

6.09 Enforcement by the Association. Each Owner shall, according to paragraph 6, maintain her Parcel at his sold cost and expense. In the event the Owner of such Parcel is in violation of the above restrictions, The Association, after proper Notification, shall have the absolute right to enter upon such Property and cause the removal of such violation. The Owner of such Parcel shall pay to the Association an amount equal to all direct and indirect costs and expenses incurred by its furnishing of such labor and materials within ten (10) days of receipt of notification of such, or be subject to the enforcement by the Association in accordance with the provision of paragraph 8.01 and paragraph 5.07

8.01 Enforcement. In the event of any violation or threatened violation of any of the covenants, restrictions, or conditions here, the Association, or any Owner of any Parcel in the Property may bring an action at law or in equity for injunction, action for damages or such other remedy as may be available, and in such action shall be entitled to recover such reasonable attorneys' fees as are ordered by the court. Failure of the Association or any Owner to enforce any covenant or restriction here contained shall in no event be deemed a waiver of the right to do so thereafter as to the same breach or as to one occurring prior or subsequent thereto, nor shall such failure give rise to any claim or cause of action against the Association, Declarants, or such Owner.

5.07 Effect of Nonpayment of Assessments; Remedies of the Association. Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of eighteen percent (18%), compounded annually. In addition, a delinquency service fee of FIVE AND no/100 DOLLARS (\$5.00) FOR EACH MONTH PAST DUE SHALL BE ASSESSED. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use or abandonment of his Parcel.

SYNOPSIS:

Enforcement by the Association:

- Each owner shall, maintain his Parcel at his sole cost and expense.
- If an owner is in violation of the CCR restrictions, after proper notification, the Association may enter such property and remove violation.
- The owner of such property in violation shall pay incurred expenses related to violation within ten (10) days of receipt of notification, or be subject to appropriate provisions. (5.07 & 8.01).

- Submit Complaint form to Gila County
- Clean and Lien – Gila County
 - Statement of Violation
 - Statement of all items causing violation shall be removed by certain date
 - Must be disposed of at an approved waste collection facility
 - Statement containing an Estimate of costs, fees, and penalties
 - Statement of ALL cost, fees and penalty incurred, a LIEN recorded against the property
 - Statement of an Appeal within 15 days, Failure to appeal shall be a waiver of the right to appeal
 - Statement that any person is guilty of a class 1 misdemeanor and may be subject to criminal penalties in addition to the costs

BINDER INCLUDES:

- GILA COUNTY CODE ENFORCEMENT CONTACT INFO
- GILA COUNTY CODE ENFOREMENT FACTS
- GILA COUNTY COMPLAINT FORM
- GILA COUNTY COMPLAINT PROCESS
- GILA COUNTY REPORT A CONCERN/COMPLAINT

GILA COUNTY

Code Enforcement

Providing an Essential Service

Community Development services include Building permits, Septic System permits, Floodplain permits, Grading and Drainage permits. Community Development also provides services for Zoning applications, and Code Enforcement complaints. Due to COVID-19 Community Development is asking that our customers call us first and we will make every effort to provide information about applications, permitting forms and answer any questions over the phone or through email. If you need to visit the office for any reason, we are requiring that everyone abide by the CDC Social Distancing requirements.

The Code Enforcement Division is responsible for working with the Floodplain Division, Planning & Zoning Division, Building Safety Division and Wastewater Division to correct violations that have been received from the public, government agencies or County staff.

The purpose of this division is to assist neighborhoods in becoming safe and attractive places to live, work and play.

Globe

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Code Enforcement Specialist Senior

Phone: (928) 402-8513

CODE ENFORCEMENT FACTS

CODE ENFORCEMENT DEPARTMENT

Code Enforcement is committed to protecting the public health, comfort, safety and general welfare, while ensuring every citizen the right to a clean, enjoyable neighborhood. Code Enforcement is comprised of a team dedicated to keeping your neighborhood safe and clean by enforcing the Gila County Development Codes. The responsibility of the Code Enforcement Department is to enforce the regulations outlined in the Gila County Development Codes and the Ordinance No. 05-01 Gila County Hearing Officer Rules of Procedure.

Frequently Asked Questions

HOW DO YOU MAKE A COMPLAINT?

Call the Gila County Community Development Code Compliance Department in Payson, (928)474-7112 and in Globe, (928) 402-8513. Or, fill out the complaint form that is found in the documents section of this website and email, mail, fax or stop by the office in Payson or in Globe.

WHAT CONSTITUTES A VIOLATION?

Any use of land that conflicts with the Gila County Development Codes, and in which the promotion and protection of the public health, safety, convenience and general welfare is not served. Allegations of a violation can be a very serious matter.

WHAT IS NOT A CODE VIOLATION?

It is important to distinguish the difference between real violations and non-violations. Examples of what is NOT a violation:

- Violations of CC & R's
- Excessive barking or dogs at large; refer to the Sheriff's Office or Animal Control
- Weeds in the ditch along the roadway should be maintained by the property owner or reported to the Public Works Department

- Social nuisances and noisy activities should be reported to the Gila County Sheriff's Office
- Ugly, or unattractive automobiles, trucks and recreational vehicles
- Violations in the Town of Payson or in the Town of Globe

WHAT HAPPENS WHEN SOMEONE IS IN VIOLATION OF THE CODES?

Depending upon the type of violation, a person with a code enforcement violation may be contacted by staff and asked to voluntarily abate (correct) the violation. They may be notified of the specific violation and given a time frame in which to comply. They may be provided with a phone number and name for the Code Compliance Officer handling their case.

DOES THE PLANNING & ZONING DIVISION RELEASE THE COMPLAINING PARTY'S NAME?

Complaints may be anonymous, but for those who choose to leave their name, information provided by the complainants shall become public record.

WHAT HAPPENS WHEN SOMEONE REFUSES TO COMPLY WITH THE CODES?

When someone refuses to comply with the codes, the Code Compliance Officer will issue a Notice of Violation, schedule a civil hearing with the hearing officer or file criminal charges.

IF YOU RECEIVE A NOTICE OF VIOLATION/ SUMMONS, WHAT HAPPENS?

Upon receipt of an Alleged Notice of Violation/ Summons, you should contact the Inspector on the case who signed and sent you the notice either in Globe (928)402-8513 or Payson (928)474-7112, to discuss the alleged violation and what options are available for bringing the property into compliance with the Development Codes.

GILA COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
COMPLAINT FORM

DATE: _____
PROPERTY ADDRESS: _____

SPECIFIC COMPLAINT: _____

COMPLAINT FILED BY: ☐ COUNTER ☐ PHONE ☐ MAIL ☐ STAFF

NAME: _____ PHONE: _____
ADDRESS: _____
EMAIL: _____

FOR OFFICE USE ONLY

COMPLAINT RECEIVED BY: _____
COMPLAINT NO: _____ APN: _____
ZONING: _____
PROPERTY OWNER: _____
PHONE NUMBER: _____
EMAIL: _____
MAILING ADDRESS: _____
CITY: _____ STATE: _____ ZIP CODE: _____

OCCUPANT: (Circle Applicable) RENTER OR LESSEE

NAME: _____
ADDRESS: _____

INSPECTOR: _____
COMPLAINT REFERRED TO: _____ DATE: _____

745 N ROSE MOFFORD WAY, GLOBE, AZ 85501 • (928) 402-8513 • bhanna@gilacountyaz.gov
608 EAST HIGHWAY 260, PAYSON, AZ 85541 • (928) 474-7112 • tbrown-cocroft@gilacountyaz.gov

CODE ENFORCEMENT DIVISION - COMPLAINT PROCESS

The Rules of Procedure for the Gila County Hearing Officer are adopted pursuant to the authority granted to Gila County in A.R.S. 48-3601 through 3628 (Unauthorized Development within the Floodplain); A.R.S. 49-141 (Unhealthy Conditions Causing Environmental Nuisance); A.R.S. 11-268 (Requiring an owner, lessee or occupant of buildings, grounds or lots located in the unincorporated areas of the county to remove rubbish, trash, weeds, filth, debris and dilapidated buildings which constitute a hazard to Public Health and Safety from buildings grounds, lots, contiguous sidewalks, streets and alleys); A.R.S. 11-808 (Establish Civil Penalties for Zoning Violations) and A.R.S. 11-866 which allows A.R.S. 11-808 to be utilized in enforcing Building Codes. The responsibility of the Code Enforcement Division is to enforce the regulations outlined in the Gila County Development Codes.

1) Initial Complaint

Once a signed written complaint is received, it is researched for location, ownership, zoning, floodplain, permits, septic clearance and jurisdiction. Several questions are answered in this phase. Anonymous complaints will be processed.

- Who is the legal property owner/responsible party?
- Is this location within the unincorporated area of Gila County?
- What type of complaint is it? (a zoning ordinance, building code, wastewater, floodplain and/or drainage/grading complaint)
- What other violations, if any on the property?
- What permits have never been finalized?

2) Case Assignment

After the initial complaint is researched, it is assigned to a Code Enforcement Officer by geographic location within the County. Staff consists of two Code Compliance Officers assigned to the Code Enforcement Division.

3) Field Inspections

An initial site inspection is conducted on each complaint, usually within five (5) days of receipt, which validates the violation(s) listed in the complaint. If a violation is observed on the property, the inspector when applicable and possible leaves a copy of the inspection report on site and the investigation continues. If no violation is observed the case is closed.

4) Notice and Order to Comply

If an inspection reveals that a violation exists, the inspector (officer) will prepare a case file comprised of the violation activity and summary of the inspection that was conducted. A thirty (30) day letter and a Summons are prepared and mailed to the property owner with specific instructions to take measures to bring the property into compliance. The property owner is advised that another site inspection will be performed within 30 days, to verify that the violation has been corrected. If an inspection is conducted after 30 days and the inspection reveals that a violation exists, then the hearing date as established earlier will go into effect.

5) Civil Hearings

After a Notice and Order to Comply inspection is made and the property is still in violation, the property owner has already been summoned before the Hearing Officer for a civil hearing. At this hearing, the determination is made as to whether the property is in violation of the Gila County Development Codes. If the property owner is found responsible, a civil sanction or monetary fine may be imposed. The Defendant is sent a copy of the judgment against him. At this point in the process, the Hearing Officer gives the order to the Code Compliance Division to conduct future inspections to verify that the property owner comes into compliance. If the Defendant does not comply, Arizona Revised Statutes authorizes the Gila County Development Code Violation Hearing Officer to impose fines up to \$700.00 per day for continuing violation for an individual person and up to \$10,000 per violation per day for enterprises.

REPORT A CONCERN/COMPLAINT

Gila County Environmental Health staff will accept and investigate complaints regarding the following general public health nuisances:

- Flies and fly breeding areas
- Mosquito breeding areas
- Conditions that promotes the harborage and breeding of mice or rats
- Household garbage uncontained or improperly stored on private property
- Accumulated manure or animal droppings that cause fly breeding conditions
- Suspected food-borne illness
- Unsanitary conditions at regulated facilities, including motels/hotels and restaurants
- Smoke Free Arizona complaints

Gila County Environmental Health staff will not accept and investigate complaints regarding the following:

- General Odors
- Conditions inside a private residence
- Noise
- Mold
- Number or condition of animals on private property; please contact Gila County Animal Care & Control at (928) 425-5882 or online at <http://animalservicerequest.com/>.
- Junk or junk vehicles stored on private property; please contact Gila County Community Development at (928) 402-4224.
- Sewage that overflows onto surface of the ground; please contact Gila County Wastewater Department at (928) 474-9276

To report an Environmental Health Nuisance Complaint:

- Globe Office - (928) 402-8811
- Payson Office - (928) 474-1210

Walk-in complaints:

- Globe Office: 5515 S. Apache Ave., Suite 100
- Payson Office: 110 West Main Street

File a concern or complaint online:

Business Name or Property Owner:

Complaint Address:

City or Town:

Zip or Postal Code:

Your Contact Information:

Email:

Supporting Documents or Photos:

Choose Files

No file chosen

Reason for Complaint or Concern:



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SUBMIT

RESET

https://www.gilacountyaz.gov/government/health_and_emergency_services/h/ehc.php