

¹CHAPTER 20 CIVIL CODE ENFORCEMENT FOR VIOLATIONS OF CITY CODE

Article 20

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Section 20-1 Purpose

The purpose of this Chapter is to provide, as alternative to other enforcement means, for an informal, timely and efficient process for adjudication of civil code violations.

Section 20-2 Designation of Civil Offense

Violations of the zoning, subdivision and code ordinances of the City may be filed under the civil enforcement procedures herein, and are declared to be civil offenses. A person shall not be charged both as a civil and criminal offense for the same violation on the same date, but a subsequent violation against the same property or person may be charged as criminal rather than civil. The City may file a criminal charge against a violator that does not comply with a civil enforcement action pursuant hereto.

Section 20-3 Hearing Officer

The City Council shall appoint a hearing officer to hear and determine zoning, subdivision and code violations under the civil violation procedure.

Section 20-4 Filing a Complaint

- A. Civil complaints shall be filed using either the Uniform Arizona Traffic Ticket and Complaint form, or one substantially similar as approved by the Arizona Supreme Court, which shall cite to this ordinance as well as the particular subsection of the zoning, subdivision or code ordinance applicable to the alleged violation. Each subsection of the ordinance cited in the complaint shall be deemed a separate offense. Complaints may be sworn to by any building inspector or zoning officer for the City. The citation shall contain the date and time for the alleged violation, and direct the defendant to appear before the hearing officer at the specified time to enter a plea either admitting or denying the complaint.

- B. Citations will be served by personal delivery upon the defendant by the responsible inspector or code enforcement officer, or by registered mail together with a summons, in the manner set forth in Rule 3.4, Rules of Criminal Procedure.
- C. The citation will state that if the defendant wishes to admit responsibility, he must correct the violation (if applicable) and pay seventy-five dollars (\$75.00) within ten (10) days from the date of receipt of the citation or by the date specified on the citation either in person or by mail to the civil hearing office. The citation will state that if the defendant fails to correct the violation (if applicable) and pay the civil penalty on or before the date specified above or fails to appear at the date specified on the citation, the hearing officer will enter a default judgment against him and impose a sanction of not less than \$75 nor more than \$2,500.00 for each alleged violation.
- D. Subpoenas for witnesses shall be prepared and signed at the request of either the defendant or the City, and served by personal service, certified mail or first class mail, pursuant to A.R.S. §13-4072, as may be amended.

Section 20-5

Hearing Procedures

- A. Unless otherwise modified herein, civil enforcement procedures herein shall follow the Arizona Rules of Court for Civil Traffic Violations. Evidence of the charges in the complaint may be presented by the City Attorney, a code enforcement office or a building inspector. The defendant may present evidence *pro per* or through counsel. If the defendant is represented by an attorney, the attorney shall file a notice of appearance with the Coolidge City Court at least five (5) business days prior to the hearing. The defendant will not have a right to a jury trial.
- B. If the hearing officer finds that the charges are proven by a preponderance of the evidence, judgment shall be entered against the defendant and sanctions imposed in an amount not to exceed \$2,500.00 per violation for each day a violation exists beyond the initial notice constituting a separate offense. If the hearing officer finds the charges not proven, the case shall be dismissed.
- C. Any sanction shall be imposed immediately, without setting a sentencing date or probationary period, except that the hearing officer may allow the defendant a time to pay the sanction not more than 30 days from the hearing date. If a defendant cannot pay within 30 days from the hearing date, then the defendant shall enter into an acceptable payment plan to pay the sanction.

- D. Any judgment entered against a defendant may be collected as any other civil judgment as provided in the Arizona Revised Statutes. In addition, any judgment entered against a defendant shall constitute a lien against defendant's real property until paid and a copy of the judgment will be filed with the Pinal County Recorder's Office.

Section 20-6 Appeals

The defendant may appeal the decision of the hearing officer to the Superior Court, either pursuant to the civil traffic rules or through, A.R.S.