

COCHISE COUNTY
Hazard Abatement Ordinance Revisions
(Docket R-09-02)



Board of Supervisors
December 21, 2010



Direction from Previous Work Sessions

- Board of Supervisors' Work Session: June 11, 2008
- Direction from Board of Supervisors to update the County Hazard Abatement Ordinance, originally adopted in 1984 (as Resolution 84-65) and revised only once in 1987 (as Resolution 87-91)
- Planning Commission study session May 12, 2010
- At the December 8, 2010 Planning and Zoning Commission meeting the Commission voted 7-0 (unanimous) with a recommendation of approval to send the Ordinance to the Board of Supervisors.
- Receipt of Commission comments and guidance and public comments and suggestions resulted in a major revision—**simplification**-- of the ordinance as an amendment to the existing 1987 Ordinance.



Purpose of Revision

- To update staff titles and department names to reflect current administrative structure;
- To revise document to be consistent with new State Statutes;
- To provide a systematic approach for recovering County expenditures for removing hazards from properties when the owner, occupant or lessee does not undertake this responsibility in a timely manner; and
- To provide clarification and a process for appeal of findings under this Ordinance.
- To keep the wording as close to the Arizona Revised Statutes as possible.



Major Revisions

- **New format:** As such, this is an amendment to the entire Ordinance.
- **Definitions:** Deleted two and added 15 new definitions for clarity.
- **New Administrative Organization:** All entries pertaining to the Director of Public Works have been changed to the Hazard Abatement Officer. The Public Works Department no longer exists within the County administrative framework.
- **Part II is the main part of the Ordinance:** It incorporates the new State Statute provisions and is a simplified version from the current (1987) Ordinance.



Abatement Measures

- **Hazard Abatement Officer** enforces the Ordinance; is the County Zoning Inspector or duly authorized representative is the Hazard Abatement Officer.
- **Notice to Abate:** Substance of the Hazard Abatement Officer's notice to abate is detailed in Part II,D; subject individual may appeal Notice to Abate within 15 days to Board of Supervisors.
- **Appeals** of the Hazard Abatement Officer's orders go to the Board of Supervisors. Board may appoint a Hearing Officer to hear appeals of Notices to Abate and/or Notices of Assessment. ([Part II.P].
- **"Wildcat Dumping"** [placing trash on property you do not own] violation statement in Part II.A.3 and enforcement statement in Part III.A has been added per Statute [Class 1 misdemeanor];
- **Abatement by the County:** If a violator does not clean up the public nuisance within 30 days, the Board or its designee may, at the expense of the owner, cause it to be removed. County must comply with the County Procurement policy or in the alternative, the clean up may be performed by a State Prison work crew or Cochise County personnel to keep cost as low as possible.
- **Assessments/lien on the property:** Upon removal of the Public Nuisance, the costs shall be assessed against the property. Notice of Assessment to be served to owner who has 15 days to appeal to the Board. If no appeal, Hazard Abatement Officer submits a Report of Assessment to the Board; upon acceptance of the report by the Board, the Chair signs the report and records it as a lien on the property.
- The Board may, but is not obligated to, enforce the assessment by foreclosure.



Recommendation

Staff recommends the Board of Supervisors approve the Hazard Abatement Ordinance.