

CHAPTER 17 – NUISANCES

Sec. 17-60. Order of assessment.

(a) Within five (5) days after the City, its employees or contractors have removed rubbish, trash, weeds, filth, debris or dilapidated structures, including but not limited to removal of stagnant waters in swimming pools, spas and hot tubs from any lot, parcel or tract pursuant to this ordinance, the City shall issue a written order of assessment. The order shall list the common address, legal description and tax parcel number of the property. The order shall also list the actual cost of removal, the five percent (5%) surcharge levied by the City, and the total cost. The order shall indicate that the entire cost is due and payable in full within thirty (30) days from the date of issuance of the order, and that the assessment will become delinquent on that date. The order shall be signed by the City Manager or his designee and shall be recorded in the office of the County Recorder.

(b) The order of assessment shall also contain the following notice in bold face print:

NOTICE: THIS ORDER OF ASSESSMENT PURSUANT TO A.R.S. §9-499 AND ARTICLE I, SECTION 3 (4) OF THE PEORIA CITY CHARTER SHALL CONSTITUTE A LIEN UPON THE PROPERTY DESCRIBED IN THIS ORDER IN FAVOR OF THE CITY OF PEORIA, ARIZONA. THE CITY MAY TAKE LEGAL ACTION TO FORECLOSE THE LIEN AND SELL THE PROPERTY DESCRIBED TO RECOVER THE COSTS INDICATED IN THE ORDER OF ASSESSMENT.

(c) The order of assessment shall indicate that the owner, lessee or occupant shall have ten (10) days from the date of issuance to appeal the amount of the assessment levied by the City. The date of mailing the order shall be the date of issuance. All appeals of orders of assessments shall be in writing and shall specify the grounds for appeal of the assessment. Only the amount of the assessment may be appealed. The appeal shall be filed with the appeal fee provided in this Code, and failure to pay the required fee shall result in the appeal not being filed.

(d) The City Manager or other Hearing Officer shall hear the appeal within fifteen (15) days after receipt and upon conclusion submit recommended findings and conclusions to the City Council. Written notice of the hearing shall be provided to the appropriate City departments and to the owner, occupant or lessee. The City Manager shall recommend and the City Council shall determine, based upon a preponderance of the evidence, whether the assessment was made in accordance with the provisions of this ordinance and whether the amount assessed actually covers the costs incurred by the City. The Council shall issue its findings in writing upholding or modifying the amount of assessment. The decision of the Council shall be final.

(e) The order of assessment shall provide that any delinquent assessments shall bear interest in the same manner as delinquent utility bills at a rate of twelve percent (12%).

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(f) A prior assessment under this Chapter is not a bar to subsequent assessments under this Chapter and any number of liens imposed pursuant to this Chapter may be enforced in the same action.

(Ord. No. 93-01, 1/5/93, Enacted)

(Ord. No. 00-20, 5/16/00, Amended (a)) SUPP 2000-2

(Ord. No. 04-212, 12/14/04, Amended) SUPP 2004-4