



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

July 21, 2021

DEPARTMENT:

City Attorney's Office

DIVISION

Administration

STRATEGIC OUTCOMES

- ☒ Safe & Prosperous
- ☐ Active & Appealing
- ☐ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Code Text Amendment: Public Nuisances

SUMMARY RECOMMENDATION:

Amend Yuma City Code Title 13, Chapter 134, Article 5 (Yuma City Code § 134-05) to include a defined procedure and standard for obtaining an Administrative Warrant to allow the City to remedy public nuisances. (City Attorney's Office) (Emily Hart)

STRATEGIC OUTCOME:

This ordinance meets the strategic outcome of providing a Safe and Prosperous City by providing City staff the ability to remedy public nuisances, which protects the safety of persons, property, and the quality of life.

REPORT:

Public nuisances, such as vermin, traffic obstructions, and walkway obstructions, pose a danger to people and property and directly affect the quality of life of the citizens of Yuma. Yuma has a unique community in which property owners may only reside in Yuma part-time, or not at all. There are numerous private properties with corporate and/or out-of-state owners. As a result, providing notice to owners of current or potential public nuisances on their property can be difficult and is not always successful. In the event a property owner cannot or does not remedy a public nuisance within a reasonable period of time, the City has the option to step-in and remedy the situation instead. To do this requires obtaining an Administrative Warrant by presenting the facts to an impartial judge. If the standards are met, the judge issues the warrant, which provides judicial permission for the City to enter the property and take action.

The current language of Yuma City Code § 134-05 lacks a detailed procedure for how to obtain an Administrative Warrant and lacks standards for the issuance of such a warrant. The proposed language provides notice of proper procedures to all parties, provides judicial oversight, and sets forth a way to protect the public from public nuisances while respecting the rights of property owners. The proposed language incorporates state and constitutional warrant standards.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		6/10/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		6/8/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Emily K. Hart		6/1/2021	