



# City Council Report

**Date:** January 26, 2015  
**To:** City Council  
**Through:** Karolyn Kent, Deputy City Manager  
**From:** Christine Zielonka, Development and Sustainability Director  
Laura Hyneman, Deputy Director, Development and Sustainability Department  
**Subject:** Revisions to the Definition of Owner in Mesa City Code Title 4, Chapter 1, Section 1 and Enforcement Provisions of Mesa City Code Section 4-1-9 (A) and (E) and Revisions to the Definition of Owner and Person in Mesa City Code Title 8, Chapter 6, Section 2 and amending 8-6-19 (E).

## Strategic Initiatives



## Purpose and Recommendation

This report explains proposed revisions to the definition of “Owner” in Section 4-1-1 and enforcement provisions of Section 4-1-9 (A) and (E), and revisions to the definition of “Owner” and “Person” in Section 8-6-2 and amending Section 8-6-19 (E). Title 4, Building Regulations, and Title 8 Health, Sanitation, and Environment can be intertwined when dealing with Title 8, Section 6 Public Nuisances, Property Maintenance and Neighborhood Preservation, and Animal Regulations. Staff recommends these revisions to ensure that Property Owners, City Staff and the General Public understand what actions are required and what actions are prohibited.

## Background

The City’s Building Regulations, (Title 4), and Property Maintenance codes, (Title 8) are in place to ensure the health, safety and welfare of residents and the general public when they are occupying buildings. Failure to maintain buildings can create unsafe conditions that are hazardous to the public and first responders. Title 8, Public Nuisances, Property Maintenance and Animal Regulations specifically identify unsafe conditions that materially affect the health and safety of occupants of residential rental property.

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## **Discussion**

Recently, the City's Building Inspections and Code Compliance staff have worked closely with the Police Department, Fire Department and the City Prosecutor's Office to address hazardous conditions found in poorly maintained and deteriorating buildings. When Property Owners fail to abate the hazardous conditions, they are subject to civil and/or criminal enforcement. The City Prosecutor and Civil Hearing Officer have reviewed the enforcement provisions in Title 4 and Title 8 and have recommended revisions such as, amending the definition of "Owner" in Title 4 and the definition of "Owner" and "Person" in Title 8. The revisions in Title 4 and 8 clarify actions that are required and prohibited by Property Owners. The Development and Sustainability staff also recommends adoption of these revisions to more effectively enforce the provisions of the code related to hazardous and dilapidated buildings and structures.

## **Alternatives**

Take no action, leaving provisions as written, limiting the definition of "Owner" in Mesa City Code 4-1-1 and the definition of "Owner" and "Person" in Mesa City Code 8-6-2 and enforcement of Mesa City Code 4-1-9 (A) and (E) and 8-6-19 (E) property maintenance provisions.

## **Fiscal Impact**

These amendments clarify the intent of the current code and do not have a direct fiscal impact.

## **Coordinated With**

We have reviewed these amendments with the City Prosecutor's Office and the City Attorney's Office.