

ARTICLE 7 – ENFORCEMENT & NONCONFORMITIES

7.1. Purpose

The purpose of this Article is to establish the procedures used by the City to enforce this Code, ensure compliance, and remedy violations. This Article also identifies the remedies and penalties applicable to violations of this Code, and regulates lawfully established uses, structures, lots, site characteristics, and signs that no longer conform to current requirements, collectively referred to as nonconformities.

7.2. Violations and Penalties

7.2.1. Violations

It is unlawful to construct, erect, install, alter, change, maintain, use or to permit the construction, erection, installation, alteration, change, maintenance, or use of any house, building, structure, sign, landscaped area, parking lot or fence, or to permit the use of any lot or land contrary to, or in violation of any provisions of this Ordinance, or of any conditions, stipulations or requirements included as a condition of any applicable approval. Any land use that is specifically prohibited by this Ordinance or is unspecified and not classified by the Zoning Administrator is prohibited in any district.

7.2.2. Responsible Party.

The responsible party for any violations hereunder is the owner of personal property improvements or real property and/or person in possession or control of any personal property improvements or real property (hereafter "Person"). The responsible party shall be responsible for any violations hereunder whether or not the responsible party or its agent committed the prohibited act(s) or neglected to prevent the commission of the prohibited act(s) by another.

7.2.3. Penalty.

Any Person who violates any of the provisions of this Ordinance and any amendments thereto and/or any conditions, stipulations or requirements included as a condition of any applicable approval shall be:

- A. Subject to civil sanctions of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) per offense; or
- B. Guilty of a class 1 misdemeanor, punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), or by a term of probation not exceeding three (3) years, or imprisonment for a term not exceeding six (6) months, or by a combination of fine, probation or imprisonment. The City Prosecutor is authorized to file a criminal misdemeanor complaint in the City of Goodyear Municipal Court for violations hereunder.

7.2.4. Separate and Continuing Offenses

Each day that the violation exists constitutes a separate and distinct offense. A violation continues until the responsible party has fully corrected the condition and has obtained all required approvals and permits.

7.2.5. Abatement and Cost Recovery

If the responsible party fails to correct a violation, the City may enter the property, abate the condition, and recover all costs, including administrative fees, equipment, labor, contractor expenses, and any associated penalties.

7.2.6. No Vested Rights in Violations

No unlawful use, structure, or activity shall ever be granted legal status based on the duration of the violation. Delayed enforcement does not confer approval.

7.3. Nonconforming Uses & Buildings

Lawful use of a building or land existing at the effective date of this Ordinance, although such use does not conform to these provisions, may be continued, provided only reasonable repairs and alterations are made.

7.3.1. Uses.

- A. Such nonconforming use that is discontinued for a period of six (6) months shall be presumed abandoned, and any future use of said building or land shall be in conformity with this Ordinance.
- B. A nonconforming use of a building or land may not be changed to another nonconforming use. When a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a nonconforming use.
- C. An existing building or land devoted to a use not permitted under this Ordinance for the district in which it is located shall not be enlarged, extended, reconstructed, or structurally altered unless the use conforms with this Ordinance. Reasonable repairs or alterations shall be permitted, so long as such repairs or alterations do not permit the expansion of the nonconforming use.

7.3.2. Buildings.

- A. Any building or land in existence at the effective date of this Ordinance that does not conform to the district in which it is located and that is destroyed to the extent of fifty (50) percent of its replacement cost value (as determined by three [3] competent appraisers) shall, without further action by the Council, be subject to this Ordinance from the date of destruction.
- B. Nothing in this Ordinance shall be interpreted as authorization for continuance of the use of a building or land in violation of zoning regulations in effect prior to adoption of this Ordinance.
- C. Nothing in this Ordinance shall be interpreted to require any changes in:
- D. An existing building that was legally permitted and/or approved or annexed with an existing condition; or
- E. A building for which a building permit has been issued and construction has been diligently pursued within three (3) months of the date of the permit, and ground story framework (including second tier of beams) has been completed within six (6) months of date of the permit, and the entire building was completed within one year from date of this Ordinance.