

Article 14-26 Vacant Property

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14-26-1 INTENT AND PURPOSE

The purpose of this section is to promote the health, safety, economic, aesthetic and general welfare of the citizens in the Town of Mammoth. Furthermore it is intended to protect neighborhoods against all nuisances, blight and deterioration. By establishing these requirements for the maintenance and security of all vacated lands, it will promote a more attractive and wholesome environment within the town. This section shall apply to all lands within the Town of Mammoth Arizona without regard to zoning or use.

All vacant property, buildings, and premises thereof must comply with these Regulations. Vacant buildings shall be maintained in a clear, safe, secure, and sanitary condition provided herein so as not to cause a blighting problem or otherwise adversely affect the public health, safety, or "Quality of Life".

14-26-2 Scope

The Planning Administrator in co-operation with the Planning and Zoning Commission shall inspect and determine from time to time the condition of any vacant properties deemed to need attention by owners. Planning Administrator will also act in response to a complaint that a violation is reported by a citizen to Police Department or Town Clerk who shall notify Administrator and Designated Planning and Zoning Commissioner responsible for notifications to property owners.

14-26-3 Emergency Measures

Notwithstanding other provisions of this ordinance, whenever, in the opinion of the Planning Administrator, there is imminent danger due to an "Unsafe Structure" or "Unsafe Conditions" the official shall after giving notice to property owners of "Emergency Status", order the necessary work to be performed. This work may include boarding up of openings to render such structures temporarily safe whether or not the legal procedure herein described has been instituted. This shall cause such other actions to be taken as the official deems necessary to meet such emergency. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was cited for the recovery of all costs.

14-26-4 DEFINITIONS

"Debris" Rubble, wreckage, litter, trash, and all other refuse. This shall include lumber, cement, tires, brick, and abandoned vehicles.

"Dilapidated Buildings" Means any real property structure that is in such disrepair or is damaged to the extent that its strength or stability is substantially less than a new building or it is likely to burn or collapse and its condition endangers the life, health, safety or property of the public

"Emergency" Any serious, unexpected and often dangerous condition or situation requiring immediate action to avoid any dangers to life, health, property or safety of the public.

"Secure" To enclose all open areas of a building, i.e. doors and windows as prescribed in Solutions Section. To prevent entry by animals or individuals and is to include manufactured/mobile homes skirting to prevent entry.

"Unsafe Structure" One that is found to be dangerous to the life, health, property or safety of the public by not providing minimum safe-guards to protect from fire and/or vandalism. Also includes structures that are so damaged, decayed, dilapidated, structurally unsafe or unstable foundation that are in partial or complete collapse.

"Vacant" Any property or structure therein that has remain unoccupied for six (6) consecutive months. Any future use of said properties shall be in conformity with the provisions of "ORDINANCE NO. 178".

14-26-5

REGULATIONS AND SECURITY MEASURES

14-26-5-A

REGULATIONS

- 1) No yard or other open space surrounding an existing building shall be used for the storage of junk, debris, abandoned or obsolete vehicles.
- 2) No building or structure is to be used for the storage of junk, debris, or rubbish.
- 3) All buildings, structures, and surrounding yards shall be maintained; weed and litter free and should have the appearance in keeping with "The Land Use and Development Codes of Mammoth, Arizona. Section 14-1-2 (F&G)".
- 4) No tires are to be stored in or around any building on vacant property.
- 5) Any portion of a building that remains on a site after demolition or destruction of the building; any structure that is deemed abandoned and constitutes such building or portion thereof to be an unattractive nuisance or hazard to the public, The Town of Mammoth holds the ability to abate this situation and charge the property owner for the cost of the removal.

14-26-5-B

SECURITY MEASURES

- 1) ALL VACANT BUILDINGS/STRUCTURES/YARDS must be secured against outside entry of unauthorized persons or wildlife at all times. Suggested use of fencing and locks.
- 2) SECURITY SHALL be by the normal building amenities such as window and door accesses, and shall have adequate strength materials to resist intrusion. Suggested use of 3/4" plywood or comparable strength materials with an overlap of 6" on all sides.
- 3) EXTERIOR Walls, roofs, and floors must remain intact and without holes.
- 4) INTERIOR Floors must be free of holes or must be secured with 3/4" plywood with a 6" overlap or comparable strength materials.
- 5) MANUFACTURED/MOBILE HOMES must be skirted to secure and prevent unauthorized entry through the flooring by individuals or wildlife.

14-26-6

NOTIFICATION and COMPLIANCE or NON-COMPLIANCE PROCESS

14-26-6A

Notification of Violation and Appeal of Notice

- 1) A designated member of the Planning & Zoning Commission and/or Administrator of Public Works shall survey and make a complete record of all cases that contain violations of the Vacant Properties Article 14-26, and maintain such records thereafter. They shall review each case on a monthly basis or as council may proscribe, to insure compliance. Such records will include the name and mailing address of the legal owner, parcel number, physical address of property as well as all specific violations with descriptions. The Town Clerk via designated Planning & Zoning Commissioner shall inform the owner of such property by certified mail listing regulations applicable to its continuance, where upon copies of the record shall be filed with the Town Clerk and made available upon request. Such a record shall constitute prima facie evidence of the number, character, and extent of the violations existing on the effective date of this Ordinance or any subsequent amendment there to.
- 2) A person, firm, or corporation shall have committed a violation of this chapter if such a person places, permits, or provides for rubbish, trash, weeds, filth, debris, or dilapidated buildings to remain upon any property deemed vacant of which they are the owners, lienholders, lessee; this will include all contiguous sidewalks and streets dedicated and open to the public.
- 3) Upon reasonable belief that a violation of this chapter has occurred, the town shall provide notice of said violation(s) in writing which shall then be served upon the owner, any lienholder, or lessee by personal service or by certified United States Postal Services. This notice will be sent to the last known mailing address recorded on the most recent years Tax Billing for the parcel/property in question. A public notice shall be published (once) listing the property address, naming the owners, all violations, and the fact that action is being taken by the Town of Mammoth.
- 4) Emergency Measures, should this be the case the owner will also be notified of the urgency in complying and will be given a listing of any/all specific emergency repairs that are immediately necessary to comply with this ordinance.
- 5) The notice of violation shall provide that any person with an interest in the property, including an owner, lienholder, lessee of the buildings, grounds or lots, shall be granted fourteen (14) days from the date of notice to notify the Town Clerk of their intent and make an appeal for performance at this time. If no such contact is made this will constitute non-compliance.

14-26-6A**Notification of Violation and Appeal of Notice (continued)**

- 6) The owner of record shall have thirty (30) days from the date of the notice to remove all rubbish, trash, debris, weeds, filth, and/or dilapidated buildings that are upon the property, any contiguous sidewalks and streets; abate all conditions which constitute a hazard to public health or safety. If this time expires, the owner will be considered non-compliant and the Town of Mammoth may remove, abate, enjoin, or cause the removal of the rubbish, trash, weeds, filth, debris, or dilapidated buildings at the expense of the owner. A second notice will be issued detailing the estimated cost to the Town for the removal.
- 7) The requirements and time frames of this section may be modified under an approved Plan of Action. Within thirty (30) days of the notification date that a building or real property upon which the building is located is in violation of this Ordinance, an owner may submit a written Plan of Action for the Commissioner and/or Administrator to review and approve if found acceptable. Action may allow for: Extended time for compliance and may allow for some conditions to exist for a specific period of time, providing that the building is secured in an approved manner. When considering a Plan of Action, Commissioner and/or Administrator shall take into consideration the magnitude of the violation and the impact to the neighborhood.

14-26-6-B**Failure to Comply and Penalties/Fines**

- 1) **Failure to Comply**--If the owner of a building/structure fails to comply within the time prescribed or mutually agreed upon, the Administrator of Public Works shall cause the structure to be secured or demolished as deemed necessary. This may be performed through an available public agency or by contract or arrangement with private persons, and the detailed cost of such activities shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. This is to include a 5% Administration Fee.
- 2) **Salvage Materials**--When any structure has been ordered demolished or removed, the Town Council of Mammoth or other designated officer under said contract or arrangement aforesaid shall have the right to sell the **Salvage and Valuable Materials** at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolish and/or removal of debris shall be remitted with a report of such sale or transaction, including the items of expense and the amounts deducted. A copy will be provided for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over the report will so state.
- 3) **Penalties**--Misdemeanor violation and penalties--Any person, firm or corporation that places or allows the placement of any rubbish, trash, filth, or debris upon any private or public property located within the Town of Mammoth, owned or under the control of the person, firm, or corporation is guilty of a Class I Misdemeanor and, in addition to any other fines which may be imposed for a violation of any provision of this section, is liable for all cost which may be assessed pursuant to this section for the removal of the rubbish, trash, filth, or debris, and securing the same this shall include a 5% Administration Fee.
- 4) **Fines**--Fines will amass for non-compliance. Once an owner has been deemed non-compliant after the response time of fourteen (14) days from the date of notice, a One Hundred Dollar (\$100.00) non-refundable fine shall be assessed. All notices are a form of non-compliance with the afore mentioned Article 14-26, and from the date of notice there will be an accruing fine not to exceed Fifteen Dollars (\$15.00) per day that will continue until abatement is final and deemed complete to satisfaction of the original violation stated in the certified letter. Any further violations not mentioned in the original notification will constitute a new violation and will be subject to a new initial contact and process.

14-26-6-C**Transfer of Ownership (Disclosure)**

- 1) It shall be unlawful for the owner of any dwelling, structure, or property who has received a violation letter to transfer ownership of such property without the disclosure notification to the potential new owners in advance of the specific violations and fines, and that they now accept responsibility for abatement of the same.

14-26-7**Solutions**

Any non-conforming building or structure which has been damaged by fire, explosion, act of God or acts of a public enemy, must be reconstructed, restored and used as before such an event. Owner must show that they can salvage said structure within a twenty-four (24) month period; project must be worked on continuously during this time period. The restored structure may cover no greater an area or no greater cubic content and shall have equal or greater front, side, and rear yards. If reconstruction is started and continued continuously for twelve (12) months from the date of notice, with required permits issued by Planning & Zoning/Public Works Director and has met and obtained any and all permits

14-26-7

Solutions (continued)

required by Pinal County may qualify for a reduction of imposed fines. This will be determined on a case by case basis.

The Town of Mammoth can supply all owners with information of workers capable of performing required work or demolition. Information can be obtained for where to obtain a roll-off to dispose of all debris. The Town of Mammoth disclaims any recommendations or responsibility for these individuals or companies, the intent of this information is for the sole purpose of information only.

14-26-8

Compliance Rewards

The Town of Mammoth reserves the right to "Reward" those owners who have received a notice of violation and responds in a timely manner as instructed within this ordinance. Furthermore the Town of Mammoth reserves the right to "Reduce" that daily fine amount for those owners who fully comply within the prescribed thirty (30) days to abate the violations. For those who comply with the guideline solutions to long term reconstruction, The Town of Mammoth reserves the right to adjust the daily fine amounts in order to "Reward" the owners for their immediate attention and care. Note that these "Rewards and/or Reductions will only affect the amassed daily fines only, this does not affect any non-compliance non-refundable fines or the 5% Administrative Fees should The Town of Mammoth need to perform the work because of non-compliance.