



PINAL COUNTY
WIDE OPEN OPPORTUNITY

Citizen's Guide to Zoning Code Compliance

What Are Zoning/Building Codes?

Pinal County Development Services Code includes building and zoning regulations and codes. Building and Zoning codes are a set of ordinances or rules that are approved and adopted by the Pinal County Board of Supervisors under authority of the State of Arizona. These codes are intended to promote the health, safety, and welfare of the community; to provide for orderly growth and development; and to regulate land use, protecting property values and preserving natural aesthetics.

- **Note:** For building safety complaints please contact building safety by phone at (520) 509-3555 or electronically by utilizing the Pinal County **Building Safety complaint form** at website:

<https://www.pinalcountyz.gov/CommunityDevelopment/BuildingSafety/Pages/ReportaComplaint.aspx>

Common Zoning Code Complaints.

Code Compliance handles a wide variety of county zoning code complaints, the most common being: use of recreational vehicles for sleeping or living purposes, inoperable vehicles, open storage of scrap/debris/junk, construction without permits, structures not meeting property line setbacks, and home based businesses without permits.

How do I File a Zoning Code Complaint?

The Pinal County Community Development Department enforces the Development Services Code. The Code Compliance Division enforces the zoning code. Enforcement is primarily based on complaints received.

Complaints of possible zoning code violations may be submitted as follows:

- **In person** at Pinal County Community Development, 85 N Florence Street, First Floor, Florence, AZ 85132. **PLEASE CALL (520) 509-3555 TO SCHEDULE AN APPOINTMENT.**
- **Electronically** by utilizing the Pinal County **Zoning complaint form** at website:

<https://www.pinalcountyz.gov/CommunityDevelopment/CodeCompliance/Pages/ReportComplaint.aspx>

- **Please note that an anonymous compliant will not be accepted.**

IMPORTANT: If you have general Zoning questions and do not wish to file a complaint or ask about a pending enforcement case, please contact Community Development at (520) 509-3555.

COMMUNITY DEVELOPMENT

What is the Complaint Investigation Process?

Code Compliance Officers investigate reported zoning code violations and assist property owners in correcting the violations and maintaining their property in compliance with the applicable codes.

A summary of our notices is as follows:

1st notice is a Courtesy Letter.

2nd notice is an Opportunity to Correct Letter.

3rd notice is a Demand Letter after which the case will be sent to hearing office if not in compliance.

- Upon receipt of a complaint, the first step in the process is to research the property history on the parcel, send a Courtesy Letter to the property owner and then do a follow-up inspection in approximately 30 to 45 days to investigate the alleged violation(s). An Opportunity to Correct Letter may be left at the property, if no contact has been made, which provides an opportunity for the property owner to contact Code Compliance to discuss the situation and remedy the violation(s) within a reasonable period of time.
- Upon returning to the office, the officer will review the case and then a compliance determination will be made.
- If the complaint is deemed to be valid, the officer will mail an Opportunity to Correct letter to the owner of the property if no notice was left at property at time of inspection. This notice describes the nature of the complaint, cites the code that the condition violates and advises how to achieve compliance with the code. The Opportunity to Correct Letter still provides an opportunity for the property owner to contact Code Compliance to discuss the situation and remedy the violation(s) within a reasonable period of time.
- If the violation is not corrected in a reasonable period of time, and the property owners fail to communicate with Code Compliance or demonstrate a good-faith effort to address the violation, Code Compliance will escalate the enforcement process by issuing a Demand Letter. The property owner's cooperation in addressing a code enforcement action when it is in the Opportunity to Correct stage, can help avoid escalated enforcement that may include the time and expense of judicial proceedings.

What if I Receive a Courtesy Letter?

A Courtesy letter is merely a notification that someone has filed a complaint alleging zoning code violations on your property. The letter is sent by the officer assigned to the case for informational purposes only and does not state that you are in violation of Pinal County Code at that time. You may contact the inspector to discuss the allegation. The Officer will follow up in approximately 30 to 45 days with an inspection to determine if there is a violation and then will send an Opportunity to Correct Letter if warranted.

COMMUNITY DEVELOPMENT

What if I Receive an Opportunity to Correct Letter?

If you receive an Opportunity to Correct letter it is because an inspection has been done and it is determined you are in violation of the Pinal County Development Services Code. The notice will contain specific information regarding the alleged violation(s) including the applicable code section(s), the address or parcel number of the property in question, the date the alleged violation(s) was observed, information identifying the responsible party and the requirements to achieve compliance. Please contact the listed Code Compliance Officer at this time or correct the cited violation(s) which will be verified by a return inspection usually in approximately 30 to 45 days. If you are in compliance at the time of return inspection, the case will be closed and no future action is needed.

What if I Receive a Demand Letter?

If you receive a Demand Letter it is because you have failed to respond to a previous notice, have not made sufficient effort toward correcting the violation(s) or Pinal County believes there is a potentially dangerous code violation(s) on your property. The Demand Letter will contain specific information regarding the alleged violation(s) including the applicable code section(s), the address or parcel number of the property in question, the date the alleged violation(s) was observed, information identifying the responsible party and the requirements to achieve compliance.

IMPORTANT: Contacting Code Compliance and working to address the cited violation(s) in a Demand Letter will avoid the escalation of the enforcement process to either an administrative hearing or the filing of a lawsuit against you in Superior Court through the Pinal County Attorney's Office.

How Much Time Do I Have to Correct Violations?

For most violations, the county requests the property be in compliance within 30 to 45 days, starting with the day you receive a notice. The compliance deadline in an enforcement document is what Code Compliance deems to be a reasonable period of time for the responsible party to address the violation(s). Extensions of the deadline may be granted upon request if good-faith efforts to comply have been demonstrated and a valid reason for requesting the extension is given. For repeat violators, Code Compliance can escalate the enforcement process much faster, depending on the history and severity of the violation.

What if I Receive a Civil Hearing Office Complaint?

If you receive a Civil Hearing Office Complaint it is because you have failed to respond to previous notices or Pinal County believes there is a potentially dangerous code violation(s) on your property. The Civil Hearing Office Complaint will contain specific information regarding the alleged violation(s) including the applicable code section(s), the address or parcel number of the property in question, the date the alleged violation(s) was observed, information identifying the responsible party and the requirements to achieve compliance but also included are the date and time your case has been scheduled for an Administrative Hearing before a Civil Hearing Officer in Florence, Arizona.

You may elect to accept responsibility for the violation. This means that there will be no

COMMUNITY DEVELOPMENT

hearing and that you accept the recommended timeframe for compliance and any associated fine amount.

If you do not accept responsibility, you will need to attend the Administrative Hearing on the date and time that has been listed on Civil Hearing Office Notice of Hearing.

What happens at an Administrative Hearing?

At the hearing, the county will present evidence of the violation. You will have the opportunity to dispute that evidence, present your own evidence, and ask questions of the Civil Hearing Officer. The Civil Hearing Officer will decide if the property is in violation, and if so, who is responsible, fine amounts, and timeframes for compliance based on the county's recommendation.

Who May Attend Administrative Hearings?

Administrative hearings are open to the public but are not "public hearings" per se. A complaining party or other interested person may request to speak at the hearing; however, such requests are granted at the sole discretion of the Civil Hearing Officer. Any individual allowed to speak shall be formally sworn in as a witness. The scope of any testimony given shall be limited to providing factual information that may not have been put forth by the county or by the defendant, but which may assist in the Civil Hearing Officer's ability to understand the facts of the case. The Civil Hearing Officer may cease the witness' testimony at any time if, in their judgment, the information being provided does not specifically pertain to or assist in the understanding of matter(s) at hand. Any member of the public testifying as a witness in such proceedings is subject to questioning by the Civil Hearing Officer and to cross-examination by the County and by the defendant. More information about the Civil Hearing Office can be found at:

<https://www.pinalcountyz.gov/HearingOffice/Pages/Home.aspx>

How Much Are the Potential Fines?

The standard fine recommendation for a violation(s) is \$750.00 per count but can, due to case history, be suspended for a period of time from the date of judgment, pending compliance. If you are cited as an enterprise/business (Inc., LLC, etc.) violation fine amounts may be up to \$10,000.00 per count.

What if I choose not to comply with a County Enforcement Action?

Escalation of civil enforcement can result in administrative hearings and/or a lawsuit being filed by the county against the property owner in Pinal County Superior Court. At this point in the process, the county has exhausted all efforts to work with the responsible party and will seek an injunction, request civil fines and a judgment against the property owner ordering them to comply with the county code or be found in contempt of a court order. If compliance is not achieved, the county will request a Superior Court abatement judgment, will contract a clean-up firm to correct the violations, and then place a lien on the subject real estate property for all costs incurred to attain compliance.

COMMUNITY DEVELOPMENT