

Code Enforcement Overview

Community Development

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The Big Picture

- Exterior condition and use of property that impacts the community
- Not interiors
- Not personal preferences
- Not HOA-level aesthetics
- Focus on health, safety, and welfare

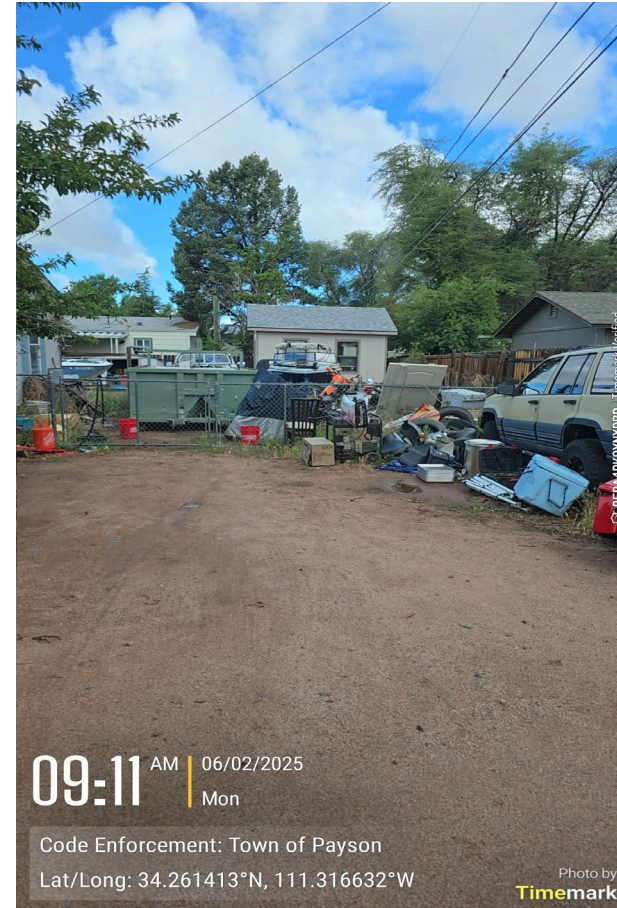
What We Enforce – Real-World Conditions

- Observable conditions that meet the definition of a violation under Town Code
- Not subjective opinions
- If it meets the code definition, we act
- **If it does not, we do not have authority to intervene**

Inoperable / Junk Vehicles



Junk, Trash, and Debris



Overgrown Vegetation



Unpermitted Construction



RV Occupancy



Illegal Signage / Business Activity



Codes We Enforce

- Chapter 91 – Nuisances / Property Maintenance
- Chapter 150 – Building Regulations
- Chapter 153 – Tree Regulations
- Chapter 154 – Zoning / Unified Development Code
- Chapter 110 – Business Regulations / Licensing and occupancy requirements
- Adopted codes are publicly available on the Town website

What Falls Outside Code Enforcement

- Interior conditions of homes
- Personal disputes between neighbors
- Private CC&Rs, deed restrictions, or HOA rules
- Personal preferences or opinions
- Barking dog complaints
- Routine traffic or parking violations

Examples: Not Town Code Violations

- “I do not like their yard décor.”
- “Their house is an ugly color.”
- “Their fence does not match mine.”
- “They are violating HOA rules or deed restrictions.”
- **There must be a Town Code violation before Code Enforcement has authority to act**

CC&Rs, Deed Restrictions & Town Code

- Private agreements recorded against property and remain with the land
- Often administered by an HOA, but not always
- Frequently more restrictive than Town Code
- Town Code is public law adopted to protect health, safety, and welfare
- **Code Enforcement enforces Town Code—not private restrictions**

How Cases Are Identified

- Complaint-driven cases, which make up the majority of our workload
- Officer observation while in the field
- Limited proactive enforcement in key corridors or areas of concern
- Nearby properties may be observed for similar violations to ensure fairness

Fairness & Consistency

- Apply the Town Code fairly and consistently throughout the community
- Avoid selective enforcement
- Protect the integrity of the enforcement process
- **Protect the Town, the process, and the community as a whole**

Legal Framework

- United States Constitution
- Arizona Constitution
- Arizona Revised Statutes, primarily Title 9
- Town of Payson Town Code
- Fourth Amendment: unreasonable searches and seizures
- Fourteenth Amendment: due process and equal protection

Legal Framework: What This Means

- We cannot enter private property without consent or legal authority
- We observe violations from lawful vantage points, such as a public street, sidewalk, or right-of-way
- We provide proper notice and a reasonable opportunity to comply
- We apply the law fairly and consistently
- Every enforcement action must be supported by facts, evidence, and applicable law

Curtilage

- The area immediately surrounding a home that is part of the home's private living space
- Protected by the Fourth Amendment, like the home itself
- We do not enter backyards, climb fences, look through windows, or enter enclosed areas without consent or legal authority
- **If we cannot legally observe a violation, we do not have authority to enforce it**

The Process

- Complaint received
- Investigation conducted
- Notice of Violation issued
- Compliance period
- Reinspection
- Escalation if needed
- **There are no shortcuts in this process**

Step 1: Complaint Intake and Research

- Complaint is logged into the system
- Ownership is verified through records such as deeds, assessor information, or title records
- Property is researched for permit history, prior violations, zoning, and relevant background
- **This step is critical for accuracy and legal defensibility**

Step 2: Investigation

- Initial investigation is generally conducted within approximately five business days
- Observations are made from lawful public locations
- Photos and documentation are collected
- All observations must comply with constitutional protections

Step 3: Notice of Violation

- If a violation is confirmed, a formal Notice of Violation is issued
- The notice explains what the violation is
- What code applies
- What needs to be corrected
- The deadline for compliance, typically 30 days unless circumstances require otherwise

Step 4: Compliance Period

- The property owner is provided time to correct the violation
- If reasonable progress is being made, we work with them
- This may include extensions, adjusted deadlines, or delaying court action when appropriate
- **The goal is compliance, not punishment**

Step 5: Reinspection

- After the compliance period, the property is reinspected
- If corrected, the case is closed
- If there has been no progress, the case moves forward in the enforcement process

Step 6: Escalation

- Additional enforcement may include a Final Notice, Civil Citation, Court Proceedings, or Abatement
- In most cases, abatement is the Town's last resort
- Property owners are given notice, an opportunity to comply, and, when necessary, the court process first
- **When an immediate threat to public health or safety exists, the Town may take prompt action as authorized by law**

Why This Takes Time

- Due process is required
- Documentation must be complete
- Property owners must be given an opportunity to comply
- This is not delay
- **This is due process**

Why We Don't Just Fine People

- Code Enforcement is designed to achieve compliance—not punishment
- Fines alone do not correct violations
- Many property owners are unaware of the requirements or need time to correct the issue
- Most voluntarily comply after clear notice and explanation
- **Our goal is lasting compliance**

Balanced Approach

- Not every violation is intentional
- Education and guidance
- Clean to Compliance and community cleanup efforts
- Uphold community standards while connecting residents with resources
- **Long-term compliance comes from accountability, education, and support**

Before-Compliance





After – Compliance





Closing

- Code Enforcement is not about control—it is about balance
- Balancing property rights, community standards, and legal requirements
- Fair, consistent, and lawful compliance
- A safer, cleaner community for everyone
- **Compliance works best when it is achieved—not forced**

