedure Manual, but CE relies on complaint-based reporting to identify repetitive issues.
- g) **Periodic changes to the CE processes have been made without modifying the CE Procedures Manual to define the modified process.** One example of this was the use of the Tucson Police Department (TPD) in 2020/2021 for abating JMV and weed cases. This was done due to the low level of the complaint and the purported availability of TPD Community Service Officers. CE management stated that weed and JMV cases were 'taken back' by CE in 2022, with over 400 cases not having closed out in Permits Plus. This resulted in extra resources having to be spent to investigate the status of all of the transferred cases to determine if abatement had been achieved or if further action was still needed. TPD did not have the ability to put comments in Permits Plus, reducing the information available to CE and other interested parties (i.e. residents and neighborhoods) as to whether the code complaint had ever had an initial inspection or a notification delivered to the resident or property owner.

Subcommittee Recommendations

1. Reestablish a centralized stand-alone Code Enforcement department.
2. Provide additional CE inspectors and staff to handle the current case load of code reports, and conduct the research needed to support CE (i.e., researching LLC and corporation owners, out of town owners, etc.). This will facilitate getting the cases to close in a timelier manner.
3. Develop procedures that conform to existing code requirements, and direct code enforcement inspectors to actively identify and report code violations.
4. Include a regularly scheduled visit(s) to each neighborhood in the City to identify code violations and create CE reports to remedy the issues. CE should regularly meet with Neighborhood associations to include them in the efforts to identify properties with code violations.
5. Return to the primary objective of code enforcement; to enforce the Neighborhood Preservation Ordinance and the portions of the Unified Development Code including the sign ordinance. Establish processes to accomplish the objective listed above. Create metrics that measure the efficacy of the processes.

6. As a matter of routine practice, the department should assess and collect the fees that are stipulated in the ordinance.
7. Implement a structured, formalized training program for CE inspectors and support personnel. Document successful completion of training. Each job position should have a list of designated trainings that should take place and will help ensure personnel are competent to the requirements for their job position. Develop a system that measures the development of staff.
8. Enhance the public facing website to communicate in detail those codes the CE department is charged with enforcing and the process of enforcing those codes.
9. Keep the CE Procedures Manual current when changes are made.

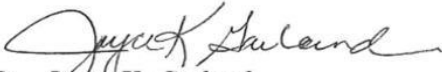
The IAPC is grateful for the guidance of Councilman Paul Durham in bringing forth this audit request and would like to acknowledge the help of City staff in the audit process. Respectfully submitted.

The IAPC

Attachment A

DATE: January 27, 2020

TO: Dennis Woodrich, Chairman
Independent Audit and Performance
Commission


FROM: Joyce K. Garland
CFO/Assistant City Manager

SUBJECT: Performance Audit of Code Enforcement

Council Member Paul Durham is requesting a performance audit of the City's Code Enforcement Program. Code Enforcement is a division of the Environmental and General Services Department and is responsible for enforcing various chapters of the Tucson City Code to include but not limited to Fire Protection and Prevention (Chapter 13), Environmental Services Department (Chapter 15), Neighborhood Preservation (Chapter 16-Property Maintenance), Unified Development Code (Chapter 23B-Building, Zoning, Sign & Historical Preservation Codes), Streets & Sidewalks (Chapter 25) and Floodplain, Storm water, and Erosion Hazard Management (Chapter 26) citywide. These codes ensure that residents and businesses comply with all the codes adopted by Mayor and Council.

The Code Enforcement Division has a direct impact on preserving the livability and property values of Tucson's neighborhoods and businesses. Code enforcement is a complex and difficult undertaking even in the best of circumstances. In a city this size with aging housing stock, redevelopment and reinvestment needs and a myriad of socioeconomic challenges, that undertaking is daunting.

The overall objectives of this audit would be to evaluate the effectiveness and efficiency of the Code Enforcement operations and verify compliance with laws, regulations and policies. Specifically, determine whether Code Enforcement practices align with the City's Code and state laws; practices provide reasonable efficiency of City resources; and determine whether all legally available means of enforcement are utilized.

Attachment B

Code Enforcement Audit Scope (Approved 04/05/21)

Review all procedures and processes of the City of Tucson (COT) Code Enforcement Department (CE) and their interfaces with other departments at the City of Tucson (i.e. police, fire, etc.). The review will encompass not only review of documented processes and records of the processes, but interviews of CE personnel, and visits to sites reported and investigated by CE as code violations. The codes to be reviewed will include those identified by Council person Durham in a letter from Joyce Garland, CFO/Assistant City Manager to the IAPC dated January 27, 2020 (chapters 13, 15, 16, 23B, 25, 26).

Code Enforcement Audit Objectives:

1. Evaluate if current practices align with legal requirements.

- a. Identify the scope of legal requirements.
- b. Review policies and procedures for alignment with legal requirements i. Determine if Code Enforcement is following the documented processes outlined in the "Code Enforcement Procedures Manual" (revision 5/1/17).
- c. Evaluate if all legal requirements are being met/addressed.
- d. Determine if the codes that Code Enforcement is required to oversee are all receiving attention and being addressed, or if there are any that cannot, or are not, being addressed through existing processes.

2. Evaluate if current code enforcement practices are efficient.

- a. Obtain source documents to identify available resources.
- b. Determine if resources are adequate (personnel, vehicles, equipment, software, budget, training, etc.)
- c. Identify goals and objectives of the division.
- d. Identify and flowchart division processes.
- e. Identify criteria and/or benchmarks used to evaluate performance.
- f. Evaluate how well processes align with the achievement of goals and objectives.

3. Evaluate the effectiveness of enforcement practices.

- a. Identify enforcement practices/methods/tools.
- b. Identify methods used to monitor enforcement actions and outcomes.
- c. Identify criteria used to evaluate enforcement outcomes.
- d. Determine whether all legally available means of enforcement are utilized.
- e. Evaluate the level of success in achieving positive outcomes.
- f. Identify methods of public communication and outreach.

Notes:

The audit will encompass the questions and concerns from Council Person Durham's requests as communicated by Joyce Garland dated June 18, 2020 and January 27, 2020 which included focuses relating to:

- a) How they prioritize calls;
- b) The amount of time spent on different types of activities and with what outcome;
- c) Whether codes are going unenforced because of failures in the codes themselves;
- d) The ability to reimburse expenditures from code violation abatement; and
- e) Reviewing policies and procedures related to working with the Tucson

Attachment C
City Codes Assigned to Code Enforcement to Investigate and Abate

1. **Tucson City Code, Chapter 13, Fire Protection and Prevention**

2. **Tucson City Code, Chapter 15, Environmental Services Department**
https://codelibrary.amlegal.com/codes/tucson/latest/tucson_az/0-0-0-10572

3. **Tucson City Code, Chapter 16, Neighborhood Preservation Ordinance**
https://codelibrary.amlegal.com/codes/tucson/latest/tucson_az/0-0-0-10950

4. **Tucson City Code, Chapter 25, Streets & Sidewalks**
https://codelibrary.amlegal.com/codes/tucson/latest/tucson_az/0-0-0-18593

5. **Tucson City Code, Chapter 26, Floodplain Stormwater and Erosion Hazard Management**
https://codelibrary.amlegal.com/codes/tucson/latest/tucson_az/0-0-0-19333

6. **City of Tucson, Unified Development Code**
https://codelibrary.amlegal.com/codes/tucson/latest/tucson_az_udc/0-0-0-16#JD_UNIFIEDDEVELOPMENTCODE

Attachment D

Code Enforcement Procedures Manual



CODE ENFORCEMENT PROCEDURES MANUAL



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Introduction

This manual describes the standard policies and procedures for code enforcement in order to maximize both the efficiency of Tucson Code Enforcement and compliance with City codes. This manual should be followed unless there is a compelling reason not to and direction has been received from the Environmental & General Services Department Director or the Director's designee.

The effective date of this manual is May 1, 2017. This manual may be amended when deemed necessary by the Environmental & General Services Director, or when needed to incorporate any changes to policies or ordinances made by the City's Mayor and Council.

Mission

The City of Tucson has adopted the Neighborhood Preservation Ordinance (NPO), Chapter 16 of the Tucson City Code (TCC). The NPO establishes the requirements for ensuring the maintenance of property to promote the health, safety, economic, aesthetic and general welfare of the citizens of Tucson. The NPO helps protect neighborhoods against the presence of blight, nuisances, and deterioration and promotes a safe and clean environment for all citizens in our community.

The Code Enforcement Division works with and seeks the cooperation of all Tucson residents and business owners to keep Tucson's environment and neighborhoods beautiful by reducing blight and other unsightly and unsafe conditions. Code Enforcement encourages and enhances economic and community development efforts consistent with the City's General Plan (Plan Tucson) approved by the voters on November 5, 2013.

Purpose

The purpose of the City of Tucson Code Enforcement Procedures Manual is to provide written guidelines for:

- The prioritization of code enforcement cases;
- The Division's Process and Approach to alleged code violations
- Initiation and investigation of alleged code violations;

- Enforcement of City codes through voluntary compliance;
- Prosecution of code violators who do not comply after notice;
- Recovery of the City's investigation and enforcement costs; and
- Professional internal procedures and policies

These written guidelines are intended to ensure consistency and predictability within the City's Code Enforcement program.

Part I

Code Enforcement Process and Approach

Code Complaints

Code Enforcement response may be initiated by any of the following methods:

- Citizen Complaints
- Observations by Code Enforcement Inspectors
- Observations by City Staff reported to Code Enforcement
- Requests or reports by City Council

Citizen Complaint

Any person may make a complaint to the City alleging one or more code violations. A citizen's complaint can be made via the code enforcement online reporting system, phone, or directly with a code enforcement staff member.

- Phone (520) 791-3171
- Online www.tucsonaz.gov/es/code-enforcement-violation-report
- Office 4004 S. Park Avenue, Bldg. 1

In all instances, complainants will be required to leave their name, daytime phone number, or a valid email address. Inspectors may use this information to contact the complainant if they require additional information or follow up to address the alleged violation. Confidentiality of complainant information is discussed later in this manual.

Procedure

City staff shall obtain as much information about the complaint as possible. When a report is received, the staff member receiving the complaint shall confirm the complaint is something that Code Enforcement is authorized to review. If Code Enforcement is not the correct office for the complaint, the Inspector or Customer

Service Representative shall take the information, make a referral to the correct department or agency, and notify the complainant of the referral.

Observations by Code Enforcement Inspectors

Code Enforcement Inspectors should initiate enforcement action proactively under the following circumstances:

- During each initial inspection, Inspectors will conduct a cursory inspection of the adjacent premises and identify hazards within the City's rights-of-way that may present potential liability for the City.
- When conducting an initial inspection for property maintenance violations, the Inspector will also address adjacent properties where emergency or high-priority violations are observable from the subject property.
-

Subject to the availability of Code Enforcement resources, Inspectors may initiate action for additional proactive code enforcement. These actions may include:

- Investigations and prosecutions of code violations in particular geographic areas where the Director has determined that additional Code Enforcement response is needed to address issues in those areas;
- Investigations and prosecutions of code violations of a particular type throughout the City;
- Timely and regular follow-up by Code Enforcement staff for compliance with conditions and requirements for permits and approvals;
- Examination and comparison of City files for evidence of code violations;
- Revocation of building permits and approvals for failure to comply with requirements or conditions;
- Cooperation by Code Enforcement with other regulatory and licensing agencies;

Reports by City Staff

In many cases, City staff may be in a unique position to observe potential code violations. The City's policy is that all City staff shall report to Code Enforcement possible code violations they observe while conducting City business.

Request/Report by City Council

A member of the City Council or their staff may report a potential code violation, or may request that Code Enforcement staff investigate a citizen report of a potential code violation.

Prioritization of Complaints

Code Enforcement has established two categories of code complaints: High Priority and Normal Priority. In all circumstances the most serious violations, as determined under the priorities set forth in this section, should be addressed before less serious violations, regardless of the order in which the complaints are received. However, complaints alleging both High Priority and Normal Priority violations should be processed together to maximize efficiency.

High Priority Cases

The following priority ranking is hereby established for code violations:

1. Violations that present an imminent threat to public health and safety;
2. Violations affecting interior living conditions and housing quality (conditions must meet Minimum Housing Standards as outlined in Tucson City Code, Section 16-11);

Examples:

- Life/safety construction inspections (unstable buildings, etc.)
- Illegal utility use or modification
- Residing on property without active and safe utilities
- Unsecured building/property/appliances
- Stagnant pools
- Pool fencing or hazardous fence

Normal Priority Cases

Complaints alleging code violations that do not fall within the priority ranking above should be processed in the order in which the complaints are received, and as Code Enforcement resources allow. Normal Priority Cases include:

1. Violations pertaining to public nuisance, property maintenance, blight, building exteriors and land that do not include an imminent hazard;
2. Land use/zoning violations;
3. Code violations involving non-permitted construction.

Examples:

- Overgrown and/or dead vegetation
- Obstruction in public right of way (ROW)
- Litter, trash or debris
- Outside storage
- Housing or property maintenance
- Zoning Code violations that do not present any imminent hazard
- Sign Code violations
- All other complaints including:
 - Abandoned or inoperable vehicle
 - Graffiti
 - Commercial vehicle parking
 - RV/boat/utility trailer or other vehicle-type parking or storage

At the discretion of Code Enforcement staff, complaints may be processed in any order that maximizes the efficiency of enforcement. All complaints concerning a particular type of code violation (e.g., weeds), or all complaints of violations occurring in a particular geographic area, may be processed together, regardless of the order in which the complaints are received. Code Enforcement's goal is to respond to all normal priority complaints within ten (10) business days.

Confidentiality

The Code Enforcement policy is to maintain the confidentiality of complainant information contained in complaint files and computer records, to the extent allowed by law. Code Enforcement staff must not disclose the identity of a complainant unless required by law.

Anonymous complaints will not be accepted by the City; submissions must be accompanied by the name and contact information of the person filing the complaint. To foster public trust in the enforcement process, confidentiality is critical to allow citizens to submit reports without fear of retaliation.

Code enforcement files are subject to state statutes governing public records and discovery. In a response to any type of request for public information, the name, address, and any other information that might readily identify the complainant should be withheld and redacted. Provision of a redacted report will allow the requesting party to understand what action is being taken and why, while at the same time serve the best interests of all parties by protecting the identity of the reporting party.

In some cases, it may be necessary for successful prosecution and enforcement that the complainant be identified and able to testify in court. If the Inspector is not sure how to handle this type of situation, the Supervisor should be consulted for direction.

In cases where the City chooses to cooperate with, or defer to, federal or state agencies or other City departments responsible for code enforcement, the contents of the file may be disclosed, as necessary, to the other agency. The City staff member who discloses the contents of a file to another agency must remind those individuals that they are to maintain the confidentiality of the complainant information pursuant to this manual.

In order to maintain the confidentiality of complainant information while assuring effective prosecution and enforcement and compliance with state law, the following procedures apply:

- Code enforcement files will be maintained to preserve the confidentiality of complainant information throughout investigation, infraction prosecution and/or other types of code enforcement.

- Code enforcement will periodically receive public records requests seeking release of files. Requests of this nature shall be referred to the City Clerk's Office.
- The names of complainants shall never be released, unless required by law, and should be redacted from case files before they are provided pursuant to a public records request. Questions about the release of complainant information will be directed to the City Attorney's Office.
- City and federal or state agency staff to whom the contents of the file are disclosed shall maintain the confidentiality of complainant information pursuant to this manual.
- Public records requests must be documented in the case file.

Prolific & Repeat Complainants & Repeat Offenders

A **Prolific Complainant** is a customer who reports more than five (5) complaints at the same time about the same or similar violations. Below is a list of actions that should be taken in this situation:

- Require that the complaints be submitted online;
- Pursue complaints as normal;
- Advise supervisor;
- Supervisor will advise the EGSD Director. If a consistent trend develops regarding a specific ordinance, the procedures to enforce that ordinance will be examined. Policy statements on procedures or proposals to revise the ordinance may be considered.

A **Repeat Complainant** is a customer who has turned in more than three (3) complaints within one year about one or more neighbors that have proven to be unfounded. Below is a list of actions that should be taken in this situation:

- When the fourth complaint is received, Code Enforcement staff will review case files on all priors;
- Submit the information to supervisor for review;
- The supervisor and Inspector jointly determine if the reporting party is filing unfounded complaints;

- Advise the reporting party that all future complaints will be reviewed by the supervisor to determine if the complaint will be addressed;
- Suggest to reporting party that the City could facilitate and/or mediate a meeting between the parties as a satisfactory means of resolving issues.

A **Repeat Offender** case is a newly opened case on a property involving the same responsible party for the same violation or any of the common property maintenance violations listed below:

- Abandoned/Junk vehicles
- Junk, litter and/or debris/outside storage
- Over height weeds/grass or dead/dry bushes, trees, weeds and/or other vegetation
- Vehicles parked on non-dust proofed surfaces or in non-permitted areas of residential front or side yards
- Landscape maintenance
- Open/vacant buildings and structures
- Fences in disrepair
- Graffiti
- Environmental, imminent hazard and/or fire safety conditions

A person who commits a violation of Tucson City Code (TCC), Chapter 16 after having been previously found responsible in City Court or has had similar violations within the last 24 months is subject to an expedited citation process. Per Tucson Code, Abatement Orders from City Court shall be in effect for one year. Any similar violations within the stated time period will result in one or more of the following:

- Code Enforcement may proceed straight to civil citation, rather than initiate enforcement through a Notice of Violation
- In court proceedings relating to the citation, the Inspector will advise the Court of the prior violations, and ask the Court to consider the offender's history of violations in determining appropriate sanctions and orders

Inspections

Inspectors will conduct timely and thorough inspections per established performance standards and policy.

General Guidelines

When a property complaint is received, the City will respond as follows:

- **High Priority Inspections:** If the alleged violation concerns a potential health or safety hazard to the neighborhood or neighbors or any person, inclusive of open/vacant buildings, fire and/or health hazards, unsecured pools or other health and safety hazards, the City will respond with an inspection or identify the appropriate resource to address the violation. An inspection response should take place within the next business day.
- **Normal Priority Inspections:** All other non-hazard, property maintenance, land use and zoning violation complaints will be assigned a case number and an Inspector for processing. The division goal is to respond to Normal Priority Complaints within ten (10) business days.

Inspection Process

Before taking formal enforcement action, the Inspector must conduct an inspection of the property in question. This procedure shall be followed to ensure consistent inspection methods are applied when investigating alleged violations, or conducting proactive inspections on private properties.

- The first priority for any inspection is safety. Inspectors should wear appropriate City of Tucson attire to identify them as a City of Tucson employee while conducting an inspection. Inspectors shall wear appropriate shoes. Safety vests shall be worn when working in rights-of-way and protective eyewear when tasks involve debris removal and equipment operation other than automobile operation. Inspectors shall also survey the surrounding area prior to exiting vehicles.

- Generally, violations will be viewed from outside the bounds of the property, from public rights-of-way including public streets, sidewalks, alleys and easements. Inspectors may inspect violations from the private walkway to the front entrance of the property when contact with a responsible party is attempted. Inspectors are not expected to go beyond this point to look for violations unless safety and hazardous situations exists that may warrant additional inspections.
- Inspectors will conduct a cursory inspection of the adjacent premises in an effort to identify hazards within the City's rights-of-way that may represent potential liability for the City.
- Complaint-based inspections are to be performed in the same manner as proactive inspections except that Inspectors may view violations from complainant properties when invited onto private property by complainant property owners.

Making Contact with Occupant

Inspectors shall attempt to make contact with the responsible party at the property upon verifying a violation and issuing an Inspection Notice. If contact is made, Inspectors should determine if the property is owner or tenant occupied. Inspectors shall obtain the name and contact information (phone, address and/or email address). An Inspector who believes there is a reasonable safety concern is not required to make contact with the resident.

If contact is not possible, the Inspector should attempt to view the violation using whatever safe and lawful means are available to them. If a health hazard is discovered, the Inspector shall make an immediate attempt to contact the property owner or responsible party to have it addressed or secured immediately. If the Inspector is not able to contact the responsible party, he or she should contact a supervisor to discuss what steps can be taken to minimize the hazard.

Notice of Violation

A Notice of Violation (NOV) is an official document issued by Inspectors when a violation is observed during the initial inspection. A NOV shall be completed; listing the correct address, violation(s) observed, and actions required to remedy the violation, notes (if applicable), date of inspection, and Inspector's name and phone number.

- The Responsible Party/Occupant will be notified at the time of inspection all violation(s) that have been identified during the inspection.
- The NOV will specify the timeframe and corrective action(s) required to achieve compliance
- NOV's are not to be issued to a minor. In the event a minor is the only one at home, state that a notice will be left at the door for the parent/guardian and they can call if they have questions. The violations should not be discussed with the minor
- When a notice cannot be left with the resident/owner, the notice is to be posted in a visible location at or near the primary entrance, and a photo should be taken showing the posting. A note in the case file will be made stating the reason for no contact and that the NOV was posted at the property
- A NOV will be sent by mail to the responsible parties. Inspectors shall not leave any notices in United States mailboxes.
- Failure to correct the violation(s) may result in the issuance of a civil citation(s).

Extension Policy

A Code Enforcement Inspector (Inspector) may grant one 10-business day extension if warranted with proper documentation in order to achieve voluntary compliance. Any additional extensions will require documentation and supervisor approval.

There are a number of factors that may affect the time needed for compliance with Inspection Notices/NOVs. It is the responsibility of Inspectors to grant extensions when deemed appropriate and that benefit the City's enforcement efforts. Benefits could be compliance at a quality level over and above the NOV/Inspection Notice, savings of work hours, or improved public relations. Factors to be considered for Extensions:

- Extensions should be based on City benefit and the circumstances of the case. Consideration should be given to the severity of the violation, potential hazard, initial time allowed, substantial compliance, the effect on other City agency activity, weather, health of the property owner, documented efforts to comply, etc.
- Extensions must be recorded in the case file describing in detail the reason for the extension. Consideration must be given to those factors that would rule against an extension, such as harm to the community or repeat offenders who have been found responsible in Court within a 24-month period.

An Inspector may grant extensions (not to exceed ten business days) without supervisor approval. In total, extensions should be equal to or less than the original time frame allotted for compliance, but at no time should extensions exceed ten business days.

Any extension beyond ten business days must have Code Enforcement Administrator or Supervisor approval. The Inspectors and the supervisor must review before any extension is approved. The Inspector Supervisor may reject the plan if it does not propose a reasonable amount of time to complete the repairs. All extensions shall be documented.

These guidelines do not establish automatic extension dates. The Inspector does not always give ten-day extensions, but may give shorter extensions. The City also

reserves the right to grant extensions for exceptional circumstances, legal proceedings or upon the advice of the City Attorney.

Re-inspection

Following an NOV or extension, the Inspector will re-inspect the property and determine whether the violation has been abated or if a civil citation should be issued. Criminal charges may be filed if deemed appropriate by the City Prosecutor, for example if the violation occurs during the time that the offender is subject to a prior Court-issued abatement order. Criminal charges can only be initiated by the City Prosecutor or by law enforcement, not by an Inspector.

Civil Citation

The owner/responsible party who fails to comply with an NOV will be subject to the issuance of a civil citation to be adjudicated by the City Court. Each violation requires a separate charge in the citation. Each day that a violation remains may be charged as a separate violation. The citation must be served in accordance with the Arizona Rules of Civil Procedure:

- Personal service (preferred)
- Certified mail
- Process Server
- Publication

In the case of properties that are not owner occupied the following general guidelines will apply:

- In general, tenants/occupants can be held responsible for violations related to routine maintenance and for personal property items.
- In situations where tenants/occupants have failed to fulfill their responsibility for compliance with City ordinances, owners/responsible parties may also be held accountable.

- In cases involving unoccupied properties, owners/responsible parties will be held accountable for all property conditions.
- Property owners are ultimately responsible for correcting violations.
- When citing an LLC, corporation, trust or other similar entity, the Inspector will work with the City Prosecutor to cite the LLC/corporation and serve the citation to the statutory agent, corporate officer and/or owner.

Following citation, the defendant/respondent has several choices:

- Defendant may plead responsible and pay the fines and all applicable fees.
- Defendant may attend the civil hearing to dispute the citation.
- A defendant who fails to appear for a scheduled court hearing will be found responsible by default for the citation(s), and the Court will order the payment of fines and fees and issue any other appropriate orders.

Court Hearing

For the hearing, the responsible Inspector will prepare a case packet that includes:

- Copies of all NOVs, correspondence or related documents
- Copies of all photographs
- Narrative of the progression of the case

The case will be heard by a City Magistrate and a disposition made of the citation(s). In any case where the Court finds the defendant responsible for a violation(s), the Inspector will ask that the Court order the defendant to abate the violation. Per the Code, an abatement order is effective for one (1) year; and the Court shall advise the offender that additional fines will be imposed for failure to abate the violation, and that the City may file criminal charges for failure to comply with the Court's order. *TCC Sec. 16-60.*

Repeat Offenders

The repeat offender process is intended to provide relief via an expedited enforcement process for neighborhoods experiencing problems with residents/owners who repeatedly violate City ordinances and who have demonstrated an inability or unwillingness to remain a good neighbor by maintaining their property.

Definition

A Repeat Offender case is a newly opened case on a property involving the same responsible party for the same violation or any of the common property maintenance violations listed below:

- Abandoned/Junk vehicles
- Junk, litter and/or debris/outside storage
- Over height weeds/grass or dead/dry bushes, trees, weeds and/or other vegetation
- Vehicles parked on non-dust proofed surfaces or in non-permitted areas of residential front or side yards
- Landscape maintenance
- Open/vacant buildings and structures
- Fences in disrepair
- Graffiti
- Environmental, imminent hazard and/or fire safety conditions

A person who commits a violation of Tucson City Code (TCC), Chapter 16 after having been previously found responsible in City Court or has had similar violations within the last 24 months is subject to an expedited citation process. Under this process, the Inspector may issue a citation(s) without first going through the standard NOV process. During any court proceedings relating to the citation, the Inspector should advise the Court of the offender's history of violations, and should oppose any requests for continuances of the proceedings that would delay disposition by the Court.

Additionally, if the Repeat Offender case involves a violation that violates a previous and unexpired Court-issued abatement order relating to the same type of violation, the Inspector shall contact the City Prosecutor's Office to review the matter for the possible filing of criminal charges.

City Abatement

The City may abate a violation under four (4) circumstances:

- 1) Court Order (TCC 16-61.a): Where the court issues an order authorizing the City to abate the violation, with the costs and charges of that abatement being the responsibility of the violator, enforceable by court order and the filing of a lien against the property;
- 2) Temporary Abatement (TCC 16-62): Where the condition is a violation of TCC 16-14 (Dilapidated structures, including vacant, unsecured structures) that is a hazard to the public safety and health, the code official may declare such structure a hazard. After notice is communicated to any owner of record to secure the structure and the owner does not secure the structure to city specifications, the hazard may be summarily abated by the City through boarding. The City may also post both the structure and the exterior premises with signs to provide reasonable notice prohibiting entry (i.e., "No Trespassing" signs). Any and all charges and costs arising from the City taking action to secure the structure shall be a lien filed against the real property containing such a structure.
- 3) Emergency Abatement (TCC 16-63): Where the conditions caused by the violation constitute an imminent hazard, the Inspector may order the immediate abatement of the hazard without notice. This temporary abatement will be limited to the minimum work necessary to remove the hazard, and may include disconnection of utilities. Whenever the code official finds that any structure contains an imminent hazard or health hazard, the code official may declare such structure unfit for human occupancy and order it to be vacated or to remain vacant. A structure declared unfit for occupancy and ordered vacated or to remain vacant under the provisions of this section shall not be leased, rented or occupied, and the utilities cannot be

reconnected, until it has been inspected and deemed fit for occupancy by the city. The city shall reinspect, for the purpose of reoccupancy, within three (3) business days of the receipt of a written request by the owner. The City will pay the cost of such abatement, and record a lien against the property for the recovery of those costs.

- 4) City abatement of certain unabated violations (TCC 16-61.g): if a violation of the specific violations listed below remain unabated by the responsible party thirty (30) days after service of an NOV for those violations, then per Code the violations are deemed a health or safety hazard and are subject to abatement by the City. The specific violations are:
 - a. Accumulation of vegetation (grass or weeds above 6"; dead trees or shrubs, dead palm fronds near the ground or a structure or a combustible; vegetation over a right of way) TCC 16-13.a;
 - b. Accumulation of refuse and debris (TCC 16-13.b);
 - c. Unlawful composting (TCC 16-13.c);
 - d. Weeds, debris, and refuse on abutting sidewalks, streets or alleys (TCC 16-13.d);
 - e. Infestation of insects, rodents or noxious pests (TCC 16-13.e).
 - f. Illegal dumping/littering (TCC 16-33).

Abatement Procedures Relating to City Abatement of Violations

In any instance where the Inspector believes that City abatement of a violation may be necessary, Inspectors are to review the proposed City abatement with a Supervisor and obtain approval to schedule abatement. The Inspector shall provide the Supervisor with all relevant documentation, including any Notices issued, photographs, and any other pertinent information.

Code Enforcement Inspector responsibilities:

1. When an Inspector observes violations in the field and determines that the violations may be subject to City abatement, the Inspector shall first attempt to make face-to-face contact with occupants and/or other responsible party. The Inspector will document violations with photos. The

Inspector shall notify the Code Enforcement Supervisor/Code Enforcement Administrator immediately if the condition may be hazardous and will advise the Supervisor/Administrator of those conditions and the desire to pursue abatement. In collaboration with the Code Enforcement Supervisor/Code Enforcement Administrator, the Inspector will determine appropriate City abatement action, i.e. temporary, court ordered, or emergency City abatement. If a property appears vacant and abandoned but the conditions do not constitute an emergency, the Inspector shall immediately issue an NOV and abatement notice to the owner and/or responsible party for the violations, allotting a minimum of 30 calendar days to correct violations. The NOV will include the information described in paragraph (2) below.

2. The Abatement Notice NOV must comply with notice requirements as set forth in section TCC Section 16-61, including having a street address or legal description of the property and an estimate of the costs if the City abates the violation(s) after the responsible party fails to comply. Abatement Notices must be served pursuant to TCC Sections 16-45(e) and 16-61 (hand-delivered, certified mail, regular mail, or posting/publishing). When sending a notice by certified mail, Inspectors will also send a copy by regular mail.
3. If service can only be accomplished by posting and publishing, the Inspector shall coordinate with a Supervisor to ensure that all requirements for service by this method are satisfied. As part of this process, the Inspector will make or attempt telephone contact with the property owner of record, occupant or other property interest holder. Real-estate agents and family members may be contacted for information leading to an owner or may be asked to assist in bringing the property into compliance, but persons other than the owner of record are presumed to be responsible for maintaining the property ONLY if they document this responsibility to the City or Code Enforcement Division in writing. Contact information is to be researched through telephone

records, utility billing records, previous enforcement cases and directory assistance.

4. Following the issuance of the abatement NOV, the Inspector will re-inspect the property for compliance at the end of NOV period (30 calendar days) and will document observations in the case file including photographs of existing or corrected violations. In cases involving court-ordered abatement, which includes an authorization for City abatement, the Code Enforcement Supervisor shall provide guidance and oversee such cases to ensure compliance with the court order.

Code Inspector Supervisor responsibilities:

5. In cases where City abatement is authorized as described above, the Code Inspector Supervisor (or Administrator) will confirm that all applicable procedures have been completed prior to directing any contractor to perform the abatement. The Supervisor will confer with the City Attorney's Office as necessary. The Supervisor will then contact an approved contractor advising of abatement request, the scope of work requested and any special instructions. If no purchase order already exists, the Supervisor will contact the City's Procurement Department/Division to request contractor bids, and will follow through with procurement staff to confirm the securing of a contractor approved for the abatement action. If an open purchase order exists, the Supervisor may contact the contractor directly to advise of the location and scope of work requested, and will enter all communications with the contractor in the case file. The Supervisor will coordinate with Procurement as necessary to ensure that all City procurement requirements are satisfied.

Court-ordered abatement:

6. Court-ordered abatement. Prior to any court hearing that could result in an abatement order; the Inspector will re-inspect the property and update

- the case file with current photographs of the property. The Inspector will advise the assigned City Attorney, if any, of any changes to the property (e.g. corrected, uncorrected or additional violations) and will testify in City Court if necessary describing conditions that constitute violations and that warrant abatement.
7. When a court order is granted that includes the Court's authorization for City abatement, the Inspector will update the Supervisor/Administrator and provide a copy of the order. The Inspector, in coordination with a Supervisor/Administrator will secure the engagement of a contractor for the City abatement. **Prior to scheduling a date for City abatement, the Inspector and Supervisor will contact the City Attorney's Office to determine that all requirements for City abatement have been satisfied, and to determine whether an Administrative Search Warrant is required in order to enter upon the subject property and carry out the authorized abatement.**
 8. In any case where City abatement actions are scheduled for a property, the Inspector will meet with the abatement contractor at the property and identify items to be abated, and will take photos before and after the abatement is complete. The inspector must not request or imply permission to the contractor to abate items not expressly ordered by the court and listed in the scope of work. Inspectors asking or approving contractors to perform additional work not listed in the court order and scope of work will be subject to disciplinary action.
 9. A copy of the abatement order shall be posted on the property and a photograph of the posting shall be taken. Photos of the completed abatement shall be emailed to the City Attorney's Office. Additionally, a copy of the abatement order shall be in the possession of all contractors and/or Inspectors while carrying out the abatement. Interference with or obstruction of a court abatement order by outside parties or the property owner is a criminal offense pursuant to A.R.S. Section 13-2810. In this event, the police should be called to assist in enforcement of the order.

10. In any case where the City Attorney's Office advises that an Administrative Search Warrant is required in order to carry out a City abatement, the Inspector and Supervisor will coordinate with the City Attorney's Office and the Tucson Police Department to ensure proper service, execution and return of the Warrant.

Emergency Abatement Procedures

If a situation presents an imminent hazard to life, health and/or public safety, Inspectors may issue an NOV to and/or Indemnification as necessary directing the responsible party to take immediate action to correct or abate the emergency outlined in the notice. Per Code, an "imminent hazard" is a condition that places a person's life, health, or property in immediate, impending peril, or could cause serious or life-threatening injury or death at any time.

When conditions are so egregious or hazardous that immediate correction is appropriate, Code Enforcement staff should initiate emergency abatement procedures. Examples of conditions that warrant emergency abatement include:

- Damaged or missing fences around swimming pools,
- Open excavations,
- Open/vacant structures with evidence of transients or other health or safety hazards,
- Evidence of occupancy of a structure without adequate water and sanitation facilities,
- Cooling availability when 100 degree temperatures are reached.

Inspectors are to review proposed abatement with Supervisor and obtain approval to schedule abatement including documentation of Notices issued, photographs, and any other pertinent information. The Supervisor shall contact the City Attorney's Office as needed to ensure that all legal requirements are satisfied prior to abatement.

Part II

Code Enforcement Professional Expectations

Inspector Behavior and Conduct

This section describes the expectations to which Code Enforcement Inspectors will be held in their professional conduct and performance.

Basic Expectations

Inspectors who have completed more than twelve months on the job are expected to have a complete and thorough knowledge of the ordinances and codes. This base of knowledge includes:

- Knowing where to find information in the Tucson City Code and ordinances;
- The ability to provide accurate information to the public and other departments;
- Making solid and consistent interpretations of complex issues by obtaining guidance and clarification from the Director of Environmental & General Services, the City Attorney's Office, and/or Code Enforcement Administrator or designee.

Acceptance of Responsibility

Inspectors should be knowledgeable about code issues that fall within their scope of enforcement authority. This knowledge is essential if the inspector is to carry on his/her duties autonomously. Furthermore, Inspectors are expected to act in the following manner:

- Inspection actions and decisions must be timely. Telephone call responses should be made within 24 business hours at the end of any approved leave and initial inspections of alleged violations within ten business days following assignment.
- Inspectors are ultimately accountable for their actions and decisions.

Professionalism when Representing the City

Code Enforcement staff will represent the Code Enforcement Division and the Environmental and General Services Department in a professional manner at public

meetings, hearings, neighborhood meetings, staff meetings, and/or on committees or task forces, including:

- Arriving at meetings on time and staying for the full meeting unless otherwise approved by supervisor;
- Presenting neutral and factual information during public meetings, hearings and community contact;
- Turning cellular phones to silent mode during meetings (it is expected that the Inspector will leave the meeting if he/she needs to take a call);
- Being respectful of other attendees/presenters (i.e., does not interrupt or carry on conversations during presentations);
- Responding to questions or requests for information in a positive, service-oriented manner;
- Informing supervisor of meeting content, assignments made, and issues raised;
- Follows-up on issues or questions raised, requests or assignments made;
- Dressing in City of Tucson issued attire unless otherwise approved; and,
- Informing supervisor immediately (same work shift) of meeting requests made by other departments, divisions, associations, council offices or City executive staff; or plans made by Inspectors not initiated by supervisor.

Contributions

Inspectors should contribute to the "good of the group" and share lessons learned from experiences with Code Enforcement staff.

Use of Available Resources

Inspectors should use all possible resources to resolve problems and be familiar with the inner workings of other departments and outside agencies that are available.

Knowledge

Each Inspector should be knowledgeable about forms, notices, work lists, assigned areas and equipment necessary to perform his/her duties.

Equipment Maintenance

Inspectors should maintain assigned equipment/tools/supplies/vehicles in good condition and:

- Report any damage, theft or loss of equipment to Supervisor (file Police Report when appropriate), and complete appropriate paperwork before the end of the work shift during which damage, theft or loss occurred;
- Replace supplies carried in vehicle or field as depleted (i.e., notices, supplies, batteries, etc.) so that supplies are always available in the field;
- Notify Supervisor of cell phone repair needs immediately;
- Maintain assigned cell phones in good operating condition with batteries charged at all times and have it available for the duration of the work shift;
- Report any computer or printer problems to IT/Help Desk 791-4370;

Character

Inspectors are expected to be firm, fair, honest and professional.

Dress Code

Inspectors are required to attend meetings, hearings, and training sessions in addition to daily fieldwork. For these functions, Inspectors should wear standard City of Tucson uniform shirts, pants and safety shoes. Jeans (no holes, must be in good condition) may be worn in the field with safety shoes during inspections. Inspectors are representing Code Enforcement and the City of Tucson: therefore, professional attire is expected.

Safety vests shall be worn when working in rights-of-way and protective eyewear when tasks involve debris removal and equipment operation other than automobile operation.

Attendance

Inspectors will demonstrate acceptable attendance, which includes:

- Complying with all division, department and City policies/administrative regulations governing holidays and working hours;

- Notifying supervisor before the start of the work shift of incidents resulting in tardiness or unscheduled absence;
- Scheduling medical and dental appointments in order to have minimal impact on workday and assigned court appearances;
- Attending all scheduled meetings and training classes punctually;
- Providing medical documentation of absences when requested in accordance with City Administrative Directives and all applicable Department policies;
- Insuring adequate coverage is provided for all assigned court hearing dates or hearing dates that could be assigned during the scheduled leave;
- Attending 100% of court hearings where presence of citing inspector is required, and where properly notified by courts unless excused by immediate supervisor; and,
- Providing one-week prior notice to supervisor of any extended (>40 hours) vacations and pre-scheduled medical appointments or other planned absences.

Response Time

Inspectors will maintain a quality customer response time, including:

- Checks email daily and responds within one business day;
- Documents all telephone calls or contacts that are relevant to the case;
- Returns phone calls no later than the end of the work day or immediately when directed by a supervisor;
- When on leave, changes voice/email message(s) to reflect extended time off, date of return and who to contact during absence

Performance Evaluation

Performance in will be measured by:

- Input received by supervisory staff;
- Supervisory records of meetings, hearings, committees or special projects staff is assigned to attend or cover and feedback provided, if appropriate; and

- Behavior observed by management/supervisory staff at meetings, hearings, etc.

Office Procedures

Work Schedules

Core Hours

Code Enforcement Inspectors and support staff are assigned core hours – the work hours of 8:00 a.m. to 5:00 p.m., Monday through Friday – unless approved for an alternate work schedule. All employees are to report to work at their assigned starting time. Once employees establish a schedule and find that they will be unexpectedly late or absent, they are to inform their supervisor or the Director as soon as possible prior to the work shift.

If Inspectors work six hours or more in one work day, a minimum of a ½-hour lunch break must be taken.

Alternative Work Schedules

Management may assign employees to alternative work schedules if doing so will serve customers and allow the employee to meet or exceed job expectations and organizational goals. To be approved, an alternate work schedule must conform with City Administrative Directive 2.01-9.

The alternative work schedule can be revoked at any time when employees have excessive absenteeism or tardiness; or if their attendance is such that the efficiency or effectiveness of the department is impeded; or where the Director determines that alternative work schedules will be rescinded at any time.

Alternative work schedules will be implemented as follows:

- For consistency of this policy, when more than one request is made for an alternative work schedule, seniority will be the deciding factor in determining the availability of AWS.
- Extended coverage must cover the core hours of 8:00 a.m. to 5:00 p.m.
- All scheduled leave of an extended nature (> 40 hrs.) should be requested at least one week prior to the leave date.

Code Enforcement administration will adhere to this policy and to A.D. 2.01-9 to ensure existing service levels are maintained or improved. However, Code Enforcement reserves the right to change this process when appropriate to meet the goals of the Department and expectations of the community.

Additional Terminology

- **Minimum Unit Coverage:** Excluding emergencies or other special circumstances, Code Enforcement shall have no fewer than four Inspectors working at any given time during the core work days of Monday through Friday. This total may include a supervisor.
- **Extended Weekday Work Hours:** The hours of 7:00 a.m. to 8:00 a.m. and 5:00 p.m. to 6:00 p.m., Monday through Friday
- **Extended Weekend Work Hours:** Any work that is done, as assigned by supervisor, outside of the core work schedule, Saturday and Sunday.

Overtime Procedure

To work overtime hours, staff members must obtain advance approval from a supervisor. Overtime may be granted for the following reasons:

- A violation response, event, or meeting occurs only during non-working hours
- Code Enforcement administration has made the request
- An employee has an unusually high or busy workload that requires additional time to maintain effectiveness
- Clean-up is occurring in Inspector's assigned area or program

Overtime will be granted at the discretion of the Code Enforcement Supervisor or Code Enforcement Administrator. An activity log may be requested. Staff members who have had an overtime request approved must send the approving supervisor an email with the actual hours worked and the reason.

Supervisors must review the documentation and the time card provided by the staff member to be certain the employee has recorded all of the required information

and has allowed for the required lunchtime break, if necessary. All alternate work schedules approved must conform with City Administrative Directive 2.01-9.

General Office Expectations and Procedures

Maintenance of Work Areas

All staff members are required to maintain their work areas in a neat and professional manner. Staff members must make every effort to monitor all office areas including, but not limited to, the inventory of supplies and the general housekeeping of work areas. An Inspector's name can be placed on items or an area can be designated for their use. All items requiring repair must be forwarded to the supervisor for action.

Office and Facility Use

City office space, equipment, and supplies are not for personal use. They may be used for work-related matters including personal development (training). Exceptions are granted if use of equipment/facilities is demonstrated to be of benefit to the City, its staff, or the general public. Individuals must furnish supplies for personal projects unless approved by the Code Enforcement Supervisor/Administrator. During regular office use, laptops must be secured in the docking station where a station is available.

ID Badges

The City of Tucson issues employees an Identification Badge (ID Badge) that serves as identification and authorization to enter most City properties under normal conditions. While conducting City business, staff shall wear their ID badge at all times in a conspicuous location with their picture and name visible unless the wearing creates a safety issue.

ID badges are to remain in each employee's possession or control – never loaned or given to any other individual. A lost or stolen ID badge must be reported immediately to a supervisor or the designated staff member. Frequent or excessive

instances requiring the replacement of an ID badge will be considered grounds for disciplinary action.

Building Access

Access to some City facilities is limited. Keys are issued with supervisor or director approval. A designated staff member will provide the information and forms necessary to obtain access to needed facilities. Access to City facilities is monitored through an automated security log. A lost or stolen access device must be reported immediately to the supervisor or director and the designated staff member. Keys must be returned to the designated staff member upon termination from employment with the City.

If access is required to a building to perform work duties and the employee is unable to gain access, they are to make every reasonable effort to notify the supervisor and building maintenance or office staff.

Caseload Management and Supervisory Review Procedure

Inspectors will manage the caseload assigned to them per established performance standards.

On a regular basis, the supervisor(s) shall review all assigned cases including complaints and open cases to determine if appropriate resources are assigned and appropriate action is being taken in accordance with the Code Enforcement Procedures Manual. The review should include, at a minimum, whether actions and violations are properly documented according to policy, whether the Inspectors are utilizing the proper enforcement tools, and whether the cases are being resolved in a timely manner.

Supervisors will regularly review the caseload of Inspectors to insure the case workloads are equitably distributed among the officers, and will:

- Take special note of any cases that are more than 90 days old;
- Document any additional comments within the supervisor case activity field;

- If the supervisor observes any problems, discuss achievements and improvement opportunities with Inspectors;
- Adjust performance targets for the period as needed

Performance Reviews

Individual Performance Reviews will be conducted once a year and are an essential component of a supervisor's duties and responsibilities. The appraisal system is intended to facilitate ongoing communication between the supervisor and the employee regarding the employee's performance, and to help employees achieve their potential for the betterment of the entire organization.

- Employees are entitled to understand management expectations and to have their performance accurately evaluated at defined intervals of time.
- Evaluations should cover the employee's accomplishments, strengths and areas for development and improvement related to the established core values.
- Evaluations also should include quantifiable examples of performance and be supported by documentation whenever possible.
- Specific recommendations for improvement should be noted, if applicable.

Ride-Along Program

The Ride-Along Program goal is to improve programs that increase resident understanding of and access to Code Enforcement. Ride-along requests must be formally submitted and approved by the Code Enforcement Supervisor or Code Enforcement Administrator prior to a ride-along taking place. A Code Enforcement Supervisor or Code Enforcement Administrator may identify the code staff member assigned to conduct the ride-along.

Examples of ride-along requests:

- Media requests
- Job shadowing requests
- Interdepartmental request

Part III

Guidelines for Addressing Specific Violations

Junked or Inoperable Vehicles TCC Sec 16-15

ENFORCEMENT PROCESS: If a vehicle has been identified as a Junk Motor Vehicle, Inspectors shall attempt to communicate with the owner/occupant in order to educate and answer any questions. Inspectors will issue a 10-day NOV. If contact is not made, Inspectors shall send the NOV via US Mail. Follow up inspections that result in non-compliance shall result in the issuance of a Civil Citation(s). Code Enforcement shall move forward in the removal of the vehicle under court order at the owner's expense. Per TCC Sec. 16-60, when the court finds a person in violation of TCC Sec. 16-15 (JMV), the court shall order abatement within thirty (30) days.

Junked or inoperable vehicle means any vehicle that exhibits one or more of the following conditions: wrecked, partially or fully dismantled, abandoned, stripped, inoperative, inoperable, scrapped, or unable to be safely operated. Vehicles are defined as any motor vehicle and any other device in, upon or by which a person or property may be transported or drawn on a street, including but not limited to trailers and camper shells but excluding devices moved by human power.

PERSONS RESPONSIBLE: Per TCC 16-15(c), whenever the city finds that any junked or inoperable vehicle is stored on private property or on any abutting sidewalks, streets or alleys in violation of the Code, the persons responsible for the violation include the recorded owner, occupant or person in control of the private property, as well as the registered owner or custodian of the vehicle.

WRECKED, PARTIALLY OR FULLY DISMANTLED: A vehicle an owner has allowed to remain in this condition, for an unreasonable amount of time, taking into account their attempts to correct the condition. Owners will be allowed to work on their own vehicles if they demonstrate that repairs are conducted in a reasonable

amount of time and with no lengthy periods of inactivity. If a vehicle requires extensive work and the owner can only work on weekends then the vehicle will be identified as being stored until repairs are completed. Owners will be required to store such vehicles properly on the property or be removed.

SCRAPPED, STRIPPED, INOPERABLE OR UNABLE TO BE SAFELY OPERATED:

Vehicles that fall under this designation will be identified by lack of evidence that the owner is currently attempting to repair in a timely manner or has not recently attempted to make repairs. Such cases shall have a strict time line for compliance applied and owners will be required to properly store such vehicles or remove from the property.

PROPER STORAGE OF VEHICLES THAT ARE DEFINED AS JUNKED MOTOR

VEHICLES: Vehicles can be stored on properties if proper Zoning and Property Maintenance requirements are complied with. Such vehicles cannot be stored in front yards for any reason. Vehicles can be stored with no restrictions in enclosed garages with garage doors that are in a closed position and the vehicles are not viewable. Vehicles can be stored in carports with the use of an actual car cover that must be in place at all times. It is recommended that a tie down be used to keep the car cover in place. Vehicles can be stored in rear yards if an opaque fence is in place and the vehicle does not create an Excessive Storage Violation of the allowable storage of 25% on residential properties.

Accumulation of Refuse and Debris
TCC Sec 16-13(B)

Accumulation of refuse and debris is prohibited. Each owner, lessee, tenant, resident or occupant shall maintain a property free of accumulated refuse and debris. Accumulated refuse and debris is defined as contained or uncontained refuse and debris present on the property in a manner not authorized by the Tucson City Code.

Debris means a substance of little or no apparent economic value including but not limited to, deteriorated lumber, old newspapers, furniture parts, appliance parts, discarded sinks, cabinets, discarded household fixtures, car parts, tires, discarded

clothing, abandoned, broken or neglected equipment, or the scattered remains of items.

Refuse means all waste materials, including but not limited to greenwaste, garbage, waste generated by animals or pets or recyclables.

Enforcement Process: Due to the complexity, variation of conditions and owner's abilities, Code Enforcement shall utilize the following processes.

- Refuse and debris amounts that can be abated within a 10-day period and the owners/occupants are capable shall be issued a 10-day Notice and Order. Non-compliance shall result in the issuance of an immediate Civil Citation. No extension shall be granted.
- Owners who are identified as having physical, mental or age related challenges may be granted limited extensions to allow for social service agencies, relatives and other community resources to assist the citizen in the abatement of violations. Inspectors may approve one 10-day extension. Additional extensions must be reviewed and approved by the Inspector Supervisor.
- Refuse and debris in very large amounts will be allowed limited and strictly enforced extensions. Extensions shall be overseen by the Inspector Supervisor with each extension containing an expectation and goal with a final compliance date in mind.

Outdoor Storage TCC Sec 16-13(H)

Outdoor storage refers to any small machinery, appliances, neatly stored building material, landscaping materials or equipment, junk motor vehicles (storage must meet restrictions outlined in section 16-15), motor vehicles that are being stored for more than two (2) years, personal property including household goods, boxes or furniture which is not placed for outdoor use and neatly stacked fire wood. Outdoor storage on residential properties is prohibited under the following conditions:

- When stored in the front yard.
- When stored in the side yard or rear yard and not screened by a minimum five (5) foot high solid wall or opaque fence.
- When exceeds twenty five (25) percent of the total lot area.
- When stored in an open covered porch that is visible from beyond the boundaries of the lot.
- When stored in an open carport visible from beyond the boundaries of the lot where the amount of storage restricts an automobile from being properly stored within the carport. A double carport will require enough space to store two (2) automobiles.
- When storage items include garbage, refuse or debris.

Enforcement Process

Due to the large amounts of storage issues encountered by Code Enforcement, such as the number of years to accumulate, the intermixing of valuable and non-value items, the following process will be followed:

- If property is commercial in nature and/or occupants are physically and mentally capable, strict enforcement procedures will be followed with no extensions or only minimal extensions granted. Code Enforcement shall require that all garbage, refuse and debris be immediately removed; and items of value may be subject to limited extensions based on the bulk sales waiting for pick up or finalization.
- If property has accumulated over years and the occupants are now elderly, or physically or mentally limited, Code Enforcement may approve extensions in order for family or social agencies to assist in the sorting and identifying of valuables.
- Property that has had extensions granted but has not yet achieved full or limited compliance achieved may result in the securing of a Court Order to remove all prohibited items from the property.

Weeds, Grass, Accumulation of Vegetation, Grass and Dead Trees TCC SEC 16-13(A)(1-5) (D)

Accumulation of vegetation is prohibited. Each owner, lessee, tenant, resident or occupant shall maintain a property so it is free of the accumulation or untended growth of vegetation. Inspectors will consider the standards and construction of established neighborhoods when making inspections in order to ensure consistent enforcement.

The accumulation or untended growth of vegetation means the presence of plants on property that create a fire, safety or health hazard, or that attract vermin either on the property, on neighboring properties, or on both, and includes but is not limited to:

- Any lawn grass that exceeds six (6) inches in height.
- All weeds that exceed six (6) inches in height.
- Dead trees or dead shrubs. These must be removed from the property. Partial dead trees and shrubs are beyond the authority of Code Enforcement.
- Dead palm fronds within ten (10) feet of the ground, a structure, a fence or wall, or of any combustible object other than the tree from which the fronds have grown. Inspector's authority is limited to removal of the potential fire hazard determined to be 10-feet from the ground. • Any tree, shrub, or other form of vegetation of any kind on the property or on the adjoining right-of-way, street, or alley that extends over or under the sidewalk space or roadway in a manner that may interfere with the reasonable use of the street, sidewalk, or alley for pedestrian or vehicular traffic of any kind or that may obstruct the view or light distribution of traffic-control devices or luminaries. Vegetation must be trimmed and maintained to provide an unobstructed pedestrian path a minimum of forty eight (48) inches in width and eighty (80) inches in height from grade. Overgrowth jurisdiction will be limited to the elimination of the encroachment into the right-of-way, street or alley.

- Duty to remove weeds, debris and refuse from abutting sidewalks, streets and alleys upon notice. Upon receipt of an NOV, the owner, lessee, tenant or occupant of any premises shall remove from the premises and the abutting portions of contiguous sidewalks, streets and alleys, all weeds, garbage, debris or other refuse which may endanger the health, safety or welfare of the persons in the vicinity of such premises. This duty extends to and includes any abutting sidewalk area and one-half (1/2) the width of abutting alleys, from the property line to the center line of the alley.

Weeds Protocol (adopted 10/3/16)

A Weeds Protocol was adopted to streamline processing of Weeds Complaints which substantially increase during particular times of the year. The Weeds Protocol will be used between July 1 and December 1 of each year. The Weeds Protocol is as follows:

- Code Enforcement receives a complaint about weeds and forwards to EGSD Customer Service.
- Weed complaints will not be assigned a case number unless the complaint was initiated through the Code Enforcement web complaint portal and/or phone.
- Complainant will be told that a letter will be sent to the property owner notifying them of the report about their property and that the Code requires compliance within 10 days.
- Customer Service will create a work order for residential supervisors and also send out a letter to the property owner(s) about the weeds.
- Environmental Services supervisors will drive by on the 10 day mark to check for compliance. If in compliance, they will close out work orders. If NOT in compliance, they will close out the work order indicating non-compliance and send to Code Enforcement to initiate a case.
- Customer Service will run a report from Naviline and report to Code Enforcement so the case can be closed.

Yard Sales

TCC Sec 16-39.1(A,B,C)

Yard sale means any event, including yard, garage, estate, rummage or moving sale, where items of personal property owned, utilized or maintained by occupants of the residential property are offered to the general public on the same property.

- An owner or responsible party of residential property shall not operate, conduct, manage, or allow more than four (4) yard sales within a single calendar year at the residential property.
- An owner or responsible party of residential property shall not operate, conduct, manage, or allow any yard sale event that exceeds three (3) consecutive days.

Enforcement Process

Persons are found in violation of this code after the fourth (4th) yard sale. Code Enforcement will communicate, educate and document the responsible parties regarding the limitations on yard sales when responding to any of the first four yard sales. If Code Enforcement responds to a fifth yard sale and the owner is found in violation of this code, a Civil Citation will be immediately issued. If the Inspector responds to a yard sale and he/she cannot determine, to the level of court requirements, that the yard sale is in violation of this code, a NOV and Order will be issued, setting the process for a Civil Citation on the next violation.

Graffiti

TCC Sec 16-30

GRAFFITI

Graffiti is defined as initials, slogans, figures, inscriptions, marks, designs or drawings written, spray-painted, etched, sketched or otherwise applied on a sidewalk, wall, building, fence, sign, windows or any other structure or surface without consent of the owner.

Procedures

Initial complaints are referred to and handled by the Tucson Department of Transportation (TDOT) and the Graffiti Removal Program.

A citizen/Code Inspector may report any graffiti they see by calling the Graffiti Removal Program at (520) 792-CITY (2489) or by using the MyTucson app from their smartphones. The app is free and can be downloaded from the iPhone App Store or Google Play.

When taking a graffiti report, staff will ask the reporting party to provide the following information:

- Exact location of the graffiti
- Street address or major cross streets
- The specific description of the graffiti
- Surface type

Cases that do not achieve compliance or cannot be addressed by TDOT shall be referred to Code Enforcement for enforcement action. Graffiti cases shall be responded to within 48-hours with the issuance of a 10-day Notice of Violation. Lack of compliance shall result in the immediate issuance of a civil citation.

Home Occupations **UDC 4.9.7.E**

The zoning code permits home occupations as ancillary uses in residential districts. Legal home occupations must meet conditions that limit their impact on the residential neighborhood. Home occupation must be incidental and secondary to the approved use.

The following conditions must be met in order to operate home occupations in residential districts:

An ancillary use in any residence or mixed use district which:

- Is clearly incidental to a residence use;
- Is subordinate to the purpose of the residence use;
- Contributes to the comfort, convenience, or necessity of occupants in the residence use;
- Is located on the same lot or parcel as the residence use served;

- Includes swimming lessons, babysitting, and fine arts instruction, each for 5 or fewer persons;
- Includes door-to-door and telephone solicitation, and,
- Includes uses and activities that can be conducted entirely indoors without negatively impacting the residential character of the neighborhood or health, safety, and welfare of neighbors; and,
- Excludes on-site exchange of sold or bartered goods (exceptions made for occasional and infrequent exchanges), on-site vehicle repair as a commercial use, commercial warehousing or storage – indoor or outdoor, non-resident employees working in the home, or manufacturing of products using hazardous materials or equipment not typically found in household settings.

Possible indications of a non-permitted home occupations

- Auto repair
- External evidence of the home occupation (inventory, commercial vehicle storage, etc.)
- Inordinate vehicle or pedestrian traffic associated with the home occupation
- Outside (non-occupants) employees
- Machinery not usually used for hobby purposes
- Use of garage or carport is not permitted for any part of the home occupation
- Web sites directing the public to the business location

Illegal Dumping TCC Sec 16-33

Alleys

Dumping in alleys is prohibited. The owner, lessee, tenant or occupant of any premises shall remove from the premises and the abutting portions of contiguous sidewalks, streets and alleys, all weeds, garbage, debris or other refuse that may endanger the health, safety or welfare of the persons in the vicinity of such premises. This duty extends to and includes any abutting sidewalk area and one-half (1/2) the width of abutting alleys, from the property line to the center line of the alley.

Outside the parameters of the alley, the officer shall:

- Open a case
- Take a photo
- Report the violation via email to: ESHelp@TucsonAZ.gov
- Monitor for pickup

Private Property

Property owners are responsible for removing all items dumped on their private property. Private property includes vacant lots, residential and commercial properties.

The responsible party of any property shall not allow or permit trees, shrubs, or plants on land adjacent to sidewalks or public places fronting or bordering their property to grow in a manner that impedes, obstructs, or interferes with the passage on any street, sidewalk, alley or other passageway within the City or that limits the visibility of any traffic control device or signal. Vegetation must be trimmed a minimum of 8 feet over the sidewalk and 14 feet over the street or alley.

Hazardous Pools TCC SEC 16-13(G)(3)

Hazardous pools

Any swimming pool or other contained body of water that contains water eighteen (18) inches or more in depth at any point and that is wider than four (4) feet at any point and is intended for swimming must be properly secured and maintained so as not to create a hazard to public safety, a health hazard or attractive nuisance, and shall be entirely enclosed by a wall, fence or other barrier that is adequate to prevent access by children. Water shall not be allowed to stagnate or to harbor insect infestation.

Enforcement Process

Due to the potential life safety aspect of pool complaints, Code Enforcement will initiate an immediate response. Life Safety violations will require an immediate response by the owner or responsible party or Code Enforcement will abate the

hazard at the owner's expense. Violations associated with stagnant water or harborage of insect infestation will be addressed through an NOV and Civil Citation Process. Immediate eradication of insect infestation will be the responsibility of the Pima County Health Department.

Zoning Violations

Code Enforcement also receives and opens cases related to Zoning Violations. The Codes which address zoning can be found in the Neighborhood Preservation Ordinance (TCC Sec 16) and the Unified Development Code.

Zoning complaints received and enforced are those where the use of a property does not match the legal use outlined in the zoning designation. This applies to both commercial and residential properties.

Typical complaints received include the following:

- Business activity that is not allowed in the zoning of the property;
- Businesses that have expanded services, physical footprint and/or use of abutting properties;
- Residential properties converted to multi-housing;
- Residential properties being used for business activity;
- Businesses that have not secured the proper licenses, permits and approvals;
- Storage for business overflow;
- Use of a vacant parcel

Enforcement Process:

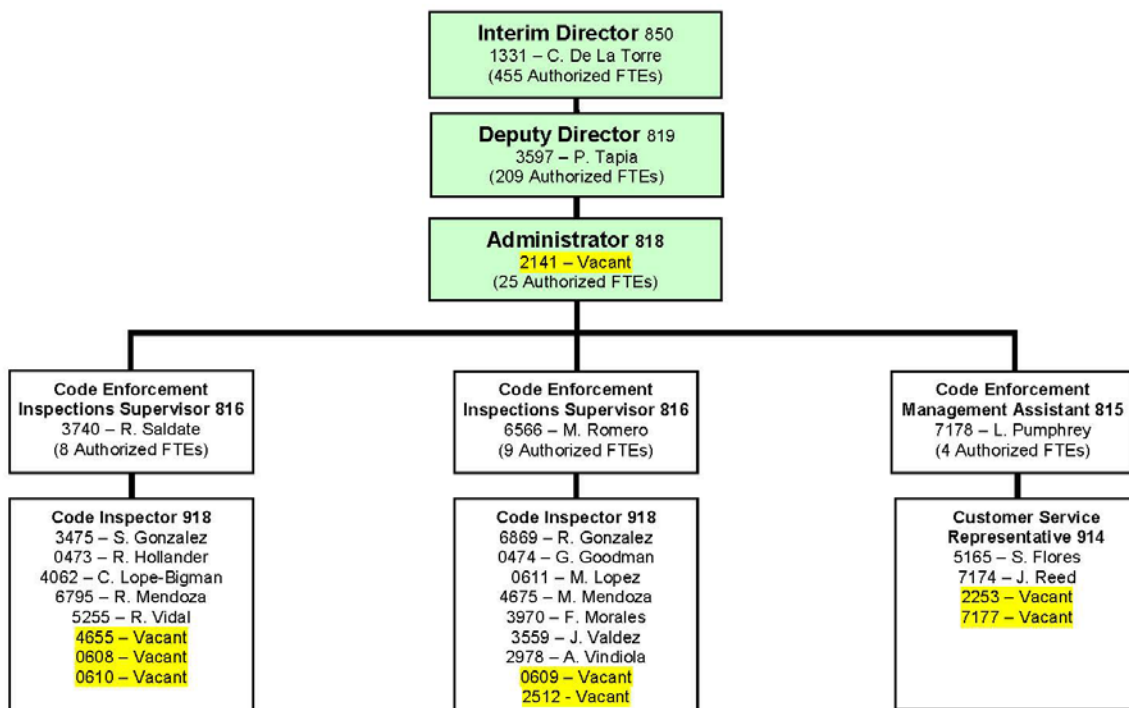
- **Review and Communication:** Inspectors will review complaint submitted, and may communicate with complainant in order to gain understanding of activities of concern and how they are affecting neighborhood.
- **Research:**
 - Inspectors will research the zoning designation of the property to gain an understanding of the allowed uses and review Code Enforcement database for history.

- Conduct research of PDSD Records to obtain the Last Approved Site Plan, print any documents such as Site Plan, Permit Drawings, Development Packages, etc.
- **On-site Inspection:**
 - Inspectors will conduct an on-site inspection to review property configuration in relation to the Last Approved Site Plan and take note of any other activities and/or modifications.
 - Inspectors will attempt to communicate with the occupants of the structure and/or representatives in order to communicate violations that might exist.
- **Meetings with Zoning Administrator and/or other associated Reviewers:** Inspector will review activity with Zoning Administrator or designee to advise them of any zoning violations identified and discuss the actions to be taken.
- **NOV:** Inspectors will issue an NOV when the violation details have been determined and direction has been given from the Zoning Administrator.
- **Time Line:** Due to the complexity of zoning cases, the necessity for the owners to interact with the Zoning Administrator and the potential of the use being approved after reviews, a 30-day compliance date will be required. If owners do not comply within the time period specified or are not actively working with the Zoning Administrator, a Civil Citation will be issued.

Appendix A – Code Enforcement Organization Chart

Revised 03/06/2017

Environmental & General Services Department Code Enforcement Division



Attachment E

Random Sample Case List and commissioner's review data

CASE	OPENED	AREA	TYPE	ST NO	DIR	ST NAME	STATUS	WARD	INITIAL INSPECTION	CITATION ISSUED
T21DV00007	1/4/2021	CE20	REFS	3828	E	FORT LOWELL RD	NOVERIFY	3	3/4/2021	
T21DV00058	1/5/2021	CE21	MULT	521	N	LOQUAT AV	COMPLIAN	2	1/25/2021	
T21DV00060	1/5/2021	CE21	ZRES	2637	N	AVENIDA EMPALME	COMPLIAN	2	1/25/2021	
T21DV00185	1/13/2021	CE12	HCAMP	1705	W	SPEEDWAY BL	REFERRED	1		
T21DV00449	1/29/2021	CE02	RWOP	127	E	23RD ST	NOVERIFY	5	2/9/2021	
T21DV00614	2/4/2021	CE02	HCAMP	3030	E	36TH ST	NOVERIFY	5	2/16/2021	
T21DV00621	2/4/2021	CE06	MULT	4014	S	BELMAR AV	COMPLIAN	5	2/4/2021	
T21DV00675	2/8/2021	CE08	RMIN	2602	N	14TH AV	NOVERIFY	3	3/25/2021	
T21DV00715	2/9/2021	CE12	RWOP	1420	S	FARMINGTON RD	COMPLIAN	1	2/10/2021	
T21DV01000	2/23/2021	CE16	DILAP	3202	S	TAHOE DR	COMPLIAN	4	3/23/2021	
T21DV01050	2/25/2021	CE07	DUMP	5455	S	6TH AV	COMPLIAN	5	2/25/2021	
T21DV01241	3/5/2021	CE08	RMIN	22	W	KELSO ST	COMPLIAN	3	3/25/2021	
T21DV01295	3/9/2021	CE12	DUMP	245	E	UNIVERSITY BL	COMPLIAN	6	3/18/2021	
T21DV01309	3/9/2021	CE07	REFS	4938	S	HIGHLAND DR	COMPLIAN	2	3/9/2021	
T21DV01347	3/10/2021	CE06	EMER	1201	E	BILBY RD	COMPLIAN	5	3/9/2021	
T21DV01448	3/15/2021	ODE	JMV	8722	E	SHILOH PL	REFERRED	2		
T21DV01481	3/16/2021	CE16	SWLK	6796	S	AVENIDA DEL ABRAZO	CITATION	5	4/7/2021	5/17/2021
T21DV01546	3/18/2021	CE06	REFS	1730	E	HOLLADAY ST	COMPLIAN	5	3/24/2021	
T21DV01560	3/19/2021	CE20	RSTOR	2602	E	KESWICK CI	NOVERIFY	5	3/24/2021	
T21DV01867	4/6/2021	CE08	TREES	1401	W	KILBURN ST	COMPLIAN	1	4/6/2021	
T21DV02146	4/15/2021	CE20	MULT	3341	N	CARDI BL	COMPLIAN	3	5/12/2021	
T21DV02612	5/4/2021	CE06	REFS	6040	S	6TH AV	NOVERIFY	1	5/5/2021	
T21DV02716	5/6/2021	CE06	ZRES	5831	S	STEWART BL	COMPLIAN	5	5/25/2021	
T21DV02717	5/6/2021	CE06	RWOP	5828	S	NOGALES HY	NOVERIFY	1	5/25/2021	
T21DV02868	5/13/2021	CE17	PMMULT	1150	S	MANN AV	PENDING	4	6/8/2021	11/16/2021
T21DV03048	5/21/2021	CE12	CFIR	1501	N	ORACLE RD	COMPLIAN	1	5/21/2021	
T21DV03116	5/25/2021	CE06	CWOP	1411	E	BILBY RD	COMPLIAN	5	4/23/2021	
T21DV03280	6/2/2021	CE20	DUMP	526	W	PALMDALE ST	COMPLIAN	5	6/22/2021	
T21DV03492	6/8/2021	CE04	MULT	4702	E	25TH ST	COMPLIAN	4	7/1/2021	
T21DV03518	6/10/2021	ODE	WEED	9208	E	29TH ST	REFERRED	4		
T21DV03720	6/15/2021	CE20	REFS	2602	E	KESWICK CI	NOVERIFY	5	6/24/2021	
T21DV03804	6/16/2021	CE02	PMMULT	2431	N	FAIR OAKS AV	COMPLIAN	2	7/6/2021	

CASE	OPENED	AREA	TYPE	ST NO	DIR	ST NAME	STATUS	WARD	INITIAL INSPECTION	CITATION ISSUED
T21DV03785	6/16/2021	ODS	JMV	5753	S	AVENIDA SERBA	REFERRED	5		
T21DV03986	6/24/2021	CE21	SIGN	991	N	PANTANO RD	COMPLIAN	2	7/7/2021	
T21DV04160	7/1/2021	CE17	PMMULT	621	N	TUCSON BL	COMPLIAN	6	8/23/2021	
T21DV04197	7/2/2021	CE08	DUMP	1212	W	MCMILLAN ST	NOVERIFY	3	9/3/2021	
T21DV04218	7/6/2021	CE07	REFS	42	S	PALOMAS AV	COMPLIAN	1	6/28/2021	
T21DV04227	7/6/2021	CE07	REFS	3261	N	GERONIMO AV	COMPLIAN	1	6/8/2021	
T21DV04247	7/6/2021	CE20	PMMULT	2414	S	HEMLOCK SV	COMPLIAN	5	7/12/2021	
T21DV04320	7/8/2021	ODS	WEED	44	E	MEDINA RD	REFERRED	1		
T21DV04322	7/8/2021	CE12	RMIN	5089	S	MIDVALE PARK RD	REFERRED	1	7/9/2021	
T21DV04460	7/14/2021	ODE	JMV	6556	E	BROOKS DR	REFERRED	4		
T21DV04560	7/20/2021	CE10	EMER	255	N	GRANADA AV	COMPLIAN	1	7/20/2021	
T21DV04695	7/26/2021	ODE	JMV	8633	E	HELEN PL	REFERRED	2		
T21DV05098	8/7/2021	CE21	PMMULT	7055	E	BROADWAY BL	REFERRED	2	9/29/2021	
T21DV05112	8/7/2021	CE04	REFS	4926	E	WINSETT ST	NOVERIFY	6	8/20/2021	
T21DV05310	8/12/2021	CE20	REFS	202	E	LINDEN ST	NOVERIFY	3	9/7/2021	
T21DV05454	8/17/2021	ODE	WEED	3770	S	CINDY LN	REFERRED	4		
T21DV05619	8/20/2021	CE12	RMIN	218	S	GRANDE AV	COMPLIAN	1	8/23/2021	
T21DV05664	8/23/2021	CE02	RMIN	2345	N	CRAYCROFT RD	NOVERIFY	6	10/7/2021	
T21DV05859	8/26/2021	CE12	RFIR	4190	E	VALENTINE ST	COMPLIAN	6	8/26/2021	
T21DV05893	8/27/2021	CE21	MULT	6844	E	KORALEE ST	NOVERIFY	3	9/27/2021	
T21DV05934	8/28/2021	ODM	WEED	1431	S	PALO VERDE AV	REFERRED	5		
T21DV05991	8/31/2021	CE21	RMIN	7700	E	SPEEDWAY BL	COMPLIAN	2	9/23/2021	
T21DV06001	8/31/2021	CE12	ENVI	2299	N	SILVERBELL RD	COMPLIAN	1	9/1/2021	
T21DV06006	8/31/2021	ODS	JMV	1401	S	6TH AV	REFERRED	5		
T21DV06014	9/1/2021	CE08	EMER	635	W	SIMMONS RD	NOVERIFY	2	9/1/2021	
T21DV06190	9/7/2021	CE16	TREES	1248	S	CAMINO SECO	PENDING	2		
T21DV06223	9/8/2021	CE20	REFS	5555	S	PARK AV	COMPLIAN	5	9/10/2021	
T21DV06278	9/9/2021	ODE	WEED	8050	S	OLD CANYON AV	REFERRED	4		
T21DV06287	9/10/2021	ODE	WEED	4120	S	QUEEN PALM DR	REFERRED	4		
T21DV06435	9/14/2021	CE16	PMMULT	9532	E	MYRA DR	COMPLIAN	4	10/14/2021	
T21DV06484	9/15/2021	CE04	LIGHTS	3660	E	3RD ST	NOVERIFY	6	10/15/2021	
T21DV06568	9/20/2021	CE12	TREES	2826	S	JEFTORIA RD	COMPLIAN	1	9/21/2021	
T21DV06605	9/21/2021	ODS	WEED	1404	S	LYNX DR	REFERRED	1		

CASE	OPENED	AREA	TYPE	ST NO	DIR	ST NAME	STATUS	WARD	INITIAL INSPECTION	CITATION ISSUED
T21DV06617	9/21/2021	CE02	PMMULT	2314	N	MADELYN CI	COMPLIAN	6	10/5/2021	
T21DV06738	9/24/2021	ODM	WEED	2834	E	20TH ST	REFERRED	5		
T21DV06879	9/30/2021	ODS	WEED	5833	S	6TH AV	REFERRED	1		
T21DV07164	10/14/2021	CE16	ZCOM	7909	E	22ND ST	NOVERIFY	2	12/10/2021	
T21DV07291	10/19/2021	CE12	TREES	6942	S	LEARY DR	PENDING	1	10/22/2021	
T21DV07363	10/20/2021	ODE	WEED	3802	S	DESERT SPRING DR	REFERRED	4		
T21DV07401	10/21/2021	CE06	RMIN	5215	S	BURKE CI	COMPLIAN	5	10/21/2021	
T21DV07428	10/22/2021	ODM	WEED	4442	E	LA CIENEGA ST	REFERRED	3		
T21DV07446	10/22/2021	ODM	WEED	4362	E	LA CIENEGA ST	REFERRED	3		
T21DV07538	10/26/2021	CE02	PMMULT	2015	N	MADELYN AV	COMPLIAN	6	11/30/2021	
T21DV07582	10/27/2021	CE18	GRAF	3607	E	GRANT RD	COMPLIAN	3	10/28/2021	
T21DV07596	10/27/2021	CE10	EMER	4242	E	PRESIDIO RD	COMPLIAN	3	10/27/2021	
T21DV07601	10/27/2021	CE17	MULT	120	S	HOUGHTON RD	NOVERIFY	2	11/23/2021	
T21DV07783	11/3/2021	CE16	REFS	7310	E	MARIGOLD CI	PENDING	4	12/17/2021	
T21DV07883	11/4/2021	CE12	EMER	6944	E	TANQUE VERDE RD	COMPLIAN	2	11/4/2021	
T21DV07943	11/5/2021	CE17	MULT	8237	E	COOPER PL	NOVERIFY	2	1/22/2022	
T21DV07945	11/5/2021	CE16	REFS	931	S	MARVIN AV	REFERRED	2	12/17/2021	
T21DV07966	11/8/2021	CE20	REFS	5051	S	GREENWAY DR	NOVERIFY	5	12/2/2021	
T21DV08009	11/9/2021	ODW	WEED	410	N	GRANDE AV	REFERRED	1		
T21DV08030	11/10/2021	CE04	PMMULT	1060	N	SWAN RD	NOVERIFY	6	1/13/2022	
T21DV08299	11/20/2021	ODE	WEED	6613	E	CALLE DENED	REFERRED	4		
T21DV08385	11/24/2021	CE08	RMIN	102	W	ROGER RD	FIELD	3		
T21DV08446	11/30/2021	CE10	REFS	2507	E	19TH ST	FIELD	5		
T21DV08566	12/3/2021	CE17	URBAG	1791	S	CALLE NOPALITO	COMPLIAN	4	2/9/2022	
T21DV08574	12/4/2021	CE02	REFS	4525	E	PIMA ST	PENDING	6	1/20/2022	
T21DV08589	12/5/2021	CE06	EMER	2042	E	VIRGINIA ST	COMPLIAN	5	12/5/2021	
T21DV08629	12/7/2021	CE02	REFS	4332	E	LEE ST	COMPLIAN	6	1/21/2022	
T21DV08792	12/10/2021	CE17	RVAC	801	N	MANN AV	REFERRED	2		
T21DV08820	12/13/2021	CE10	REFS	901	E	12TH ST	FIELD	5		
T21DV08854	12/13/2021	CE02	RWOP	2138	N	SYCAMORE BL	NOVERIFY	6	2/1/2022	
T21DV08911	12/15/2021	CE08	MULT	361	E	CALLE ARIZONA	PENDING	3	2/19/2022	
T21DV08956	12/16/2021	CE04	HCAMP	4741	E	1ST ST	PENDING	6	1/26/2022	
T21DV08973	12/17/2021	CE04	ZRES	634	S	COLUMBUS BL	NOVERIFY	6	1/29/2022	
T21DV09065	12/23/2021	CE20	ZRES	2901	E	NORTON VISTA	NOVERIFY	5	1/22/2022	
T21DV09081	12/27/2021	ODW	JMV	1147	E	12TH ST	REFERRED	5		