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County of Cochise

BOARD OF SUPERVISORS

P.O. BOX 225
BISBEE, ARIZONA 85603
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RESOLUTION NO. 87-91

A RESOLUTION OF THE BOARD OF SUPERVISORS OF COCHISE COUNTY AMENDING THE PREVIOUSLY ADOPTED COCHISE COUNTY HAZARD ABATEMENT ORDINANCE

WHEREAS, A.R.S. §11-268 empowers counties to compel the removal of rubbish, trash, weeds, filth, debris and dilapidated and dangerous buildings which constitute a hazard to public health and safety from buildings, lots, grounds, contiguous sidewalks, streets and alleys; and

WHEREAS, by Resolution, The Board of Supervisors adopted an ordinance known as "The Cochise County Hazard Abatement Ordinance" which became effective September 17, 1984;

WHEREAS, a properly noticed public hearing was conducted prior to enactment of the proposed amendments;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the Cochise County Board of Supervisors herein amends the Ordinance known as "The Cochise County Hazard Abatement Ordinance" to read as set forth in Exhibit "A," attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED that the Cochise County Planning Director is hereby re-designated as Cochise County Hazard Abate-

870923097

ment Officer.

UPON MOTION DULY MADE, SECONDED AND CARRIED, this Reso-
lution is passed and adopted in open meeting this 8th day of
September, 1987.

COCHISE COUNTY BOARD OF SUPERVISORS

By: C. L. Thompson
Chairman



FEE # 870923097
OFFICIAL RECORDS
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REQUEST OF
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CHRISTINE RHODES-RECORDER
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COCHISE COUNTY BOARD OF SUPV
BOX 225
BISBEE , AZ. 85603

COCHISE COUNTY

HAZARD ABATEMENT ORDINANCE

870923097

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Chapter 1

TITLE AND SCOPE

TITLE:

Section 101. These regulations shall be known as the "Cochise County Hazard Abatement Ordinance"; and may be cited as such and will be referred to herein as "this ordinance".

PURPOSE AND SCOPE:

Section 102. (a) PURPOSE: It is the purpose of this ordinance to provide a just, equitable and practicable method to be cumulative with and in addition to, any other remedy of Cochise County, which may be otherwise available at law, whereby any rubbish, trash, weeds, filth, debris or damaged and dilapidated buildings which constitute a hazard to public health and safety may be compelled to be removed from buildings, grounds, lots, contiguous sidewalks, streets and alleys, located within the unincorporated area of Cochise County.

(b) SCOPE: The provisions of this ordinance shall apply to all hazardous conditions as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

Chapter 2

ENFORCEMENT

GENERAL:

Section 201. (a) ADMINISTRATION: The position of hazard abatement officer is hereby created, said officer being herein authorized to enforce the provisions of this ordinance.

(b) INSPECTIONS: The health officer, representative of fire district if one is established, and the hazard abatement officer and their authorized representatives are hereby authorized to make such inspections as may be required to enforce the provisions of this ordinance. The Hazard Abatement Officer or his authorized representative may take such actions as may be required to carry out the provisions of this Ordinance.

(c) RIGHT OF ENTRY: Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the hazard abatement officer or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such buildings or premises unsafe, dangerous or hazardous, the hazard abatement officer or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the hazard abatement officer by this ordinance, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the hazard abatement officer or his authorized representative shall have recourse to every remedy provided by law to secure entry.

When the hazard abatement officer or his authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the hazard abatement officer or his authorized representative for the purpose of inspection and examination pursuant to this ordinance.

"Authorized representative" shall include the officers named in Section 201(b) and their authorized inspection personnel.

COMMENTARY:1/ In order for the hazard abatement officer (or his representative) to make an inspection, he must have "reasonable cause to believe" that there exists rubbish, trash, weeds, filth, or debris in or on a building or premises, or a dilapidated and dangerous building, which creates a condition which is unsafe, dangerous, or hazardous. Generally, the inspection will result from a complaint which he has received, or by observation of a condition that appears so dangerous that following up with an inspection is reasonable. It is not intended that the officer travel all over the county searching for hazardous conditions. Also, if the officer is not given permission by the owner to inspect, the officer must get a court warrant to inspect the property, and this requires him to make a showing of reasonable cause to the court.

BOARD OF APPEALS:

Section 202. In order to provide for final interpretation of the provisions of this ordinance and to hear appeals provided for hereunder, there is hereby established a Board of Appeals consisting of the Board of Supervisors. The Board shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant, with a copy to the hazard abatement officer. Appeals to the Board shall be processed in accordance with the provisions contained in Section 501 of this ordinance. Copies of all rules or regulations adopted by the Board shall be delivered to the hazard abatement officer who shall make them freely accessible to the public.

1/ Commentaries serve as a guide in interpreting and carrying out the text of the ordinance.

Chapter 3

DEFINITIONS

GENERAL:

Section 301. For the purpose of this ordinance, certain terms, phrases, words and their derivatives shall be construed as specified in this chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language Unabridged, copyright 1961, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

"Board of Appeals": The Board of Supervisors shall constitute the Board of Appeals for all appeals pursuant to this ordinance.

"Debris": The definition of debris in addition to its ordinary accepted meaning, shall include accumulations of combustible or flammable materials which are determined by the hazard abatement officer to constitute a hazard to public health or safety.

Chapter 4

REMOVAL OF RUBBISH, TRASH, FILTH, WEEDS, DEBRIS OR DILAPIDATED AND DANGEROUS BUILDINGS

REQUIREMENT FOR REMOVAL:

Section 401. When rubbish, trash, weeds, filth or debris, are accumulated on or in buildings, grounds, lots, contiguous sidewalks, streets or alleys and the hazard abatement officer determines that the accumulation or condition constitutes a hazard to public health and safety, or if the hazard abatement officer determines that a dilapidated and dangerous building constitutes a hazard to public health or safety, the hazard abatement officer may require the owner, lessee or occupant of buildings, grounds or lots located in unincorporated areas of the County to remove such rubbish, trash, weeds, filth, debris or dilapidated and dangerous building.

NOTICE OF VIOLATION:

Section 402. The hazard abatement officer shall provide formal written notice of the alleged violation to the owner, occupant or lessee of the subject premises not less than thirty (30) days prior to the date set for compliance. Such notice shall include the estimated cost to the County to remove, and advise the owner, occupant or lessee that if the county removes the rubbish, trash, weeds, filth, debris or dilapidated and dangerous building, said expense shall be assessed to said owner, occupant or lessee. Said notice shall be either personally served or mailed to the owner, occupant or lessee at his last known address by certified mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on the property, a duplicate notice shall also be sent to the owner at the owner's last known address.

REMOVAL BY COUNTY:

Section 403. If, after notice, and after the specified date of compliance, the owner, occupant or lessee fails to remove the rubbish, trash, weeds, filth, debris or dilapidated and dangerous building, and abate the conditions which constitute a hazard to public health and safety, the County may, at the expense of the owner, occupant or lessee, remove or cause removal of such trash, weeds, filth, debris or dilapidated and dangerous building. The

cost to be charged for such removal will be the actual cost of removal or abatement, including a five percent (5%) charge for additional inspection and incidental costs.

ASSESSMENT OF COSTS OF REMOVAL:

Section 404. The cost of removal of the rubbish, trash, weeds, filth, debris or dilapidated and dangerous building from any lot or tract of land located in the unincorporated areas of the County may be assessed, as set forth in Chapter 8 of this Ordinance, upon the lot or tract of land from which the rubbish, trash, weeds, filth, debris or dilapidated and dangerous buildings are removed. The assessment, from the date of its recording in the Office of the County Recorder, shall be a lien on the lot or tract of land, until paid.

APPEAL:

Section 405. Both the notice of violation and any assessment imposed pursuant to this chapter may be appealed to the Board of Appeals in the manner provided in Chapter 5 of this Ordinance.

RESTRICTIONS ON ENFORCEMENT:

Section 406. As used in this chapter, "occupant" does not include any corporation or association operating or maintaining rights-of-way for and on behalf of the United States Government, either under contract or under federal law.

REVIEW OF HISTORIC VALUE:

Section 407. Before the removal of a dilapidated and dangerous building the Board of Supervisors shall consult with the State Historic Preservation Office to determine if the building is of historic value.

REMOVAL FROM TAX ROLLS:

Section 408. If a county removes a dilapidated and dangerous building pursuant to this section, the County Assessor shall remove the structure from the property assessment tax rolls.

COMMENTARY: This chapter is intended to provide a way to remove rubbish, trash, weeds, filth, debris, or dilapidated and dangerous buildings that present a real danger to persons or property. This primarily occurs

in three cases: (1) accumulations or conditions which have a strong potential for causing or carrying a fire; (2) accumulations or conditions likely to cause injury to any person; and (3) accumulations or conditions likely to cause hazards to the health of any person. A.R.S. §36-601 provides a separate and additional ordinance and remedy to deal with accumulations that can cause disease or other health problems. While this chapter deals with situations caused by the occupant of the property, it also deals with involuntary acts of dumping by other persons or acts of nature. However, this section shall only be enforced when the condition is serious enough to present a real hazard to persons or property. It is not intended to apply as an "aesthetic" control -- that is, a way to get the county to beautify a neighbor's site.

Chapter 5

APPEAL

GENERAL:

Section 501. (a) FORM OF APPEAL: An owner, occupant or lessee of property affected may appeal from any notice and order or any action of the hazard abatement officer under this ordinance, or any assessment made pursuant to this Ordinance, by filing at the office of the hazard abatement officer written appeal containing:

1. A heading in the words: "Before the Board of Appeals of the County of Cochise".

2. A caption reading: "Appeal of _____", giving the names of all appellants participating in the appeal."

3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.

4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

6. The signatures of all parties named as appellants and their official mailing addresses.

7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within thirty (30) days from the date of the service of such notice, order or action of the hazard abatement officer; provided, however, that if the condition is such as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property, such appeal shall be filed within ten (10) days from the date of the service of the notice and order of the hazard abatement officer.

(b) PROCESSING OF APPEAL: Upon receipt of any appeal filed pursuant to this section, the hazard abatement officer shall present it at the next regular or special meeting of the Board of Appeals.

(c) SCHEDULING AND NOTICING APPEAL FOR HEARING: As soon as practicable after receiving the written appeal, the Board of Appeals shall fix a date, time and place for the hearing of the appeal by the Board. Such date shall be not less than ten (10) days nor more than sixty (60) days from the date the appeal was filed with the hazard abatement officer. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by the secretary of the Board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.

EFFECT OF FAILURE TO APPEAL:

Section 502. Failure of any person to file an appeal in accordance with the provisions of Section 501 shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order or any portion thereof.

SCOPE OF HEARING ON APPEAL:

Section 503. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

STAYING OF ORDER UNDER APPEAL:

Section 504. Enforcement of any notice and order of the hazard abatement officer issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

COMMENTARY: A detailed appeal process is provided. Owner/occupant can challenge a decision of the hazard abatement officer to the Board of Supervisors. The Board will look carefully at the facts to see if the accumulation of rubbish, trash, filth, weeds, and debris, or dilapidated and dangerous building, is truly a hazard to public health or safety. In short, every protection is given to the property owner. There is a separate process to allow the property owner a right to challenge an interpretation by the hazard abatement officer to an independent advisory board.

Chapter 6

PROCEDURE FOR CONDUCT OF HEARING APPEALS

GENERAL:

Section 601. (a) RECORD: A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the Board.

(b) REPORTING: The proceedings at the hearing shall also be reported by a phonographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the Board, but shall in no event be greater than the cost involved.

(c) CONTINUANCES: The Board may grant continuances for good cause shown.

(d) OATHS -- CERTIFICATION: In any proceedings under this chapter, the Board, any board member, has the power to administer oaths and affirmations and to certify to official acts.

(e) REASONABLE DISPATCH: The Board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

FORM OF NOTICE OF HEARING:

Section 602. The notice to appellant shall be substantially in the following form, but may include other information:

"You are hereby notified that a hearing will be held before the Board of Appeals at _____ on the _____ day of _____, 19____, at the hour of _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the Board of Appeals."

SUBPOENAS:

Section 603. (a) **FILING OF AFFIDAVIT:** The Board may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specified the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in his possession or under his control. A subpoena need not be issued when the affidavit is defective in any particular.

(b) **PENALTIES:** When any person refuses without lawful excuse to attend any hearing or to produce material evidence in his possession or under his control as required by any subpoena served upon such person as provided for herein, the Board may seek a court order to compel such attendance or production.

CONDUCT OF HEARING:

Section 604. (a) **RULES:** Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) **ORAL EVIDENCE:** Oral evidence shall be taken only on oath or affirmation.

(c) **HEARSAY EVIDENCE:** Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this case.

(d) **ADMISSIBILITY OF EVIDENCE:** Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

(e) **EXCLUSION OF EVIDENCE:** Irrelevant and unduly repetitious evidence shall be excluded.

(f) **RIGHTS OF PARTIES:** Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called him to testify;
5. To rebut the evidence against him; and
6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

(g) OFFICIAL NOTICE:

1. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the Board or departments and ordinances of the County or rules and regulations of the Board.
2. Parties to be notified. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Board of Appeals.
3. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Board of Appeals.
4. Inspection of the premises. The Board may inspect any building or premises involved in the appeal during the course of the hearing, provided that: (i) notice of such inspection shall be given to the parties before the inspection is made; (ii) the parties are given an opportunity to be present during the inspection; and (iii) the Board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Board.

METHOD AND FORM OF DECISION:

Section 605. (a) HEARING BEFORE BOARD ITSELF: Where a contested case is heard before the Board, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.

(b) FORM OF DECISION: The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.

(c) EFFECTIVE DATE OF DECISION: The effective date of the decision shall be as stated therein.

Chapter 7

PERFORMANCE OF WORK OR REMOVAL

GENERAL:

Section 701. (a) PROCEDURE: When any work or removal is to be done pursuant to this ordinance, the hazard abatement officer shall issue his order therefor to the director of public works and the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of said director. Plans and specifications therefor may be prepared by said director, or he may employ such architectural and engineering assistance on a contract basis as he may deem reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed.

(b) COSTS: The cost of such work shall be made a special assessment against the property involved as in the manner set forth in Section 808 through 813 of this ordinance, or may be made a personal obligation of the property owner, whichever the Board of Supervisors shall determine is appropriate.

Chapter 8

RECOVERY OF COST OF WORK OR REMOVAL

ACCOUNT OF EXPENSE, FILING OF REPORT -- CONTENTS:

Section 801. The director of public works shall keep an itemized account of the expense incurred by Cochise County in the work or removal of any materials, done pursuant to the provisions of this ordinance. Upon the completion of the work or removal, said director shall prepare and file with the hazard abatement officer a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the hazard is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 402.

REPORT TRANSMITTED TO BOARD OF SUPERVISORS -- SET FOR HEARING:

Section 802. Upon receipt of said report, the hazard abatement officer shall present it to the Board of Supervisors who shall fix a time, date and place for hearing said report and any protests or objections thereto. The clerk of the Board of Supervisors shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid, addressed to the owner of the property as his name and address appear on the last equalized assessment roll of the County, if such so appear, or as known to the clerk. Such notice shall be given at least ten (10) days prior to the date set for hearing and shall specify the day, hour and place when the Board of Supervisors will hear and pass upon the director's report, together with any objections or protests which may be filed as hereinafter provided by person interested in or affected by the proposed charge.

PROTESTS AND OBJECTIONS -- HOW MADE

Section 803. Any person interested in or affected by the proposed charge may file written protests or objections with the clerk of the Board of Supervisors at any time prior to the time set for the hearing on the report of the director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The clerk of the Board of Supervisors shall endorse on every such protest or objection the date it was

received by him. He shall present such protests or objections to the Board of Supervisors at the time set for the hearing, and no other protests or objections shall be considered.

HEARING OF PROTESTS:

Section 804. Upon the day and hour fixed for the hearing the Board of Supervisors shall hear and pass upon the report of the director together with any such objections or protests. The Board of Supervisors may make such revision, correction or modification in the report or the charge as it may deem just; and when the Board of Supervisors is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the Board of Supervisors on the report and the charge, and on all protest or objections, shall be final and conclusive.

PERSONAL OBLIGATION OR SPECIAL ASSESSMENT:

Section 805. (a) GENERAL: The Board of Supervisors of this jurisdiction may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved, in the manner set forth in Section 807 through 813 of this ordinance.

(b) PERSONAL OBLIGATION: If the Board of Supervisors of this jurisdiction orders that the charge shall be a personal obligation of the property, it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

CONTEST:

Section 806. The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within thirty (30) days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within thirty (30) days after the entry of such judgment.

ASSESSMENT AND LIENS FOR UNPAID COSTS & CHARGES -- ESTABLISHMENT:

Section 807. If any costs or charges, as imposed pursuant to this ordinance, are not paid by the owner, occupant or lessee

within thirty (30) days of such removal, such unpaid amount shall constitute an assessment upon the lots and tracts of land from which the rubbish, trash, weeds, filth or debris are removed and a lien upon said lot, tracts, or land until paid. Said lien may be perfected by the county against the subject property by recording a notice of lien in the Office of the Cochise County Recorder. Such notice of lien shall specify the nature of assessment, the amount of the lien and the name and address of the owner of the lot or tract and the person failing to pay the charges assessed. The lien shall continue in full force and effect on the tract of land or lot until the charges assessed are paid. Such liens are subject and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. The County may bring an action to enforce the lien in the Cochise County Superior Court at any time after the recording of the assessment, but failure to enforce the lien by such action does not affect its validity. The recorded assessment is prima facie evidence that the truth of all matters recited in the assessment and of the regularity of all proceedings before the recording of the assessment.

INTEREST:

Section 808. All such assessments remaining unpaid after thirty (30) days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate established for delinquent taxes from and after said date.

REPORT TO ASSESSOR AND TAX COLLECTOR -- ADDITION OF ASSESSMENT TO TAX BILL:

Section 809. After confirmation of the report, certified copies of the assessment shall be given to the Assessor and the County Treasurer, who shall add the amount of the assessment to the next regular tax bill levied against the parcel.

FILING COPY OF REPORT WITH COUNTY TREASURER:

Section 810. If the County Assessor and the county tax collector assess property and collect taxes for this jurisdiction, a certified copy of the assessment shall be filed with the County Treasurer within thirty (30) days after recordation of the lien. The descriptions of the parcels reported shall be those used for the same parcels on the County Assessors map book for the current year.

COLLECTION OF ASSESSMENT -- PENALTIES FOR FORECLOSURE:

Section 811. The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.

USE OF PROCEEDS:

Section 812. All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the treasurer of this county, who shall credit the same to the General Fund.

MULTIPLE ASSESSMENTS:

Section 813. A prior assessment for the purpose provided in this section is not a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

Chapter 9

VALIDITY

SEVERABILITY:

Section 901. The various parts of this Hazard Abatement Ordinance are hereby declared to be severable. If any Chapter, section, subsection, sentence, clause, phrase or word of this Hazard Abatement Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of said Hazard Abatement Ordinance.

REPEAL OF CONFLICTING REGULATIONS:

Section 902. All regulations or ordinances or a portion of some in conflict with the provisions of this Hazard Abatement Ordinance, inconsistent with the provision of this Hazard Abatement Ordinance, are hereby repealed to the extent necessary to give this Hazard Abatement Officer full force and effect. All previous editions of the Hazard Abatement Ordinance are hereby repealed.

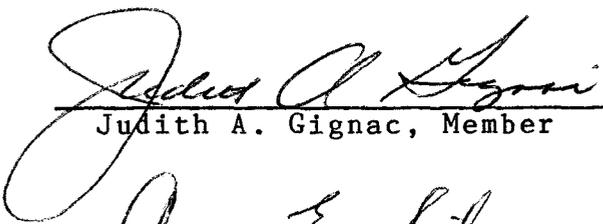
EFFECTIVE DATE:

Section 903. This Hazard Abatement Ordinance shall become effective beginning September 8, 1987 and remain in full force and effect thereafter.

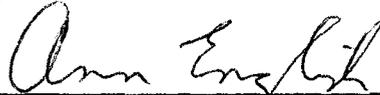
APPROVED AND ADOPTED BY THE COCHISE COUNTY BOARD OF SUPERVISORS
THIS 8th DAY OF September, 1987.



V.L. Thompson, Chairman



Judith A. Gignac, Member



Ann English, Member