



**Neighborhood & Human Services Department
Code Compliance Division**

9875 N. 85th Avenue
Peoria, Arizona 85345

**RECOMMENDATION OF THE
HEARING OFFICER TO THE
PEORIA CITY COUNCIL**

CASE NO. 23-004107, 23-004109, 23-004110

IN THE MATTER OF: [REDACTED]

PROPERTY ADDRESS: Unaddressed Parcels – West Deer Valley Road, Peoria, AZ 85382

ASSESSOR PARCEL NUMBERS: 200-09-748B, 200-09-747B, 200-09-749C

LEGAL DESCRIPTIONS: SEC21 T4N R1E, SEC20 T4N R1E

HEARING DATE AND LOCATION: November 27, 2023

9875 N. 85th Avenue

Peoria, Arizona 85345

APPEARANCES: [REDACTED], Bob Lozier, Eric Hannah, Jessica Castaneda

FINDINGS: Based on a preponderance of the evidence, violations of Peoria City Code Section 17-3 (j) and Section 17-3 (l) have occurred. As to the charge based on Section 17-3 (k), the testimony and documents presented at the hearing do not establish by a preponderance of the evidence that a violation has occurred. Violation of the two sections mentioned above constitute a hazard to public health and/or safety. **The notices of violation should be upheld as to Sections 17-3 (j) and 17-3 (l), but should not be upheld as to Section 17-3 (k).**

FACTUAL BASIS FOR FINDINGS:

[REDACTED] testified on his behalf. Bob Lozier and Eric Hannah testified on behalf of the City of Peoria. [REDACTED] is the owner of three parcels of land, identified by the Assessor Parcel Numbers noted above. These three parcels are narrow strips of land (approximately 8' wide) that are adjacent to the Deer Valley Road right-of-way. A sidewalk is located in the right-of-way between [REDACTED] property and the Deer Valley Road curb. Section 17-3 (j) is clear that it is the responsibility of the owner of land abutting a sidewalk or street to maintain the land up to the curb line and to keep the property free of overgrown vegetation and weeds. Section 17-3 (l) prohibits weeds or grass in excess of 6 inches to be present on the owner's property. Section 17-3 (k) requires an owner of property to keep the property free of plant growth that is readily flammable or combustible and constitutes a fire hazard. By testimony and photographs, the City established by a preponderance of the evidence that (1) vegetation/weeds in excess of 6 inches in height are present on [REDACTED] property and (2) the vegetation/weeds on [REDACTED] property and the area between [REDACTED] property and the Deer Valley Road curb constitute a hazard to public health and/or safety. The City did not establish by a preponderance of the evidence that a fire hazard exists on the property owned by [REDACTED]

In his notice of appeal, [REDACTED] raised some constitutional concerns. At the hearing [REDACTED] (1) noted that the City codes require him to maintain City-owned lands (2) but did not provide any other evidence/testimony regarding the constitutional concerns. [REDACTED] testified that the Peoria City Court has either dismissed similar charges against him and/or found [REDACTED] not responsible. The City testified that the City Court matters were based on different dates than the current notice of violation.

As of the date of the hearing, none of the weeds/vegetation have been cut or removed.

IT IS THEREFORE RECOMMENDED THAT:

Pursuant to Peoria City Code Section 17-58, this case be referred to the Peoria City Council with a recommendation that the Council uphold the notice of violation relating to Sections 17-3 (j) and (l), but not Section 17-3 (k). Thereafter, pursuant to Peoria City Code Section 17-59, the Peoria City Manager should issue an order of abatement ordering the removal of all rubbish, trash, weeds, or other accumulation of filth, debris or dilapidated structures which constitute a hazard to public health and safety by the City's employees or contractors. This order should include the estimated cost for the removal, plus a five percent (5%) surcharge, based on the estimated cost to cover the City's incidental costs.

[REDACTED]

11/28/2023

Hearing Officer

Date