

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, PERTAINING TO TITLE 8, CHAPTER 6, PUBLIC NUISANCES, PROPERTY MAINTENANCE, NEIGHBORHOOD PRESERVATION AND ANIMAL REGULATIONS, OF THE MESA CITY CODE; AMENDING THE DEFINITION OF "OWNER" AND "PERSON" IN SECTION 2 "DEFINITIONS" AND AMENDING SECTION 19 "INDIVIDUAL RESIDENTIAL RENTAL INSPECTION."

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Text written in BOLD ALL CAPS indicates new language. Strikethrough fonts indicate deletions.
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SECTION 1. That the definitions for "OWNER" and "PERSON" in Section 8-6-2 "DEFINITIONS" of the Mesa City Code are hereby amended as follows:

OWNER: The person, ~~indicated on the records of the Maricopa County Assessor or other official body as the owner of record of the property in question~~ **CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, LIMITED PARTNERSHIP, TRUST OR REAL ESTATE INVESTMENT TRUST SHOWN ON THE LAWFULLY RECORDED TITLE TO THE PROPERTY.**

PERSON: a human being, enterprise, corporation, association, partnership, firm, ~~or society~~ **LIMITED LIABILITY COMPANY, LIMITED PARTNERSHIP, TRUST OR REAL ESTATE INVESTMENT TRUST.**

SECTION 2. That Section 8-6-19 "INDIVIDUAL RESIDENTIAL RENTAL INSPECTION" of the Mesa City Code is set forth in its entirety and hereby amended as follows:

8-6-19: INDIVIDUAL RESIDENTIAL RENTAL INSPECTION

(A) The City may conduct interior inspections of individual residential property if an exterior inspection of the property reveals or if the property is found to have any of the following:

1. Conditions that materially affect the health and safety of the occupants (as defined in Section B).
2. A significant level of crime associated with the property.
3. A documented history of violations of building regulations.
4. The responsible party repeatedly fails to comply with code enforcement requirements imposed by the City.
5. There is probable cause that the property is not in compliance with building regulations.
6. A complaint is received from, or consent for the inspection is given by, the responsible party.

(B) For the purposes of this Article, a condition that materially affects the health and safety of the occupants of a residential rental property includes any of the following conditions:

1. Inadequate sanitation, ventilation or space requirements, including the following:

- (a) Lack of adequate water closets, lavatories, bathtubs or showers.
- (b) Lack of a required kitchen sink or a kitchen sink that complies with building regulations.
- (c) Lack of hot and cold running water to plumbing fixtures.
- (d) Lack of adequate heating and cooling.
- (e) Lack of or improper operation of required ventilating equipment or broken or missing windows or doors that create a hazardous condition or a potential attraction to trespassers.
- (f) Lack of minimum amounts of natural light and ventilation as required by building regulations.
- (g) Inadequate room and space dimensions as required by building regulations.
- (h) Lack of required adequate electricity and lighting as required by building regulations.
- (i) Infestation of insects, vermin or rodents.
- (j) Lack of connection to a sewage disposal system as required by building regulations.
- (k) Lack of adequate garbage and rubbish storage and removal facilities.

2. Structural hazards, including the following:

- (a) Significantly deteriorated or inadequate foundations or foundation areas that are not provided with adequate drainage.
- (b) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (c) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
- (d) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that significantly sag, split or buckle due to defective material or deterioration.
- (e) Fireplaces or chimneys that list, bulge or settle due to defective material or deterioration or that are of insufficient size or strength to carry imposed loads with safety.

3. Hazardous wiring that does not conform with building regulations or that has not been maintained in good condition, or both, and that is not being used in a safe manner.

4. Hazardous plumbing that does not conform with building regulations or that has not been maintained in good condition, or both, and that is not free of cross-connections and backflow between fixtures.

5. Hazardous mechanical equipment including vents that do not conform with building regulations or that have not been maintained in good and safe condition, or both, and that are not working properly.
6. Faulty weather protection that may include:
 - (a) Significantly deteriorated, crumbling or loose plaster.
 - (b) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
 - (c) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 - (d) Broken, rotted, split or buckled exterior wall coverings or roof coverings.
7. Fire hazards or inadequate fire protection, including:
 - (a) Any building or portion of a building or any device, apparatus, equipment, combustible waste or vegetation that is not in compliance with building and fire codes and regulations and that is in such a condition as to cause a fire or explosion or to provide a ready fuel to augment the spread and intensity of a fire or explosion arising from any cause.
 - (b) Any building or portion of a building that is not provided with fire-resistive construction or fire extinguishing systems or equipment required by building and fire codes and regulations, except those buildings or portions of buildings that conformed with all applicable building and fire codes and regulations in effect at the time of construction and that have fire-resistive integrity and fire extinguishing systems or equipment that has been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
 - (c) Lack of adequate fire detection systems as required by building and fire codes and regulations.
8. Faulty materials or construction that is not specifically allowed or approved by building and fire codes and regulations or that has not been adequately maintained in good and safe condition.
9. Hazardous or unsanitary premises, including those premises on which an accumulation of weeds, vegetation, refuse, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials and similar materials or conditions that constitute fire, health or safety hazards.
10. Inadequate maintenance, including any building or portion of a building that is determined to be an unsafe building in accordance with building and fire codes and regulations.
11. Unhealthy conditions, including any condition defined in building regulations that results in the failure to maintain minimum standards of sanitation, health or safety or that renders air, food or drink that is detrimental to health.
12. Inadequate exit facilities, including:
 - (a) All buildings or portions of a building that are not provided with exit facilities as required by building and fire codes and regulations; or
 - (b) Exit facilities that have not been adequately maintained; or

- (c) Exit facilities that have not increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

13. Improper occupancy, including all buildings or portions of a building that are occupied for living, sleeping, cooking or dining purposes and that were not designed and permitted to be used for such occupancies, or that are occupied in excess of the maximum occupancy load allowed by any applicable provision of building, fire and zoning codes and regulations or state law.

- (C) Before entry into the interior of a residential rental property, the City shall obtain consent of the owner, managing agent, or occupant or obtain a warrant for entry.

- (D) Interior inspections performed under this Section shall be limited to items that can be easily viewed and shall not include hidden hazards, not accessible or readily accessible, that may be in the interior of the construction of the dwelling unit (e.g., inside of walls or ceilings or under floors).

(E) NO OWNER SHALL ALLOW OR PERMIT A CONDITION THAT MATERIALLY AFFECTS THE HEALTH AND SAFETY OF THE OCCUPANTS OF A RESIDENTIAL RENTAL PROPERTY.

~~(E)~~ (F) This section does not limit the authority of the City to:

1. Perform an exterior inspection of any property in the City at any time.
2. Upon receipt of a complaint or consent from the owner or occupant perform an interior inspection of any property in the City's jurisdiction.
3. Perform interior, exterior or construction job site inspections of new construction before issuance of a Certificate of Occupancy.
4. Perform interior or exterior inspections of illegal construction that occurred without a required building permit.
5. Perform an interior inspection of any property during an emergency or natural disaster.
6. Perform any other inspection authorized by other provisions of the Mesa City Code.

SECTION 3. RECITALS. The recitals above are fully incorporated in this Ordinance by reference.

SECTION 4. EFFECTIVE DATE. The effective date of this Ordinance shall be 30 days following adoption by the Mesa City Council.

SECTION 5. PRESERVATION OF RIGHTS AND DUTIES. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

SECTION 6. SEVERABILITY. If any section, subsection, sentence clause, phrase or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY,
ARIZONA, this 9th day of February, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk