

## CHAPTER 9 – FIRE PREVENTION AND PROTECTION

Sec. 9-42. Fire-Medical Department; codes; violations and penalties.

(a) The remedies herein are cumulative and the city may proceed under one or more such remedies.

(b) Any owner, responsible party or other person having control over a structure or parcel of land, who causes, permits, facilitates or aids or abets any violation of any provision of this chapter, unless specifically provided otherwise or who fails to perform any act or duty required by this chapter is subject to a civil sanction of not less than Seventy-Five dollars (\$75.00) Nor more than two thousand, five hundred dollars (\$2,500.00).

(c) Any owner, responsible party or other person having control over a structure or parcel of land, who causes, permits, facilitates or aids or abets any violation of any provision of this chapter, unless specifically provided otherwise or who fails to perform any act or duty required by this chapter is guilty of a class one misdemeanor.

(d) The owner of record as recorded in the Maricopa County Recorder's Office shall be presumed to be a person having lawful control over a structure or parcel of land. If more than one person shall be recorded as the owner of the property, such persons shall be jointly and severally presumed to be persons having control over a parcel of land.

(e) Each day any violation of the provisions of this chapter or the failure to perform any act or duty required by this chapter is guilty of a class one misdemeanor.

(f) It is an affirmative defense for an owner of record that any violation of this chapter was caused by an act or acts of a lessee or tenant who was a resident of the property on the date the violation is alleged to have occurred. Such affirmative defense must be filed in the office of the city attorney at least twenty days in advance of the date set for trial.

(g) Any person who shall violate any of the provisions of this code or fail to comply therewith, or shall violate or fail to comply with any order made thereunder, or shall build, in violation of any detailed statement of specifications or plans submitted and approved thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by a City Hearing Officer or by a court of competent jurisdiction, within the time fixed herein shall severally for each and every violation and non-compliance respectively, be guilty of a class one misdemeanor, punishable by a fine of not more than Two Thousand, Five Hundred (\$2,500.00) dollars or by imprisonment, not to exceed six (6) months or by both such fine and imprisonment. Each day that a violation continues unabated shall be a separate offense punishable as herein above described.

(i) The correction of the violation under this chapter shall not be held to prevent the enforcement of the violation in accordance with this section.

(h) Any person who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved

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construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class 1 Misdemeanor punishable by a fine or by imprisonment, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. No. 96-95, 11\19\96, enacted)

(Ord. 03-168, 9/2/03, Amended) SUPP 2003-3

(Ord. No. 2015-01, 01/20/2015, Amended) SUPP 2015-1