



**CITY OF TUCSON  
HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CODE ENFORCEMENT DIVISION**

P.O. Box 37210 • Tucson, AZ 85726 • Sentinel Bldg • 301 N. Commerce Park Ln • (520) 791-5343 • TTY (520) 791-3639

**NOTICE OF VIOLATION**

Responsible Party:

**THE RIALTO THEATER FOUNDATION ATTN DOUG BIGGERS  
P.O. BOX 1728  
TUCSON AZ 85701**

The City of Tucson has inspected the below-mentioned property and has determined that the property has defects or conditions that are in violation of the Tucson Code that may include the Neighborhood Preservation Ordinance, the Land Use Code, the Sign Code, or other City Code provisions referenced below.

CASE #	T10DV04139	INSPECTION DATE	06/30/2010	PARCEL #	117-06-168C
PROPERTY ADDRESS	318 E CONGRESS ST TUC				

The specific violation(s) and corrective actions(s) are:

- 1 **T.C. Ch. 3, Sec. 3-16 A PERMIT IS REQUIRED TO INSTALL A SIGN.**  
It shall be a civil infraction for any person to erect, reinstall, alter, change the copy, repair or relocate a sign without first obtaining a permit.

**DESCRIPTION: THERE ARE PAINTED SIGNS ON THE EAST WALL OF THE BUILDING. THE FOLLOWING SIGNS READS BOOKMANS, THE RIALTO THEATRE PRESENTS, THE SWELL SEASON JULY 17, THE PRONOGRAPHERS JULY 21. ALL SIGNS WERE PAINTED ON THE BUILDING WITHOUT PERMITS.**

**ACTION NECESSARY TO CORRECT AND COMPLIANCE TIME**

**WITHIN 30 DAYS, OBTAIN PERMITS FOR ALL THE SIGNS ON THE BUILDING OR REMOVE THEM.**

Any and all corrective actions must be commenced immediately and completed **within the time frames described above** upon the service of this Notice. All work performed must be in accordance with Tucson Codes, including the securing of any required permits. The City will re-inspect the listed properties/premises upon the expiration of the compliance period allowed for corrective actions stated in this Notice. Failure of compliance/abatement will result in a citation. Court fines range from \$100 to \$2500. If directed to demolish the building, the building shall be vacated **immediately**, all permits shall be secured **within sixty (60) days**, and demolition must be completed **within ninety (90) days** from the service of this Notice. If you need an accommodation because of a disability, please contact the inspector at the phone number listed below prior to the compliance date. For reference on Tucson Code, link to [www.municode.com/resources/gateway.asp?pid=11294&sid=3](http://www.municode.com/resources/gateway.asp?pid=11294&sid=3). For reference on the Land Use Code, link to [www.tucsonaz.gov/planning/codes/luc/complete\\_luc.pdf](http://www.tucsonaz.gov/planning/codes/luc/complete_luc.pdf). **Required permits can be obtained at Development Services Department, 201 N. Stone Av., Tucson, AZ 85701, 791-5550.**

**PLEASE BE AWARE THAT FAILURE TO COMPLY WITHIN THE REQUIRED TIME FRAME MAY CAUSE THE DEPARTMENT TO CHARGE A REINSPECTION FEE. THIS WILL OCCUR IF, AFTER A FOLLOW-UP INSPECTION, THE INSPECTOR FINDS THAT THE VIOLATION(S) LISTED ABOVE ARE NOT IN COMPLIANCE. THE FEE IS \$75.00 AFTER EACH RE-INSPECTION WHERE COMPLIANCE HAS NOT OCCURRED.**

Method of Service: POSTED REGULAR MAIL HAND DELIVERED OTHER: \_\_\_\_\_

Delivered to (signature): \_\_\_\_\_ Print name: \_\_\_\_\_





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## **NOTICE OF VIOLATION**

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If any required cleanup, board-up, extermination, repair, rehabilitation, vacating, demolition or other abatement action is not commenced and completed as directed in this Notice of Violation (NOV), the Code Official may proceed to cause the work to be done and charge the costs thereof against the property or property owner.

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## **ASSESSMENT**

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Upon failure to comply with this NOV, the City of Tucson may take action to abate the violations and/or issue a citation to the legal owner of record or other responsible party. Any abatement costs incurred may be billed and assessed to the legal owner or a lien placed on the property until payment in full, plus any interest due, has been received. The City may also charge for inspections or incidental and legal costs and these charges may also be filed as an assessment against the property. If the City is forced to abate the violations described in this NOV, the estimated cost of the abatement will be assessed on the property.

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## **RIGHT TO APPEAL**

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Any person having any legal interest in the building or structure may pursue two types of administrative appeals from either: (1) a NOV that identifies a violation of Sections 16-4, 16-11, 16-12, or 16-14 of the Tucson Code; (2) a designation of the property as a slum; or (3) the imposition of an assessment upon the property. An appeal to the Code Official must be made in writing as provided in Section 16-71 within ten (10) days from the date of the NOV. An appeal to the Board of Appeals must be made in writing as provided in Section 16-73 within thirty (30) days from the date of service of this NOV.

In the event that a building or structure is posted as hazardous pursuant to Section 16-64 of the Tucson Code, the appeal to the Board of Appeals must be filed within ten (10) days from the date of service of this NOV. Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination.

Where questions occur concerning the content or application of the Land Use Code (LUC), the Zoning Administrator shall render a final decision and interpretation on the matter in accordance with the Zoning Compliance Review Procedure, Sec. 23A-31. In making a determination, the Zoning Administrator shall rely on the purpose of the section in question. Zoning Administrator interpretations can be appealed through a Board of Adjustment Appeal Procedure, Sec. 23A-61. Appeals must be filed within thirty (30) days of the date of decision. The Board of Adjustment, under extenuating circumstances, may extend the thirty (30) day appeal period. (Ord. No. 8765, §1, 10/14/96; Ord. No. 9138, §1, 10/5/98; Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §1, 7/1/04)

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## **TRANSFER OF PROPERTY**

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The transfer of any interest in the property that is the subject of this NOV will not relieve the person served with this NOV unless the party assuming the ownership interest assumes, in writing, the responsibility for compliance with this NOV, and provides a copy to the Code Official. Any person who has been served with this NOV and who then transfers any interest in the property without first obtaining a written acceptance of liability from the new owner is guilty of a misdemeanor.

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## **REPEAT OFFENDERS**

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Repeat offenders may not receive a NOV for future violations. Instead, future violations may result in civil or criminal citation without issuance of further NOVs.