



## **Citizen's Guide to Code Compliance**

### **What Are Zoning/Building Codes?**

Zoning and Building codes are a set of ordinances or rules that are approved and adopted by the Pima 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.

### **Common Code Complaints**

Code Compliance handles a wide variety of county code complaints, the most common being: inoperable vehicles, open storage of junk, construction without permits, structures not meeting property line setbacks, and home based businesses without permits.

### **Why Can I File a Code Complaint with DEQ and DSD?**

The Code Compliance Program is administered by the Pima County Department of Environmental Quality (PDEQ) for the Pima County Development Services Department (DSD).

### **How is a suspected Code Violation Reported?**

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

- **In person or by mail** to the Pima County Department of Environmental Quality, 33 N. Stone Ave., Suite 700, Tucson AZ, 85701.
- **Electronically** by utilizing the PDEQ website complaint form or the DSD website complaint form at:  
[PDEQ Website Complaint Form](#)  
[DSD Website Complaint Form](#)
- **By phone** at (520) 724-7400, where you can speak to PDEQ staff during regular business hours (8:00 a.m.-5:00 p.m.). Our Complaint Coordinators are able to provide general information regarding code violations, and instructions on how to file a complaint in writing or via the internet.

**IMPORTANT:** If you have general Zoning or Building Code questions and do not wish to file a complaint or ask about a pending enforcement case, please contact Development Services directly at (520) 724-9000.

### **What is the Complaint Investigation Process?**

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



- The first step in the process is to research the property history on the parcel and conduct an unannounced inspection to investigate the alleged violation and document the findings with photos to be used as evidence.
- Upon returning to the office, the inspector will share the findings with management and a compliance determination will be made.
- If the complaint is deemed to be valid, the inspector will draft a report, attach the photos and mail it along with an initial Opportunity to Correct (OC) notice, to the owner of the property alleged to be in violation. 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 OC 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 PDEQ or demonstrate a good-faith effort to address the violation, Code Compliance will escalate the enforcement process by issuing a Citation or a Notice of Violation (NOV). 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 an Advisement Letter?**

An advisement letter is merely a notification that someone has filed a complaint alleging zoning or building code violations on your property. The letter is sent by the inspector assigned to the case for informational purposes only and does not state that you are in violation of Pima County Code at that time. You may contact the inspector to discuss the allegation.

## **What if I Receive a Notice of Violation?**

If you receive a Notice of Violation (NOV) it is because you have failed to respond to an Opportunity to Correct (OC) or Pima County believes there is a potentially dangerous code violation(s) on your property. The NOV 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 in a NOV 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 Pima County Attorney's Office.

## **How Much Time Do I Have to Correct Violations?**

For most violations, the county requests the property be compliant within 30 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. 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 Citation?**

If you receive a Citation it is because Pima County believes there is a code violation(s) on your property that does not warrant the filing of a lawsuit in Superior Court. The citation will contain specific information regarding the alleged violation(s) including the applicable code section(s), the address and or tax code number of the property in question, the date the alleged violation(s) was observed, information identifying the responsible party and requirements to achieve compliance.

You may elect to accept responsibility for the violation. This means that there will be no hearing and that you accept the recommended timeframe for compliance and any associated fine amount.

If you do not accept responsibility, an Administrative Hearing will be set and you will be notified.

## **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 inspector. The 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 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 Hearing Officer's ability to understand the facts of the case. The Hearing Officer may cease the witness's 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 Hearing Officer and to cross-examination by the County and by the defendant.

## **How Much Are the Potential Fines?**

The standard fine recommendation for a first time violation is \$750.00 with \$50.00 due immediately and \$700.00 suspended for a period of 45 calendar days from the date of judgment, pending compliance.

This recommendation is per violation.

If you are cited as a business (Inc., LLC, etc...) fine amounts may be up to \$10,000.00 per violation.

## **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 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 judgement against the property owner ordering them to comply with the county code or be found in contempt of a court order.