

RESOLUTION NUMBER 2279

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ENTITLED "CHAPTER 8.44 HEARING OFFICER PENALTIES AND ENFORCEMENT IN TITLE 8 HEALTH AND SAFETY OF THE MUNICIPAL CODE", FILED WITH THE CITY CLERK, AND PROVIDING FOR AN EFFECTIVE DATE OF SAME.

BE IT RESOLVED by the Mayor and City Council of the City of Cottonwood, Yavapai County, Arizona that:

Section 1. Declaration of Public Record. That certain document entitled "Chapter 8.44 Hearing Officer Penalties and Enforcement, Title 8, Health and Safety of the Cottonwood Municipal Code" is hereby declared a public record.

Section 2. Copies with City Clerk. Three copies are ordered to remain on file with the City Clerk.

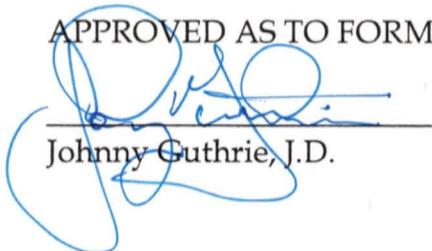
Section 3. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 20TH DAY OF MARCH 2007.



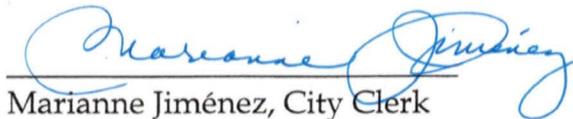
Ruben Jauregui, Mayor

APPROVED AS TO FORM:



Johnny Guthrie, J.D.

ATTEST:



Marianne Jimenez, City Clerk

Title 8 HEALTH AND SAFETY

Chapter 8.44 HEARING OFFICER PENALTIES AND ENFORCEMENT

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8.44.010 Definitions.

- A. "Administrative Hearing Officer" means the same as "Hearing Officer."
- B. "Attorney" means an attorney (lawyer) licensed to practice law in the state of Arizona.
- C. "Authorized Officer" means those City employees authorized from time to time by Council resolution to file complaints with the office of the Administrative Hearing Officer
- D. "Authorized Representative" means any person, firm or corporation authorized by a property owner to manage property.
- E. "City" means the incorporated areas of the City of Cottonwood.
- F. "Civil Penalties" means fines that may be imposed on a Defendant.
- G. "City Clerk" means the City Clerk for the City of Cottonwood.
- H. "Clerk" means the person who acts as the Clerk for the Hearing Officer.
- I. "Comply" or "Compliance" means meeting the requirements of the City of Cottonwood Municipal Code.
- J. "Compliance Date" means the date by which a property must meet the requirements of the City of Cottonwood Municipal Code.
- K. "Council" means the City Council of the City of Cottonwood.
- L. "Default" means not showing up for a hearing or failing to either admit or deny responsibility for a violation in a timely manner as may be determined by the Hearing Officer.
- M. "Defendant" is the property owner who has received a Notice of Violation.
- N. "Director" means the City of Cottonwood Community Development Director.
- O. "Hearing" is the meeting with the Hearing Officer at which time the Defendant and the City present their cases regarding the Notice of Violation.
- P. "Hearing Officer" means the person appointed by the City Council to hear cases related to violations of the City of Cottonwood Municipal Code.
- Q. "Hearing Office" means the Office of the Administrative Hearing Officer.
- R. "Inspector" means the City of Cottonwood employee or other person authorized to inspect property or to deliver Notices of Violation/s.
- S. "Judgment" means the decision of the Hearing Officer in cases related to violations of the City of Cottonwood Municipal Code.
- T. "Notice of Violation" means a notice delivered to a property owner regarding alleged violation/s of the City of Cottonwood Municipal Code.
- U. "Party" or "Parties" means the Defendant and/or the City.
- V. "Pre-hearing Discovery" means documents, witnesses or other evidence related to a case, and which shall be exchanged between the parties prior to the Hearing.
- W. "Serve" or "Service" means the act of delivering a Notice of Violation to a property owner or the authorized representative.

8.44.020 Procedures.

When the City becomes aware of an alleged violation of this code, either through a complaint or from agency or city officials who become aware of possible violations through the normal course of their duties, the following procedures will be used to address said violations:

- A. **Inspection.** If the alleged violation is considered an immediate potential threat to the public health, safety or general welfare as a hazardous condition, the City will respond with an immediate inspection of the property as authorized by any Federal, State, and local law.
- B. **Notification Letter.** If the alleged violation is not considered an immediate potential safety or health threat, the City will issue a letter of notification to the property owners and/or authorized representatives, as well as to the tenants and residents, residing therein, notifying them that specific complaints have been received and/or violations noted, and that an inspection will be conducted within 10 days, but not less than 72 hours. If a mailing address for the tenants is not available, the letter will be delivered in person to the residence. Said notice is effective whether delivered in person, posted on any entrance to the property, or affixed to any fence or enclosure surrounding said property.
- C. **Notice of Violation.** Subsequent to an inspection of a property where potential violations are noted, a formal Notice of Violation shall be issued to the property owner and/or authorized representative with specific violations described along with corrective action required. A specific timeframe will be indicated for compliance with the code. This notice will also describe potential penalties for failure to comply and any appeal process available to contest the alleged violations.
- D. **Follow Up Inspection.** Upon taking corrective action to rectify the violations, the property owners, authorized representatives and/or tenants may schedule a follow-up inspection with the City.
- E. **Criminal Complaint.** Property owners, or authorized representatives, who fail to follow the directives of the Hearing Officer regarding alleged violations of this code, shall be subject to receipt of a criminal complaint, as further described herein.
- F. **City Sponsored Abatement.** Under the direction of the Municipal Court, the City, at its discretion, may take action to cause and direct abatement of all remaining violations and to assess all associated costs and penalties through a recorded lien on the property, as per the procedures described in Chapter 8.12 of the Municipal Code.

8.44.030 Applicable Municipal Code Provisions

The Office of the Administrative Hearing Officer is authorized to hear, decide and resolve complaints from designated City officer alleging violations of the following sections of the Cottonwood Municipal Code:

- A. Title 8. Chapter 8.04. Health and Sanitation
- B. Title 8. Chapter 8.08 Garbage and Trash Collection
- C. Title 8. Chapter 8.12 Nuisance Abatement
- D. Title 8. Chapter 8.16 Mosquito and Fly Control
- E. Title 9. Chapter 9.08 Handbills
- F. Title 10. Chapter 10.44 Abandoned Vehicles
- G. Title 12. Sidewalks and Public Places
- H. Title 15. Buildings and Construction
- I. Title 17. Subdivision
- J. Title 18. Zoning and Land Use

8.44.040 Authorized City Officers

The following City officers are hereby authorized to file complaints with the office of the Administrative Hearing Officer:

- A. City Manager
- B. Community Development Director
- C. Code Enforcement Officer
- D. City Attorney
- E. Building Official

8.44.050 Notice of Violation.

A. **Issuance of Notice of Violation.** An action to hear and determine a civil offense may be commenced by the issuance and filing of a Notice of Violation. The notice shall be in the form of, or substantially similar to, the uniform Arizona Traffic Ticket and Complaint Form, and shall cite the particular subsection of the Municipal Code applicable to the alleged violation. Each subsection of this Code cited in the complaint shall be deemed a separate offense. The Notice of Violation shall contain the date and time of the alleged violation and shall direct the defendant to appear before the Administrative Hearing Officer at a specified time, and to enter a plea, either admitting or denying the complaint. The notice will state that if the defendant fails to appear before the Hearing Officer on the date and time specified therein, a default judgment will be entered against the defendant and a civil sanction will be imposed.

B. **Authority to Issue Notice of Violation.** Any Code Enforcement Officer, inspector, peace officer, or other duly authorized agent of the City who observes a violation of any provision of this Code, as designated herein, is empowered to issue a Notice of Violation. Prior to issuing a notice, the officer, official, inspector or agent may, in his or her discretion, issue a written notification allowing the violator ten (10) days to remedy the violation. If the violation is not remedied in ten (10) days, a citation may be issued. Nothing in this Section shall require the issuance of a Notice of Violation prior to the commencement of civil or criminal violation proceedings. If the Inspector is unable to personally serve the Notice of Violation, it may be served as provided for alternative methods of service in the Arizona Rules of Civil Procedure, including by certified mail. If a Notice of Violation cannot be served personally by the inspector, then it must be served by an alternative method, as described in this code, at least thirty (30) days before the hearing. The inspector is required to file a copy of the Notice of Violation and any other appropriate documentation related to the case with the office of the Administrative Hearing Officer.

C. **Service of Notice.** The notice shall be served by delivering a copy to the defendant. The notice shall be signed by the owner of record or their authorized representative with his/her promise to appear within thirty (30) days of the issuance of the notice. If the occupant or owner is unavailable at the time the violation is noted or refuses to sign the notice, service may be accomplished and will be deemed proper and complete by any of the following:

1. By hand delivering a copy of the notice to the owner of record or their duly authorized representative.
2. By certified or registered mail, return receipt requested. Service by mail is deemed complete upon deposit in the U.S. Mail.
3. In the same manner prescribed for alternative methods of service by the Arizona Rules of Civil Procedure.
4. Upon the resident/occupant of the premises where the violation occurred by posting a copy of the notice on or about an entrance to the dwelling unit, or as further described subsection B, Notification Letter, above.

8.44.060 Changing the Notice of Violation.

A. The Hearing Officer may allow a Notice of Violation to be changed by the City inspectors at any time before he or she makes a Judgment in the case, as long as the change does not include any additional or different violations and if the Hearing Officer determines that the rights of the Defendant are not harmed by making the change.

B. The Hearing Officer may allow a Notice of Violation to be changed at the hearing in order to make it consistent with evidence that is presented, as long as the change does not include any additional or different violations and if the Hearing Officer determines that the rights of the Defendant are not harmed by making the change.

C. Any changes to a Notice of Violation are considered to have been included in the original Notice of Violation as of the date it was issued.

8.44.070 Dismissing the Notice of Violation.

A. The Hearing Officer will dismiss a Notice of Violation when a request for dismissal is received from the City based on successful resolution of the violations. A request to dismiss a Notice of Violation may be made on or before the date of the hearing.

B. If a Notice of Violation is dismissed, the hearing will not be held. The Hearing Officer will notify the Defendant and the City that the Notice of Violation has been dismissed and that the hearing has been cancelled.

C. A Notice of Violation that has been dismissed by the Hearing Officer may be re-filed with the Hearing Officer at a later date as a new violation.

8.44.080 Defendant's Response to Notice of Violation; Default.

A. The Defendant may either admit or deny responsibility for the violation(s) by appearing at the hearing or by mailing to the Hearing Office no less than 10 days before the hearing a short statement signed by the Defendant or by the Defendant's attorney admitting to or denying the violation(s) listed in the Notice of Violation.

1. If the Defendant admits responsibility for the violation(s), the hearing will not be held. Instead, the Hearing Officer will enter a Judgment for the City and will provide to both the Defendant and the City a Judgment notice explaining what the Defendant must do to comply with the City of Cottonwood Codes and Ordinances, including the date by which the Defendant must be in compliance. The notice will also include information about civil penalties that will be set if the Defendant does not come into compliance by the date listed in the notice. If the Defendant wishes to have a hearing on the conditions set out in the Judgment notice, he or she must request a hearing in writing within 15 days after the Judgment notice is mailed. A nonrefundable fee will be assessed for the hearing.
2. If the defendant brings the violation(s) listed in the Notice of Violation into compliance before the hearing, the Inspector may provide to the Hearing Officer a statement of compliance. The Hearing Officer will then cancel the hearing and provide written notice to both parties that the Defendant's hearing has been cancelled.
3. If the Defendant denies responsibility for the violation(s), the hearing will be held on the date and time listed in the Notice of Violation.
4. If the Defendant does not respond to the Notice of Violation in writing and fails to appear at the hearing, the Hearing Officer will find the Defendant to be in Default, will enter a Judgment for the City, and will set civil penalties. A Judgment notice will be provided to the Defendant and to the City explaining what the Defendant must do to comply with the City of Cottonwood codes and ordinances, including the date by which the Defendant must be in compliance, and the amount of the civil penalties assessed. The Hearing Officer may set aside a Default Judgment if the Defendant makes such a request in writing within 15

days after the Judgment is made, and if the Hearing Officer believes there is a good reason to set aside the Default Judgment.

8.44.090 Transfer of property after notice.

A. The transfer of any or all property interest in any manner, including but not limited to, the sale, trade, lease, gift, or assignment of any real property against which a notice to comply has been issued or allegations of violations have been filed with the court shall not relieve the parties unless the legal entity assuming interest in such property, in writing, assumes responsibility for compliance with the notice to comply or alleged violations and a copy of said writing is presented to the city.

B. Any person who transfers or attempts to transfer their property interest in any real property against which a notice of violation and order of compliance has been issued and does not obtain a written acceptance of liability for the violation(s) from the person(s) acquiring interest in the property, shall be deemed in violation of this chapter.

8.44.100 Subpoenas; Discovery; Disclosure of Evidence; Right to an Attorney.

A. **Subpoenas.** At the request of either the Defendant or the City, the Hearing Officer may issue a subpoena to any person who is not directly involved in the case and who is 18 years of age or older, requiring that person to attend the hearing. A person who has been subpoenaed will receive a witness fee for each day of appearance at a hearing, plus reimbursement for mileage at the City's current reimbursement rate. The party requesting the subpoena is responsible for paying the witness fee and mileage.

B. **Discovery.** No Pre-hearing Discovery is allowed unless, in the opinion of the Hearing Officer, extraordinary circumstances exist.

C. **Disclosure of Evidence.** At the hearing, the Defendant and the City will provide to each other a list of witnesses, prepared exhibits and written or recorded statements. Upon request, the Hearing Officer may grant a recess or continue the hearing to a later date in order to provide the Defendant and the City time to inspect the evidence. The Hearing Officer may also prohibit the introduction of any evidence deemed irrelevant or otherwise inappropriate.

D. **Right to an Attorney.** If a Defendant or the Defendant's Attorney does not notify the Hearing Office of his or her plan to be represented by an Attorney at least 10 days before the hearing, the right to representation by an Attorney is considered to be waived. If the Defendant can show a good cause why he or she did not notify the Hearing Office of his or her plan to be represented by an Attorney, the Hearing Officer may reinstate the Defendant's right to representation by an Attorney, but may also grant a recess or continue the hearing to a later date in order to give the City additional time to prepare its case.

E. **Representation by Attorney.** In most cases the City will not be represented by the City Attorney unless the Defendant has provided notice of his or her intent to be represented by an Attorney. However, the City reserves the right to be represented by the City Attorney in any case if it appears that it is in the best interests of the City to do so.

8.44.110 Default Judgment; Collection of Judgments.

A. In addition to any civil sanction imposed, the Hearing Officer shall assess a default fee of not less than fifty dollars (\$50), unless another amount is specified by the City Council through a Resolution setting such fee, for:

1. Each default judgment entered upon a failure of the defendant to appear for any civil violation unless such default judgment is set aside under Rule 23, as per the Rules of Procedure in Civil Traffic Violation Cases; or
2. A failure to pay any civil sanction imposed by the Hearing Officer.

B. The Hearing Officer may waive all or part of the default fee if the Hearing Officer expressly finds that payment thereof would cause a significant financial hardship for the defendant where specifically related to compliance with violations.

C. No judgment may be entered against a fictitiously identified defendant unless the citation is amended to reveal the true identity of the defendant who receives the citation.

D. The City may enforce collection of delinquent fines, fees and penalties as may be provided by law. Any judgment or civil sanction pursuant to this Article may be collected as any other civil judgment.

8.44.120 Continuance of Hearing.

The Hearing Officer may continue a hearing for a period not to exceed 60 days if requested to do so by either the Defendant or the City, or if the Hearing Officer believes it is appropriate to do so based on documented evidence of unique circumstances and where due diligence is demonstrated in working towards an appropriate remedy. If a hearing is continued, the Hearing Office will provide notice of the new hearing date to both Parties. Notice to the Defendant will be by first-class mail.

8.44.130 Conduct of the Hearing.

A. The Arizona Rules of Evidence will not apply in cases coming before the Hearing Officer. Any evidence that is offered may be included if the Hearing Officer believes that the evidence is important to the case.

B. The City will present its case first, and then the Defendant will present his or her case. After initial presentations, each Party may present witnesses and rebuttal testimony.

C. All testimony will be given under oath or affirmation. An audiotape record of the hearing will be made and maintained by the Hearing Office for a period of one year from the date of the hearing. Copies of audiotape recordings may be available for the cost of reproduction. Typed transcript of the hearing may be made if requested. Any party requesting copies of typed transcripts will be required to pay costs as per standard rates established by the City.

8.44.140 Failure to Comply with the Judgment; Civil Penalties

A. If the Defendant fails to correct the violation(s) by the compliance date listed in the Judgment notice, any civil penalties set by the Hearing Officer will become immediately due and payable. The Community Development Director, or designee, may refer the case to the City Attorney for further action. The office of the Administrative Hearing Officer will be notified in writing of any cases referred to the City Attorney.

B. In the case of an appeal, the civil penalties will become due and payable by the compliance date or by the date of the appeal court ruling, whichever is later.

8.44.150 Owner's responsibility for violations by tenants and/or occupants.

A. Property owner/s or the authorized representatives of property shall not permit any tenant(s) and/or occupant(s) of said property to commit a violation of the Municipal Code. An owner shall be deemed to have permitted the tenant(s) and/or occupant(s) to commit a violation if the owner or representative fails, after notice required herein, to take substantial action to prevent the tenant(s) and/or occupant(s) from committing future violations of this chapter. Such notice shall be in writing and contain the following:

1. The name of the tenant, if available, the property address and/or location and a description of the violation or violations;
2. A statement that outlines the owner's responsibility and requirement to take all legal remedies available to cause the tenant(s) and/or occupant(s) to abate the violation and prevent any further occupant violations of the Cottonwood Municipal Code.

8.44.160 Enforcement.

A. The City shall seek compliance and enforce the provisions of this chapter proactively or passively, through written warnings, notices of violation, and any other such devices designed to achieve compliance in the most efficient and effective manner under the circumstances.

B. In order to assure compliance with the standards and other provisions of this code, the Community Development Director or his/her designee shall establish an enforcement policy that reasonably guides and directs enforcement and inspection activities in conformance with this code.

8.44.170 Violations; Cost of Confinement.

A. Whenever in this Code or in any ordinance of the City any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any such provision of this Code or any ordinance shall be a class 1 misdemeanor and shall be punished as class 1 misdemeanors in accordance with A.R.S. §§13-707 and 13-802 (as amended from time to time). Where reference is made to a misdemeanor, but no class is specified, the violation shall be a class 1 misdemeanor and shall be punished as a class 1 misdemeanor in accordance with A.R.S. §§13-707 and 13-802 (as amended from time to time). Where reference is made to a misdemeanor and a class is specified, the violation shall be punished for that class in accordance with A.R.S. §§13-707 and 13-802 (as amended from time to time). Each day that any violation of this Code or of any ordinance continues shall constitute a separate offense, punishable as hereinabove described.

B. Any violation of the provisions of this Code shall also constitute a civil offense, and any person who is served with a citation charging such violation and who admits, or is found responsible for such offense shall be liable to pay to the City a civil sanction not to exceed two-thousand five-hundred dollars (\$2,500). Each day that a violation continues shall be a separate offense, except as otherwise provided, punishable as described herein.

C. Any violation or failure to do or perform any act required by Title 10 (Vehicles and Traffic) of the Cottonwood Municipal Code shall constitute a civil traffic violation and shall not be subject to enforcement or jurisdiction by this chapter unless such section is specifically designated as applicable by this ordinance or by Council resolution. Civil traffic violations are subject to the provisions of Title 28, Chapter 5, Arizona Revised Statutes and amendments thereto.

D. Payment of Costs of Confinement.

1. Any person who is convicted of a misdemeanor criminal offense in the Municipal Court and who, as a consequence, is incarcerated in the Yavapai County jail may, as part of any sentence imposed by the Municipal Court, be required to reimburse the City for the actual expenses incurred by the City by reason of such confinement; such expenses to be determined by the per diem amount which currently, at the time of sentencing, is being charged by Yavapai County for housing a prisoner.
2. No person shall be required to pay the fee established by this Subsection D who is found by the Municipal Court to be indigent.
3. In addition to any other remedies which may be allowed by law, the City Attorney is authorized to institute any appropriate civil suit in a court of competent jurisdiction for recovery of the fee referred to hereinabove.

8.44.180 Remedies and Penalties

A. **Jurisdiction.** Proceedings to enforce the provisions of this chapter shall be through the Office of the Administrative Hearing Officer of the City of Cottonwood.

B. **Separate Offenses.** Each day a violation of any provision of this chapter or the failure to perform any act or duty required by this chapter continues shall constitute a separate violation or offense.

C. **Failure to Abate Violation.** It shall be a violation of this chapter if a violator who has been issued a notice of violation with specific instructions for compliance fails, neglects or refuses to remedy and/or abate all violations identified in the notice within the time set for compliance in the notice of violation.

D. **Penalties.** For a violation of this chapter, the city may elect to proceed either civilly or criminally against any person who is found responsible for causing, permitting, facilitating, or aiding or abetting any violation of any provision of this chapter or for failing to perform any act or duty required by this chapter. The Director or his/her designee is hereby authorized to issue citations for violations of this chapter which are designated as civil violations, as follows:

1. Civil Citation Sanctions:

- a.) Any person who is found guilty of committing a civil code infraction under this chapter shall be guilty of a Class 3 Misdemeanor, and upon conviction thereof, shall be punished by a fine as set forth in A.R.S. § 13-802 and A.R.S. § 13-804 or by imprisonment in a jail facility for not more than thirty (30) days, or both such fines and imprisonment.
- b.) In addition to any monetary civil sanction or jail sentence imposed, the defendant shall be required to abate any and all violations within the specified timeframe.

2. Criminal Citation Sanctions:

- a.) Any person who is found guilty of committing a criminal violation under this chapter shall be guilty of a Class 1 Misdemeanor offense, and upon conviction thereof, shall be punished by a fine as set forth in A.R.S. § 13-802 and A.R.S. § 13-804, exclusive of penalty assessments prescribed by law, a sentence of incarceration not to exceed six (6) months in jail, and probation not to exceed three (3) years.
- b.) In addition to any other sanctions, the court shall order the defendant to abate any and all violations, unless such violations have been abated by the date of the trial.

E. **Owner of Record.** For the purpose of enforcement of this chapter, the owner of record, as recorded by the Yavapai County Recorder's office, of the property upon which the violation exists, shall be presumed to be a person having lawful control over the property. If more than one person shall be recorded as the owners of the property, said person shall be jointly and severally presumed to be having control over the property.

F. **Other Legal Remedies.** The imposition of a penalty under the provisions of this section shall not waive any other legal remedies available to the city.

8.44.190 Non-exclusive Remedies.

A. Nothing contained in this Article shall be construed to require the selection of an exclusive remedy for violations of this Code. In the event a defendant fails to comply with any civil enforcement action commenced under this Chapter, the City may file a criminal charge against the defendant. Notwithstanding, a civil enforcement action shall not be a prerequisite to the filing of a criminal charge.

B. Nothing contained in this Chapter shall be construed to preclude the Hearing Officer from, in addition to imposing civil sanctions, ordering the abatement of any violation pursuant to ARS § 9-499 and related Municipal Code provisions.

8.44.200

Repeat Offender Properties.

A. **Repeat offenses.** Any property which receives three (3) notices of violation and orders of compliance for the same or different violations within a twelve (12) month period shall be designated as a repeat offender property.

B. **Criminal Complaint.** The third notice of violation within a twelve month period and all subsequent violations subject to case resolution shall be considered a criminal complaint by the issuance of a criminal citation or summons.

C. **Inspections.** To assure compliance with repeat offender properties, the City shall initiate non-complaint based exterior inspections and code enforcement actions on a periodic basis for at least a twelve (12) month period on designated repeat offender properties to check for recurrence of the same violations and / or other common violations as defined in the code.

8.44.210

Inspections.

A. **Exterior Inspections.** Exterior inspections may be initiated by a tenant, neighbor, neighborhood group, homeowner's association, city official or other interested persons.

B. **Interior Inspections.** Interior inspections may be initiated by a property owner or tenant directly affected by a violation, or social service agency personnel, city officials or representatives of city departments who become aware of possible violations through the normal course of their duties in which they are otherwise allowed into the home or building.

C. **Notification Letter.** Except in cases of alleged imminent hazard or when the tenant invites the City inside to inspect the premises, the Director or designee shall send a Notification Letter by registered mail or provide delivery in person providing at least seventy-two (72) hours notice to the owner, authorized representative, managing agent, and/or tenant prior to any interior inspections concerning violations.

D. **Exceptions.** Except as otherwise provided by law, the right of inspection does not extend to the interior of a dwelling unit in a space rental mobile home park or recreational vehicle park that is not owned by a landlord unless the tenant is in possession of the dwelling unit or, if the dwelling unit is vacant or abandoned, or the owner consents to the inspection. If the tenant refuses to consent to the entry, the inspecting authority has recourse to any remedy provided by law to secure entry.

8.44.220

Appeals and Administrative Review.

A. **Appeal of Notice of Violation.** A property owner may appeal a notice of violation issued according to this Chapter by filing a written request to the Community Development Director for administrative review. A request for administrative review must be made within fifteen (15) days of receipt of notice, shall include a copy of said notice, and shall state with detail, the reasons why the aggrieved party believes that any violation described in the notice is erroneous.

B. **Decision.** The Director shall act as the reviewing officer and shall be responsible for reviewing and deciding all written requests for administrative review. A written response either affirming or denying the appeal shall be prepared and delivered by the Director within ten (10) days of receipt of a written appeal.

C. **Appeal of Director's Decision.** Any further appeal subsequent to a response from the Director shall be considered as a civil matter to be addressed by the defendant through the Municipal Court.

8.44.230

Judicial Review.

Judicial review of the final decisions of the Administrative Hearing Officer shall be in the Cottonwood Municipal Court.