

## CHAPTER 17 – NUISANCES

Sec. 17-53. Nuisance; civil penalties, lien enforcement.

(a) If a property owner or responsible party has been previously assessed civil or criminal penalties under this Chapter and fails to comply with such assessment within thirty days, the City may correct or abate the condition as described in the determination by the Municipal Court or Hearing Officer. The City shall pay the cost and expense of such abatement from any appropriation made available for that purpose and shall certify a statement of account to the Finance Department who shall collect the amount due, together with interest at the rate established by law.

(b) Upon commencement of action on the property or after mailing the statement of account to the owner or responsible party, the City shall assess the property for the cost of work performed, including actual costs of any additional inspection and other incidental connected costs, and for associated legal costs for abatement or injunction and shall record such assessment with the County Recorder and pursue any or all means for recovery of cost if the assessment is not paid. If the assessment is paid, the City shall remove the assessment.

(c) In the event it is necessary to enforce the assessment by sale, the sale shall be made from a judgment of foreclosure and order of sale. The City shall have the right to enforce the assessment in the Superior Court of Maricopa or Yavapai County based on location of the property at any time after recording, but failure to enforce the assessment shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording. Prior assessments or liens for the purposes provided for in the ordinance shall not be a bar to a subsequent assessments or liens and any number of liens or assessments on the same parcel may be enforced in the same action.

(e) The assessment shall constitute a first lien and is prior and superior to all other liens, obligations, mortgages, or other encumbrances, except liens for general taxes.

(f) Any liens or assessments filed with the County Recorder pursuant to previous provisions of this ordinance or any similar ordinance shall remain in effect under the same terms and conditions that existed at the time of recording.

(g) Upon Ten (10) calendar days notice, the City may dispose of any property or material removed from real property as the result of abatement in any manner, including but not limited to destruction

(Code 1977, §10-4-3)

(Ord. No. 90-09, 3/13/90)

(Ord. No. 92-39, 10/6/92, Amended)

(Ord. No. 98-20, 4/7/98, Amended adding (c))

(Ord. No. 00-14, 3/7/99, Amended (c) and (d)) SUPP 2000-1

(Ord. No. 00-20, 5/16/00, Repealed and Reserved) SUPP 2000-2

(Ord. No. 04-212, 12/14/04, Enacted) SUPP 2004-4