



City Council Report

Date: August 19, 2019
To: City Council
Through: Natalie Lewis, Deputy City Manager
From: Lt. Ryan A. Russell, Code Compliance Administrator
Subject: Nuisance Code Updates (Citywide)

Purpose and Recommendation

This report is to document the recommended changes to a portion of the Mesa City Code (MCC) Title 8, Chapter 6-1 through 6-4, 6-9 and 6-13, commonly referred to as the Nuisance Code. The changes impact who interprets the Nuisance Code, the definition of responsible parties, parcels with weeds, parcels with debris/trash, the display of residential addresses, temporary parking of recreational vehicles and watercraft on driveways, the storage of recreational vehicles on residential parcels, and civil sanction for violations.

Background and Discussion

Interpretation of the Nuisance Code – Prior to August 2018, the Mesa Code Compliance Unit was part of Development Services. In August 2018, Code Compliance was relocated from the Development Services Division and now direct reports to a Deputy City Manager. MCC 8-6-1(C) provided the authority to interpret the Nuisance Code to the Director of Development Services. Because Code Compliance is no longer part of Development Services, this proposed change now grants the authority for the Code Compliance Administrator to interpret the Nuisance Code.

Updated Definitions – The definition section of MCC 8-6-2 has proposed changes to update or include the definitions of City Inspector, Civil Hearing Officer, Recreational Vehicle, Responsible Party, and Right of Way.

Expanded Area of Responsibility for Weed, grass and Trash Control – 8-6-3(C) and 8-6-3(O) designate areas responsible parties must keep free of weeds and/or trash. The proposed change would now include “right-of-ways, grounds, stables, alleys, streets and sidewalks appurtenant and adjacent to” and “frontage areas under their responsibility” as areas responsible parties must keep free of weeds, grass and/or trash.

Expanded Area of Responsibility for Illegal Dumping 8-6-3(Q) – The proposed changes to areas of responsibility for responsible party’s reference trash and debris would be expanded to include right-of-ways, sidewalks or public places, or appurtenant and adjacent property they are responsible for upkeep.

Residential Addresses Required on Residents – Currently Mesa Fire Code requires residential addresses to be posted on all residences. Code Compliance Officers cannot enforce Mesa Fire Code. The proposed change would mimic Mesa Fire Code and place verbiage in the Nuisance Code requiring residential addresses to be posted and visible on all residences.

Expanded Ability for Citizens to Temporarily Park Recreational Vehicles and Watercraft on Driveways – Currently there is no exception in the Nuisance Code which allows citizens to park recreational vehicles or watercraft in their driveway for the purpose of loading, unloading or cleaning. This proposed change to MCC 8-6-3(Z) would grant citizens 48 hours to park a recreational vehicle or watercraft in their driveway for loading, unloading or cleaning.

Storage of Recreational Vehicles on Residential Parcels – The current Zoning Ordinance allows for the storage of “a recreational vehicle” on a residential parcel. This verbiage has been interpreted as too vague to imply a singular recreational vehicle. This proposed change to the Nuisance Code clearly spells out only “(1) one recreational vehicle” is permitted to be stored on a residential parcel. There would be no size limitations on the recreational vehicle as long as it is stored in the rear or side yard and behind a six-foot-high opaque gate.

Increased Civil Sanctions for Nuisance Code Violations – This proposed change would increase the beginning sanctions for violations of the Nuisance Code first offense from \$150 to \$250 and the second offense from \$250 to \$350. Third offense sanctions would remain at \$500-\$2,500.

Prohibit Feeding of Pigeons and Doves – This proposed change would make it unlawful to provide feed to pigeons or doves, on public or private property, with exceptions for federal wildlife programs or using a device which is intended to prevent pigeons from feeding. There is also an exception in the proposed ordinance for domesticated pigeons used for recreation or show.

Alternatives

The alternative to the recommended changes would be to continue with current verbiage and potentially limit the City’s ability to enforce the Nuisance Code in alleys, right-of-ways, adjacent properties and sidewalks for weed, grass and trash violations.

The alternative to requiring the posting of residential addresses would be to have Mesa Fire and Medical Department conduct enforcement of this violation instead of Code Compliance by keeping the requirement in the Mesa Fire Code.

The alternates for permitting recreational vehicles and/or watercraft parking in a residential driveway for loading, unloading and cleaning would be to maintain the current verbiage. This alternative would result in a citizen being in violation anytime the recreation vehicle or watercraft is parked in their driveway in front of the front plane of their residence.

The alternate to the increased beginning sanctions for first and second offense code violations would be to keep them at the current levels of \$150 and \$250.

Fiscal Impact

There would not be any negative fiscal impacts to the City of Mesa for these proposed changes. The only fiscal impacts would only be to individuals who violate the Nuisance Code by raising the beginning civil sanctions by \$100 per citation for first and second offense violations. Code Compliance, on average, issues between 1400-1800 citations each year.

Coordinated With

These recommended changes were coordinated the City Attorney's Office.