

ORDINANCE NO. 866-25

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING CHAPTER 5 "MUNICIPAL COURT", SECTION 5-3-2 "AUTHORITY", ADDING SECTION 9-21-8 "LIENS, RECORDING, AND SATISFACTION" TO CHAPTER 9 "OFFENCES", AND AMENDING CHAPTER 10 "HEALTH AND SANITATION", SECTION 10-2-6 "NUISANCE ENFORCEMENT PROCEDURE", ", SUBSECTION C "NOTICE OF VIOLATION", (2)(C) OF THE TOWN OF QUEEN CREEK TOWN CODE.

WHEREAS, it is in the best interest of the Town and its residents to adopt the amendments to the Town Code amending Chapter 5 "Municipal Court", Section 5-3-2 "Authority", adding Section 9-21-8 "Liens, Recording, and Satisfaction" to Chapter 9 "Offences", and amending Chapter 10 "Health and Sanitation", Section 10-2-6 ", Subsection C "Notice of Violation", (2)(c)"Nuisance Enforcement Procedure".

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

Section 1: The Queen Creek Town Code Chapter 5 "Municipal Court", Section 5-3-2 "Authority", is amended as follows, where additions are shown as bold all capital letters:

5-3-2 Authority

The Hearing Officers shall have the authority to hear proceedings to **ENFORCE AND** impose civil penalties **AND REMEDIES**, in accordance with Queen Creek's Town Code and Zoning Ordinances, **THE TOWN FIRE CODE, OR ANY OF THEIR PROVISIONS**, and other applicable statutes, regulations and laws. Hearing Officers may also hear and dispose of civil traffic violation cases under supervision of the presiding officer of the Town's Court of Jurisdiction which are appealable to the Superior Court pursuant to the Arizona Revised Statutes.

Section 2: The Queen Creek Town Code Chapter 9 "Offences", is amended to add Section 9-21-8 "Liens, Recording and Satisfaction" as follows, where additions are shown as bold all capital letters:

9-21-8 LIENS, RECORDING, AND SATISFACTION

A. IN ADDITION TO ANY OTHER PENALTY AND/OR REMEDY AVAILABLE TO THE TOWN FOR A VIOLATION OF THE TOWN ZONING ORDINANCE, THE TOWN BUILDING CODE, THE TOWN FIRE CODE, OR THE TOWN CODE, OR ANY OF THEIR PROVISIONS, THE TOWN, AT ITS SOLE DISCRETION, MAY RECORD IN THE APPROPRIATE COUNTY RECORDER'S

OFFICE THE FOLLOWING AGAINST THE REAL PROPERTY WHICH IS THE SUBJECT OF THE VIOLATION:

1. A LIEN FOR ANY AND ALL FEES OR FINES ASSESSED OR AFFIRMED BY THE HEARING OFFICER OR A COURT OF JURISDICTION,
 2. A CERTIFIED COPY OF THE CITATION, ORDER OF ABATEMENT, OR OTHER ORDER OF THE HEARING OFFICER OR COURT.
- B. ANY SUCH RECORDING WILL RUN WITH THE LAND AND BE BINDING AGAINST THE REAL PROPERTY AND ANY CURRENT OR SUBSEQUENT OWNER OF THE PROPERTY.
- C. IF AND WHEN: (I) THE PROPERTY HAS BEEN DETERMINED BY THE TOWN TO HAVE BEEN BROUGHT INTO COMPLIANCE; AND (II) ALL FEES AND OR FINES HAVE BEEN FULLY PAID, THE OWNER OR RESPONSIBLE PARTY MAY FILE WITH THE DEVELOPMENT SERVICES DIRECTOR OR DESIGNEE A WRITTEN REQUEST FOR DETERMINATION THAT ALL ASSOCIATED FINES AND FEES HAVE BEEN FULLY SATISFIED AND THE PROPERTY HAS BEEN BROUGHT INTO COMPLIANCE, IF THE TOWN DETERMINES THAT THE REQUEST IS VALID AND SHOULD BE GRANTED, AT THE EXPENSE OF THE REQUESTING PARTY, THE TOWN WILL RECORD A NOTICE OF SATISFACTION OF FEES AND FINES AND COMPLIANCE WITH THE CITATION, ORDER OF ABATEMENT, OR OTHER ORDER OF THE HEARING OFFICER OR COURT, TOGETHER WITH A RELEASE OF ANY LIEN.

Section 3: The Queen Creek Town Code Chapter 10 "Health and Sanitation", Section 10-2-6 "Nuisance Enforcement Procedure", Subsection C "Notice of Violation", (2)(c), is amended where additions are shown as **BOLD ALL CAPITAL LETTERS**, and deletions are shown as ~~strikethrough~~:

10-2-6 Nuisance Enforcement Procedure

* * *C. Notice of Violation

* * *

2. The notice of violation shall set forth the following information:
 - c. The period of time;: (I) not less than thirty (30) days from the mailing of the notice, ~~the responsible party is given to comply~~ **FOR NUISANCE ABATEMENT NOTICES, (II) NOT LESS THAN FOURTEEN (14) DAYS FROM THE MAILING OF THE NOTICE FOR ALL OTHER CODE ENFORCEMENT VIOLATION NOTICES,**

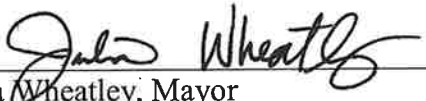
**THE RESPONSIBLE PARTY IS GIVEN TO
COMPLY;**

Section 4: If any section, subsection, clause, phrase or portion of this Ordinance or any part of these amendments to the Town Code is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5: At least one paper copy and one electronic copy of this Ordinance are to be filed with and are located at the office of the Town Clerk and kept available for public use and inspection.

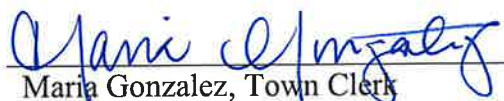
PASSED AND ADOPTED by the Common Council of the Town of Queen Creek, Arizona, this 18 day of June, 2025.

FOR THE TOWN OF QUEEN CREEK:



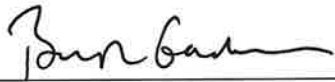
Julia Wheatley, Mayor

ATTESTED TO:



Maria Gonzalez, Town Clerk

REVIEWED BY:



Bruce Gardner, Town Manager

APPROVED AS TO FORM:



Dickinson Wright, PLLC
Town Attorneys