

Pima County, Arizona Code of Ordinances

Chapter 7.33 - REMOVAL OF RUBBISH, TRASH, WEEDS, FILTH AND DEBRIS*

Sections:

7.33.010 - Definitions.

A.

In this chapter, unless the context otherwise requires:

1.

"Contiguous areas" means sidewalks, streets, trails and alleys dedicated and open to the public that are contiguous to property.

2.

"Occupant" means an occupant of property, but does not include any corporation or association operating or maintaining rights-of-way for and on behalf of the United States of America, either under contract or under federal law.

3.

"Property" means real property including buildings, grounds and lots.

4.

"Weed" includes any species of plant that is listed in Arizona Administrative Code R3-4-244, including Pennisetum ciliare (L.) Link-Buffelgrass

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.020 - Removal.

The owner, lessee or occupant of property shall remove all rubbish, trash, weeds, filth, debris, and dilapidated buildings that constitute a hazard to public health and safety from the property and contiguous areas.

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.023 - Calculation of time.

A.

Unless otherwise specified, time periods for actions involving an opportunity to correct for weeds shall be calculated as follows:

1.

For time periods of fourteen days or less, only business days are included in calculating the total number of days;

2.

For time periods of longer than fourteen days, each calendar day is included in calculating the total number of days;

3.

For all time periods, the date on which the time period begins to run is excluded from the calculation of the total number of days.

B.

Calculation of time for purposes of actions involving the opportunity to correct shall begin upon the signature date on the certified receipt or date hand delivered by the county.

C.

Calculation of time for situations where the certified mail sent by Pima County is:

1.

Refused by the recipient, the time shall begin on the date of refusal; or

2.

Unclaimed, the time shall begin fifteen calendar days from the postal service's first attempt to deliver.

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.025 - Opportunity to correct for weeds.

A.

Upon reasonable belief that a violation of [Section 7.33.020](#) has occurred with respect to weeds listed in Arizona Administrative Code R3-4-244, the county shall provide the owner, lessee or occupant an opportunity to correct the violation. The opportunity to correct shall be sent by certified mail or hand delivered.

B.

The notice of opportunity to correct shall include the following:

1.

A requirement that the owner, lessee, or occupant notify the county, in writing, that they have received notice within thirty days of receipt of the notice.

2.

A requirement that the owner, lessee or occupant develop a written abatement plan to be submitted to the county within sixty days of receipt of the notice. The abatement plan shall include:

a.

A map identifying the property and extent of weed infestation

b.

A description and schedule of management and eradication techniques to be implemented

c. An estimated cost of implementing the abatement plan. The basis for the cost estimate shall be specified.

d. A statement of any other legal or physical factors or characteristics affecting the plan

C.

The owner, lessee or occupant shall provide additional information as requested by the county to address deficiencies in a submitted abatement plan. The owner, lessee or occupant shall be allowed an opportunity to amend the abatement plan before denial. Failure to provide adequate information or respond to the county's request for information within the time frame specified by the county may result in the county issuing a notice of abatement.

D.

The county shall approve or deny the abatement plan. If denied, the county shall state in writing the reasons for denial. Denial of an abatement plan may result in the county issuing a notice of abatement.

E.

Pima County's decisions concerning a notice of opportunity to correct or an abatement plan are not appealable.

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.030 - Notice of abatement.

A.

A county department director, or designee, may issue a notice of abatement when:

1.

The director reasonably believes that a violation [Section 7.33.020](#) has occurred; or,

2.

An acceptable abatement plan required by [Section 7.33.030](#) is not submitted; or,

3.

An approved abatement plan is not complied with.

B.

The notice shall include the following:

1.

A compliance date, which is not less than thirty calendar days from the notice date, to remove all rubbish, trash, weeds, filth, debris, and dilapidated

buildings that constitute a hazard to public health and safety from the property and contiguous areas;

2.

The estimated cost to the county for the removal if the owner, occupant or lessee, does not comply. The basis for the cost estimate shall be included in the notice.

C.

Within ten business days of the date of the notice of abatement the owner, occupant or lessee may appeal the notice to the board of supervisors. All appeals shall be in writing and shall specify the grounds for appeal. The appeal shall be filed with the clerk of the board. The date of mailing of the appeal shall be the date of filing. The clerk of the board shall set a date to hear the appeal after receipt of a timely notice of appeal. Written notice of the hearing shall be provided to the appropriate county departments and to the owner and any lessee or occupant who is appealing. The board of supervisors' decision is final.

D.

The notice of abatement shall be personally served or sent by certified mail to the owner and any lessee or occupant at their last known address, or at the address on file in the county treasurer's office to which the most recent property tax bill was mailed. If the owner of the property does not reside on the property, a duplicate notice shall be mailed to the owner at the owner's last known address. The notice of abatement should be mailed to any known lienholder.

E.

The county may provide a copy of the notice of abatement to the local fire authority.

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.040 - Abatement by county.

A.

If the owner, lessee, or occupant fails to remove or abate all rubbish, trash, weeds, filth, debris, and dilapidated buildings by the compliance date determined in the Notice of Abatement, or the Board of Supervisors' final appeal hearing decision, the county may remove, abate, enjoin or cause the removal or abatement of the rubbish, trash, weeds, filth, debris, and dilapidated buildings by the county's employees, agents or contractors at the expense of the owner, lessee or occupant.

B.

The county shall provide advance written notice identifying the scheduled date of abatement to the owner, lessee or occupant at their last known address, or at the address on file in the County Treasurer's office to which the most recent property tax bill was mailed. The notice shall be sent by certified mail or hand delivered. If the

owner of the property does not reside on the property, a duplicate notice shall be mailed to the owner at the owner's last known address.

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.050 - Assessments.

A.

After the county, its employees, agents or contractors have removed, abated, or caused the removal or abatement of the rubbish, trash, weeds, filth, debris, and dilapidated buildings pursuant to this chapter, the county shall issue a written order of assessment. The order of assessment shall include the following:

1.

The date of the assessment;

2.

The common address, legal description and tax parcel number of the property; and

3.

The amount of the assessment, including a detailed itemized list of costs for removal including all incidental costs, legal costs, and costs for any additional inspections;

B.

The owner may request an informal review of the detailed itemized cost with the county department issuing the assessment. The request shall be made in writing, and received by the county department director within ten business days of the date of the order of assessment. Unless the director and owner agree otherwise, the informal review shall take place within twenty calendar days after the director's receipt of the request. The director shall arrange the date and location of the informal review with the owner at least ten business days before the informal review. The director shall review whether itemized costs including all incidental costs, legal costs, and additional inspection costs are correct and reasonable for the tasks involved. The director may adjust the costs based upon the informal review. The director shall mail his or her decision on the informal review to the owner within ten business days after the informal review date.

C.

The owner, lessee, lienholder or occupant shall have ten business days from receipt of the order of assessment or the receipt of the director's written decision on an informal review to appeal the assessment to the board of supervisors as provided in subsection E of this section.

D.

The order of assessment shall be recorded in the office of the county recorder when the time to appeal expires, if the owner agrees to the amount or on final decision on an appeal by the board of supervisors.

E.

Within ten business days of the order of assessment or the decision on an informal review the owner, occupant, lienholder or lessee may appeal the amount of the assessment levied by the county to the board of supervisors. All appeals shall be in writing and shall specify the grounds for appeal. Only the amount of the assessment may be appealed. The board of supervisors shall not hear any appeals of violations upon appeal of an order of assessment. The appeal shall be filed with the clerk of the board. The date of mailing of the appeal shall be the date of filing. The clerk of the board shall set a date to hear the appeal after receipt of a timely notice of appeal. Written notice of the hearing shall be provided to the appropriate county departments and to the owner, lessee, lienholder or occupant who is appealing. The board of supervisors shall determine whether the assessment was made in accordance with the provisions of this chapter and state statute and whether the amount actually represents the costs incurred by the county. The board of supervisors shall issue its determination in writing upholding or modifying the amount of the assessment. The board of supervisors' decision is final.

F.

The assessment shall be paid to the county treasurer and any delinquent assessments shall bear interest at the legal rate from the date of delinquency. Interest will accrue at the rate stated in A.R.S. Section 44-1201(A).

G.

A prior assessment under this chapter is not a bar to a subsequent assessment or assessments under this chapter, and any number of liens pursuant to this chapter may be enforced in the same action.

H.

Assessments that are imposed under this chapter run against the property until they are paid and are due and payable in equal annual installments as follows:

1.

Assessments of less than five hundred dollars shall be paid within one year after the assessment is recorded.

2.

Assessments of five hundred dollars or more but less than one thousand dollars shall be paid within two years after the assessment is recorded.

3.

Assessments of one thousand dollars or more but less than five thousand dollars shall be paid within three years after the assessment is recorded.

4.

Assessments of five thousand dollars or more but less than ten thousand dollars shall be paid within six years after the assessment is recorded.

5.

Assessments of ten thousand dollars or more shall be paid within ten years after the assessment is recorded.

I.

The county shall maintain a list of all delinquent assessments made pursuant to this chapter.

J.

All assessments sixty calendar days delinquent shall be forwarded to the county administrator or his designee for review. If the county administrator or his designee determines that the value of the assessment and interest, together with the value of all other liens having priority over the assessment does not exceed the value of the property, the county attorney may commence legal action to foreclose the lien and request the superior court to order the property sold and the proceeds used to pay off all liens having priority and the assessment and interest.

K.

If the county administrator or his designee determines that the value of assessment and interest, together with the value of all other liens having priority over the assessment exceeds the value of the property, legal action to foreclose the lien need not be commenced.

L.

On payment in full of an assessment and interest, the county shall record a notice of satisfaction of assessment in the office of the county recorder. The notice shall contain the name of the owner of the property, the tax parcel number, the common street address and the legal description of the subject property. The notice shall refer to the date of the order of assessment and the docket and page number in the office of the county recorder where such order is recorded.

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.055 - Cost recovery for injunction.

If the county obtains an injunction to compel compliance with [Section 7.33.020](#), the court shall award attorneys' fees and all costs associated with securing or enforcing the injunction, including costs of additional inspections, to the county. An award of fees and costs by a court is not appealable to the board of supervisors. The court's order awarding fees and costs may be recorded as an assessment and may be collected in the manner provided for in this section and A.R.S. Section 11-268(E).

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.060 - Penalties.

A.

In addition to the abatement and assessment procedure or injunction provided for by this chapter, any person, firm or corporation that places any rubbish, trash, filth or debris upon any private or public property located in the unincorporated areas of the county not owned or under the control of the person, firm or corporation is guilty of a Class 1 misdemeanor.

B.

The provisions of this section are cumulative and do not bar any other enforcement action provided for by law.

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.070 - Applicability.

The provisions of this chapter apply to all unincorporated areas of the county.

(Ord. No. 2008-117, § 1 (part), 2009)