



City Council Sub-Committee on Codes: Final Report

City of Peoria, AZ
March 2019



Healthy
Neighborhoods

Final Report: City Council Sub-Committee on Codes

A. Summary

In March 2018, staff presented a comprehensive overview to the City Council of existing City Codes pertaining to residential property maintenance and overall community standards. Items discussed included the International Property Maintenance Code and the City's ability to eliminate blighted property; the parking of vehicles (commercial and residential) in neighborhoods; the loading and storage of recreational vehicles, trailers, and commercial vehicles; illegal auto repair businesses; and property permitting for residential home rehabilitation projects. The discussion of this item also included conversation as to the City's efforts to ensure an appropriate balance between community education efforts and actual citation initiatives. The workshop session ended with interest expressed by the Council in continuing additional dialog on this subject and for developing an action plan to more robustly address neighborhood health as related to the enforcement of City Codes.

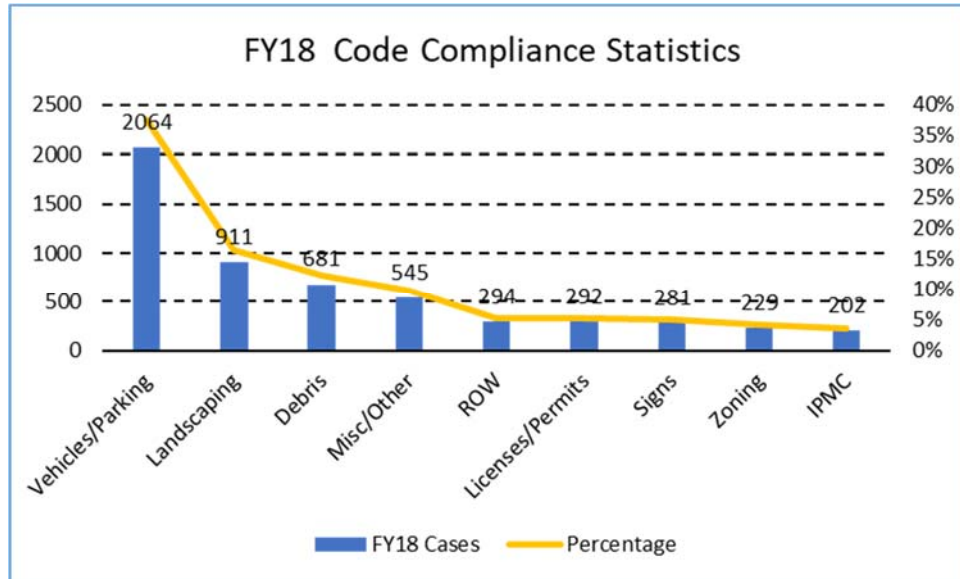
Approximately three months later (July 2018), the City substantially re-organized its programs and services that resulted in the creation of a new Neighborhood and Human Services Department, within which the Code Compliance Division was repositioned from the Police Department and renamed "Neighborhood Services." In addition to the enforcement of City Codes, the Neighborhood Services Division has also been involved with coordination of the Neighborhood Pride Program, conducting special neighborhood clean-up functions with volunteer groups, the neighborhood tool-lending program and has taken the lead on several community-based information events. With over 71,900 housing units¹ and 2,757 active business licenses in Peoria², the division also worked to analyze its workload and develop a follow-up presentation to the City Council.

The follow-up briefing with the City Council occurred at the September 4, 2018, Council Study Session and was presented by the new Neighborhood and Human Services Department. It provided an overview of caseload statistics and a series of categories (primarily related to residential property maintenance) that directly affects the health of our neighborhoods and livability factors. Among the code categories reviewed included the parking of recreational vehicles and utility trailers; inoperable and abandoned vehicles; parking on residential property; the parking of commercial vehicles and hobby vehicles in residential areas; illegal auto repair businesses in residential areas; neighborhood landscaping code violations; debris; commercial window signage; and illegal, non-permitted home rehabilitation. Overall, the category of vehicles and illegal parking represent 38% of all reported and alleged code violations, landscaping 17%, signage 5% and illegal home improvements 5%. What is important to note is that approximately 97% of all reported city code violations resolved voluntarily³.

¹ - Source: Maricopa Association of Governments: Municipality Population & Housing Unit Estimates – 2018

² - Source: City of Peoria Finance and Budget Department - 2019

³ - Source: City of Peoria, AZ Neighborhood Services Division



As a result of the September 2018 Council study session, the City Council appointed two of its member - Councilmember Finn and Councilmember Patena - to establish an ad-hoc Council Sub-Committee to further probe into existing property maintenance codes as related primarily to community aesthetics, and offer possible Code amendments for further consideration by the full City Council. The first meeting of this sub-committee was conducted at the staff level and consisted of Chris Hallett, Neighborhood and Human Services Director; Jack Stroud, Neighborhood Services Manager; Jay Davies, Chief of Staff, City Manager's Office; Chris Jacques, Planning and Community Development Director; Jennifer Stein, Director of Communications; Erik Strunk, Deputy City Manager; and Vanessa Hickman, City Attorney.

After six months and as many separate meetings, the Sub-Committee completed its initial review and developed series of recommendations for consideration by the full Council. These recommendations are based on the key areas of concern as identified by the Sub-Committee, City Council and City staff. Although the recommendations focus primarily on the comprehensive review of neighborhood nuisance and vehicle parking codes, specific sections of the City Code such as those addressing window coverage requirements in our sign code, the use of conex boxes (shipping containers) as permanent or temporary storage areas, and the use of inflatable objects for advertising purposes, were considered, but not pursued. Rather, after lengthy discussion, the Sub-Committee expressed interest in wanting to focus on City Codes addressing neighborhood preservation and neighborhood standards.

Did you know that in 2018...?

- A total of 6,207 alleged code violations were reported to the Neighborhood Services Division
- Of these, 5030 were abated voluntarily (81%); 1089 were investigated and deemed to be unfounded (17.6%); and 88 cases went to Court (1.4%)

As a result, the recommended Sub-Committee code amendments are more “housekeeping” in nature than substantive change. Simply stated, after review, the Sub-Committee determined that apart from minor modifications, Peoria’s current neighborhood preservation codes are relevant, well balanced and impactful to maintaining healthy neighborhoods and addressing property rights. Because of this, the sub-committee is recommending the following outreach efforts prior to any formal action by Council on the recommendations. Upon review by Council -

- A media release summarizing the recommended changes will be prepared and distributed;
- The appropriate City web site will post the recommended changes and allow for a 30-day public commentary period;
- During the 30-day public commentary period, the Neighborhood Services Division will offer to present a summary of the proposed City Code changes and gather feedback, upon request by any neighborhood or community group; and
- At least one public presentation will be conducted for informational purposes and to capture relevant public comments.

B. Recommended City Code Modifications

As indicated earlier in this report, the primary focus of the committee was on those city codes that primarily enforced in Peoria’s residential neighborhoods. Even so, after conversation and deliberation, the majority were determined to be “best practices” and as a result, there are very few substantive recommended changes (the majority are almost administrative in nature). The specific code recommendations are as follows (all proposed recommendations are highlighted).

Sec. 1-5. – Code violations; penalties; generally.

- f) Habitual Offender. A person who has previously been convicted or found responsible of two or more violations of this Code within a 24 month period maybe considered a habitual offender. A “Habitual Offender” may be guilty of a criminal misdemeanor punishable by the provisions set forth in subsection (c) of this Section. For purposes of calculating the 24 month period, the dates of offenses are the determining factor.

Sec. 14-107. - Parking; motor vehicles used for commercial purposes; special parking provisions.

- (a) Except when conducting business, ~~it~~ it is unlawful to park a motor vehicle, utility trailer, hobby vehicle or any other trailer used for commercial purposes with any motor or engine operating for more than twenty (20) minutes in a twenty-four hour period commencing each day at 12:00 a.m., in any residential zoning district of the city, or within three hundred (300) feet of any occupied residence in a nonresidential area.
- (f) It shall be unlawful to park or stand a commercial vehicle for the purposes of ~~or~~ retail sales of food for human consumption from the vehicle on any parcel without permission of the property owner or person in lawful possession of such property or on any lot designated as a Park and Ride Lot by the City for use by the operators ~~or~~ of motor vehicles as a parking area to facilitate carpooling and/or use of mass transit systems.

Sec. 14-110. - Parking; recreational vehicles; utility trailers; private property parking.

(a) Recreational vehicles and Utility trailers, as defined in section 14-109 above, shall be allowed to be parked within the garage or carport in the single family residential zoning districts ~~or. Recreational vehicles and Utility shall also be permitted to be parked~~ within a side or rear yard when located within a single family residential zoning district and appropriately screened in accordance with the provisions of the zoning ordinance and section 14-111 of this code.

~~(g) All Recreational vehicles and Utility trailers shall be maintained in good repair as required by this code and all parking areas shall be maintained in accordance with this code; zoning ordinances and the city's subdivision regulations as applicable.~~

Sec. 14-111. - Parking; recreational vehicles; utility trailers; screening.

~~(c) All property owners shall have until April 19, 1999 to comply with the screening requirements set forth herein.~~

Did you know that in 2018...?

- There were seven Neighborhood Services Code Compliance Officers who served the City of Peoria. Of these, each on average processed and documented over 978 alleged code violation cases each year.
- Of the approximately 71,900 housing units in Peoria, 7.8% had some type of alleged code violation and only .3% of those who own these units were summoned to court

Sec. 17-3. - Public nuisances; prohibition.

- (i) No person shall deposit in, sweep upon, or permit to drain into any public ~~public place, or private right of way open to the public~~ or private open right-of-way, within the City any garbage, junk, obstruction, or similar matter or any hazardous material that impedes passage or is detrimental to public health.
- (j) It is the responsibility of the owner, lessee or other person in control of any land abutting a sidewalk, alley, or street responsibility to maintain ~~alley, or street on~~ up to the curb line of the street and 50 percent of the such sidewalk, alley, or street on alley on which such land abuts in a clean condition in such a manner as to be free from all of the following:
- (i) Litter, garbage, debris, rubble.
 - (j) Insect and rodent infestation.
 - (k) Overgrown vegetation, dead trees, brush and weeds.
 - (l) Other conditions that present a health, fire or safety hazard.
- (s) It is unlawful for any person to cause or permit the handling, transporting or disposition of any substance or materials that are likely to be scattered by the air or wind, or is susceptible to being airborne or wind-borne, or operate or maintain or cause to be operated or maintained, any premise, open area, right-of-way, storage pile of materials, vehicle or construction, alteration, demolition or wrecking operation, or any other enterprise that involves any material or substance likely to be scattered by the wind or air or

susceptible to being wind-borne or airborne that would be classified as air pollution or unreasonably interferes with the comfortable enjoyment of life or adjacent property. In addition, that a dust control permit may be required, the City may require reasonable precautions to prevent dust emissions prohibited under this section which may include but are not limited to the following:

- (t) Decorations shall mean items or objects used to embellish, ornament or enhance any physical features on private property or buildings thereon in celebration of a holiday or occasion. Decorations shall meet the following requirements.
 - (1) Holiday and Seasonal Decorations. Temporary, non-commercial decorations or displays associated with the celebration of a particular civic, patriotic, or religious holiday or season. Such decorations shall be displayed for a maximum of 60 days total during the relevant season, and must be maintained in good condition (e.g. not torn, soiled, or faded). Such decorations shall not be displayed in such a manner as to constitute a hazard to pedestrian or vehicular traffic. ~~Decorations shall not be displayed in such a manner that creates a traffic hazard on city streets, sidewalks, rights-of-way and other public accesses or to create an obstruction to pedestrian or vehicular traffic.~~
 - (2) ~~Decorations containing electrical wiring shall be presumed to be hazardous if displayed for more than 45 consecutive days and shall be subject to inspection by the City to determine the condition of the wiring.~~
- (v) It shall be unlawful for any owner or occupant of any real property to conduct any sale of new or used merchandise on their property, including but not limited to yard sales, craft sales, garage sales or similar sales in violation of this section. For purposes of this section, "garage", "yard", "craft", or similar sale is defined as a sale of new or used personal property located on the property prior to the sale. Sales identified in this Subsection shall not be a violation if they meet the following:
 - (1) Held for a period of ~~more~~ less than sixty (60) consecutive hours. It shall be presumed that the sale started at the time set forth on any advertisement located identifying the proposed sale.
 - (2) Held ~~fewer than five (5) more than four~~ times in a calendar or consecutive year. For purposes of measurement, a consecutive year begins on the earliest date on any advertisement located identifying the proposed date and runs for a period of 365 days following that date. This ~~four-time~~ limitation shall apply to the location regardless of a change in owners or occupants during the one-year period.

C. Public Education & Outreach

As the majority of the recommended city code modifications are more “housekeeping” in nature, a decision was made by the committee not to conduct extensive public outreach and input sessions. Both Councilmembers provided valuable public perspective on the direction of initiative and engaged the remaining members of the Council by asking what elements of review they would like to see. Based on this and the majority of alleged code violations by category, the decision was made to focus on the nuisance sections of the city codes, as related to Peoria’s neighborhoods. As a result and upon direction by City Council, the recommendation is to move forward with the modifications, notice the recommended changes via the current agenda posting process, conduct a brief presentation and public hearing, and formally vote on the proposed changes. It is anticipated this would occur in mid-Spring of 2019.

Did you know that in 2018...?

- Of the 6,848 code cases Neighborhood Services processed, staff made 1,192 contacts with residents.
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- The City's initial response time was within two business days and the resulting closure was within 30 days

Additionally, to be impactful and provide opportunity for those within Peoria neighborhoods to learn more about the recommended code modifications and City codes in general, the Neighborhood Services Division will be undertaking an extensive public awareness campaign as a part of this initiative. Among the specific actions it will include –

- Traditional and Social Media – the Office of Communications will work with Neighborhood Services to develop press releases and new FAQ's about existing neighborhood codes that can be shared with local newspapers, social media, HOA and Neighborhood newsletters, and an updated City website.
- Neighborhood Meetings – notification and new background information on relevant neighborhood codes will be sent out to all Peoria registered neighborhoods. The intent is to encourage neighborhoods to promote relevant property maintenance sections of the city code and invite the Neighborhood Services team to conduct neighborhood and community presentations and answer questions about the Peoria City Code process. This will not only help to promote awareness of existing and newly enacted codes, but also provide opportunity to share information on the many existing “tools” in place that can be used to assist residents who may have income and or physical challenges regarding property maintenance.
- New Technology & Interactive Data – as discussed at the March 19 Council Study Session under the “Healthy Neighborhoods” portion of the Livability goals, new code compliance software is being explored and will be implemented to provide greater, online citizen access to general code information and specific cases. This new technological platform will be designed to provide Peoria residents with the opportunity to report and follow up on code compliance activities within their respective neighborhoods. In addition to this new system will provide general information while preserving confidentiality, as appropriate.
- Update of Brochures and Information – should the recommended codes be approved by Council, it will provided the Neighborhood Services Division with the opportunity to update its literature and handouts. This is extremely important in that Peoria's Code Compliance officers routinely rely on marketing and informational materials to educate and notify those who may have alleged code violations. The division will work with the Office of Communications to ensure that its information collateral is worded and presented in a manner that promotes citizen education, voluntary compliance and potential community resources (if appropriate to the specific case).