

	Standard Operating Procedure Planning and Building Department	SOP #:
		Revision #: 1
		Last Revision Date: August 10, 2022
Approval: Anna Casadej, AICP		Effective Date: June 1, 2020
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1.0 Purpose

This document outlines the basic procedure for enforcing the building and zoning codes. Note that violations of Sahuarita Town Code Title 8 follow a separate process outlined in Title 8.

2.0 Revision History

This document was created on May 27, 2020, and revised on August 10, 2022.

3.0 Persons Affected

Planning and Building staff and the public at large.

4.0 Procedure

4.1 Complaint

Code enforcement is a complaint-driven process; staff does not actively look for violations to enforce. Although, if staff encounters a life safety violation, they will initiate enforcement.

- A complaint may be received from a resident, business representative, or Town staff member via phone, e-mail, letter, in person, or through the Town's online permitting system.
- The information collected during a code enforcement complaint is considered public information and is subject to public information requests, including the complainant's name if provided. Anonymous complaints are acceptable. If a complainant wishes to remain anonymous, it is recommended that the complaint be filed through the permitting system, in person, or by phone.
- Detailed information regarding the complaint is documented using the complaint intake form or is inputted by staff or the complainant directly

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through the online permitting system. Staff and the public are encouraged to use the online permitting system in an effort to go paperless.

- If a complaint intake form is used, it is provided to the Planning & Building Technical Coordinator, who will input the information into the online permitting system.
- The Technical Coordinator is responsible for checking the online permitting system daily for any complaints filed directly by complainants.
- Using the Town’s online permitting system, the Technical Coordinator will schedule an inspection of the property by either Planning & Zoning, Building Safety, or both.

4.2 Inspection

Property complaints are inspected promptly, with consideration of the seriousness of the violation from a health, safety, and welfare standpoint. Complaints of a less serious nature should be inspected within one week, while the most serious complaints may warrant immediate inspection. The inspection timeframe will be determined by the Technical Coordinator in consultation with Planning & Building Department management.

- The subject property is inspected from the public right-of-way or, with permission, from the complainant's property, and findings from the inspection are noted. If the property owner that is the subject of the complaint is present, they may invite staff on-site for an inspection.
- The inspection is conducted with respect for the property and privacy of others. Marked Town vehicles will be used.
- If Town staff must enter the site of the potential violation for an inspection without an invitation initiated by the property owner, the property owner will receive a copy of the applicable Regulatory Bill of Rights, which describes the property owner’s rights concerning any inspections occurring on his or her private property. Staff will consult with Department

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management prior to any on-site inspection that is not initiated by the property owner.

- The inspector will take photos, complete a Code Enforcement Inspection Report detailing the results of the inspection, and will provide the completed form and photos to the Technical Coordinator.
- The Technical Coordinator will update the case in the online permitting software using the completed inspection report form. The inspection report will be scanned into the permitting software.
 - If the inspection report shows the complaint to be unfounded, the Technical Coordinator will close the case and no further action will be taken. If the complainant has requested updates, one will be provided to them.
 - If the inspection report shows additional information is required, the inspector will coordinate with the Technical Coordinator on what information is necessary and how that information will be obtained.
 - If the inspection report confirms a violation, the case will move on to the Notification phase.

4.3 Notification

- Once a complaint has been verified by inspection, a notification letter is issued within 1 week to the property owner and, if applicable, to the occupant of the premises.
- The notification letter is a cover letter briefly describing the enforcement process. The completed inspection report form will be attached to the cover letter and provides information on inspection results and references to the requirements of the Town Code. The inspection report will also state what is necessary to alleviate the violation, and a requested compliance date will be given.
 - Compliance dates will be determined based on the anticipated time necessary to correct the violation as well as the seriousness

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of the violation from a health, safety, and welfare standpoint. See Section 4.4 below.

- The property will be re-inspected within a week after the given compliance date has passed. The inspector will complete an inspection report form detailing the results of the inspection. Refer to Inspection procedures in Section 4.2 above.
 - If the violation has been corrected, the Technical Coordinator will send a letter to the property owner and the occupant stating that the case is closed.
 - If the violation has not been corrected, staff will use the procedures above to send additional notifications in the following order:
 - A friendly reminder letter
 - Notice of Violation
 - Second Notice of Violation (optional, at the discretion of the Planning & Building Director)
- If a property owner legitimately needs additional time to correct the violation, the inspector may authorize extensions. Written information regarding the extension will be provided to the property owner.
- If the violation has not been corrected, the Town staff will initiate legal proceedings via an official citation using the procedure in Section 4.5 below.
- All communications will be scanned into the online permitting software.

4.4 Compliance

- For conditions that are quickly and easily remedied, compliance is requested within 3 to 10 days.
- Conditions that may require a more involved resolution are given a compliance request date in keeping with the situation and its complexity.

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- The property owner may contact the inspector for further information regarding the Town Code, the enforcement process, or to seek an extension on the compliance date.
- Compliance dates are used as a guide and are subject to change if the property owner requires additional time to bring the property into compliance.
- The ideal outcome is complete compliance within the requested time.
- Infrequently, after all, attempts to attain compliance are exhausted, a citation will be issued, or a non-compliance case will be turned over to the Town Attorney for resolution through the court system.
- The goal of code enforcement is compliance, not punishment.

4.5 Citation

- If compliance has not been achieved after a Notice of Violation and/or Second Notice of Violation has been issued, Planning & Building staff will issue an official citation, stating the relevant code section(s) and providing a court date.
 - The citation may be issued in person or by certified mail
 - Any code enforcement officer issuing a citation in person may request a police escort to ensure that personal safety is maintained.
- The property owner will be required to appear in court on the given date, and the court may assess fines.
 - Hearings are generally scheduled approximately three weeks from the citation date.
 - Payment of a fine does not alleviate a violation; compliance is still required.
 - Each day's occurrence of a violation is considered a separate offense, and a new citation may be issued for each day's occurrence.

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5.0 Responsibilities

Per Section 18.100.040.C.4, the Zoning Administrator shall have primary responsibility for the enforcement of building and zoning codes. The Planning and Building Director functions as the Zoning Administrator.

6.0 References

- Sahuarita Town Code Chapter 18.95 Compliance and Enforcement
- Code Enforcement Inspection Report Form