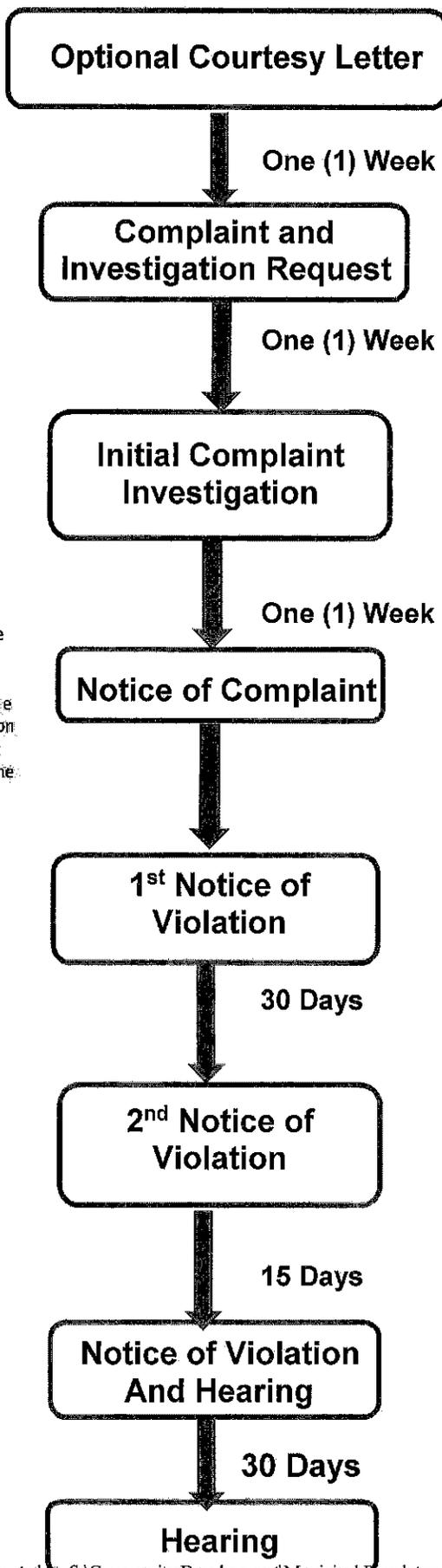


# Code Enforcement Process Flow Diagram

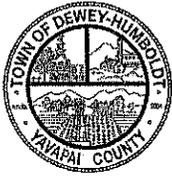


[Note: These timeframes apply unless the applicant and Town mutually agree to an extension pursuant to A.R.S. § 9-835(1).]

If deficiencies are found, written or electronic notice is provided to the applicant and the administrative review timeframe (and the overall timeframe) is suspended from the date the notice is issued until the date the municipality receives the missing information from the applicant. If the missing information is not received by the Town within 15 days of the notice, the Town may consider the application withdrawn.

10 Days

The Town may make one comprehensive written or electronic request for corrections. If it does, the substantive review timeframe and the overall timeframes are suspended until the day the applicant provides the corrections.



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8643 • Fax 928-632-7365**

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### Complaint and Investigation Request

Office Use	Intake Initials: _____
Date Received: _____	Case Number: _____
Intake: <input type="radio"/> Fax	<input type="radio"/> Mail
<input type="radio"/> In Person	<input type="radio"/> Email/Internet

Name of Person Making Complaint: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Work Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

---

Address of Complaint/Violation: \_\_\_\_\_  
Parcel of Complaint/Violation: \_\_\_\_\_  
Owner Name: \_\_\_\_\_  
Occupant Name: \_\_\_\_\_  
Nature of the Complaint/Reason for investigation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

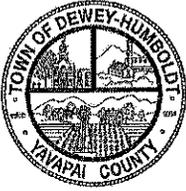
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**I CERTIFY (OR DECLARE) THAT THE FOREGOING IS TRUE AND CORRECT.**

Complainant: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

Name: \_\_\_\_\_  
Printed

**Every attempt is made to keep complaints confidential but cannot be guaranteed.**



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### Code Enforcement Procedure

#### Step 1:

Initial call or in-person office visit by complainant.

- 1). Listen to complainant about possible violations and location.
- 2). Complainant to fill out complaint form.

#### Step 2:

- 1). Review completed complaint form for parcel number, address and property owners name and address.
- 2). Create a code enforcement case number in tracking program.
- 3). File sent to Code Enforcement officer.

#### Step 3:

- 1). Code Enforcement Officer performs a site visit to verify if violation exists, as viewed from Right-of-Way or complainant's property. Pictures taken if violation can be seen.

#### Optional:

- 1). Code Enforcement Officer may send Courtesy Letter seeking voluntary compliance.

#### Step 4:

- 1). Notice of Complaint (NOC) sent via certified mail to property owners, notifying owners that a site visit of the property will be conducted within 10 days or less time depending on nature of violation. (Owners usually call at this point and a site visit is scheduled).

#### Step 5:

1). On site visit is performed by Code Enforcement Officer and owner or tenants. Full walk of property is done at this time to verify if any violations exist. All violations are discussed with owner or tenant. A violation remediation plan is discussed and generally a 30-day timeframe is given to the owners to remove the violation. (Lesser time is given based on the severity of the violation). A 1<sup>st</sup> Notice of Violation is sent via certified letter outlining the violation and timeframe to remediate, as discussed on site with owner. If violation is not resolved then go to step 7.

1A). If no contact is received by the Town then a site visit is conducted during normal business hours on the date that was referenced in the NOC letter with or without any property owners presents. A 1<sup>st</sup> Notice of Violation is then sent via certified mail, if a violation is

discovered, giving the owners generally a 30-day timeframe to resolve the violation. (Lesser time is given based on the severity of violation). If violation is not resolved then go to step 7.

**Step 6:**

1). After the timeframe given to remediate the violation or notice from owner that violation is removed a site visit is performed to verify compliance. If site is in compliance then a Notice of Resolved Violation is sent to owner and the case is closed in the tracking system. If violation is not resolved then go to step 7.

**Step 7:**

1). If no contact is made or the violation isn't resolved after the timeframe given by the 1<sup>st</sup> Notice of Violation then a 2<sup>nd</sup> Notice of Violation is sent via certified mail. If violation is not resolved then go to step 8.

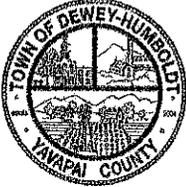
**Step 8:**

1). If no progress is noticed or contact by owner is received after 2<sup>nd</sup> Notice of Violation timeframe then a Notice of Hearing is sent via certified mail, a minimum of 30-days prior to Hearing Date. The case is sent to Hearings Examiner for Judgment.

**Step 9:**

1). Letter of Judgment is sent to owner with the Hearing Examiner's ruling.

Depending on the Judgment, further work may be required. i.e: file a lien against property, collection of fines, verify if violation is resolved etc.



TOWN OF DEWEY-HUMBOLDT  
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## Notice of Complaint

6/5/2015

[REDACTED]

RE: Trash on property

APN: [REDACTED]

Case No. [REDACTED]

Certified Mail No. [REDACTED]

Dear [REDACTED]

A complaint has been filed with the Town of Dewey-Humboldt against the property located at [REDACTED], APN: [REDACTED] in which you are listed as the owners of the property with the Yavapai County Assessors' Office. If you are not the current property owner of the aforementioned property, please notify the Town of Dewey-Humboldt.

**Nature of Complaint:** Nature of Complaint: Accumulation of rubbish or garbage on the property.

Violation: 2006 International Property Maintenance Code sections 307.1-307.3.2

An inspection of the property will be made 10 days from the mailing of this letter. If at that time no violation is observed, the case will be closed. If a violation is observed, a Notice of Violation will be generated.

Please contact me at 928-632-7362 if you have any questions. Thank you in advance for your cooperation in this matter.

Sincerely,

Joe Janusz  
Building Official / Inspector  
Town of Dewey-Humboldt



TOWN OF DEWEY-HUMBOLDT  
P.O. BOX 69  
HUMBOLDT, AZ 86329  
Phone 928-632-8643 • Fax 928-632-7365

## Notice of Violation

### 1<sup>st</sup> Notice

Date: [REDACTED]

To: [REDACTED]

From: Steven L. Brown  
Community Planner/Code Officer

Re: Code Violations

AP#: [REDACTED]

Case No. [REDACTED]

Certified mail: [REDACTED]

Dear [REDACTED]:

On June 16, 2015, the Town of Dewey-Humboldt sent you a Notice of Complaint, by Certified Mail, Return Receipt Requested, outlining several alleged violation of the Town Code (see attached copy).

This notice is to inform you that the property located at [REDACTED] Parcel # [REDACTED], remains in violation of the Town of Dewey-Humboldt Municipal Code and adopted ordinances. According to Yavapai County records, you are listed as the property owner and are hereby notified that there are conditions regarding this property in violation of the Town of Dewey-Humboldt Municipal Code or adopted ordinances as specified herein.

On September 23, 2015 the Town of Dewey Humboldt made a site visit and confirmed that the violations continue.

- **Section 153.086 (A) (1) Outside Storage**  
There are currently at least two vehicles on the property that are not operable or licensed (see attached photo).
- **Section 153.086 (A) (3) Living in an RV**  
There is a travel trailer being occupied that is connected to water and electric (see attached photo).
- **2006 International Property Maintenance Code as Amended. 307.1, Accumulation of rubbish or garbage.**

There is an accumulation rubbish and garbage including discarded furniture (see attached photo)

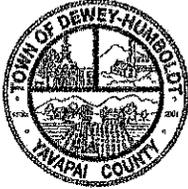
With this notice you are provided with the required 30 days' notice from the date of mailing of this notice to address the outstanding issues and avoid any further action by the Town. At the end of that time, the Town will make another site inspection to determine compliance.

If you have any questions or wish to discuss your plans for correcting the violations, please do not hesitate to contact me at (928) 632-7362.

Sincerely,

Steven L. Brown  
Community Planner/Code Officer

Attachments



TOWN OF DEWEY-HUMBOLDT  
P.O. BOX 69  
HUMBOLDT, AZ 86329  
Phone 928-632-7362 • Fax 928-632-7365

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Notice of Violation  
2<sup>nd</sup> Notice



Certified Letter # [REDACTED]

Dear [REDACTED]:

On July 13, 2015, the Town of Dewey-Humboldt sent you a First Notice of Violation regarding the property located in Dewey, Arizona, at [REDACTED], known as Assessor's parcel # [REDACTED]. According to Yavapai County Records, you are identified as the legal owner of this property and are hereby notified that there are conditions regarding this property which are in violation of the Town of Dewey-Humboldt Municipal code and/or adopted ordinances as specified herein. You have caused to be constructed an attached shed/accessory structure on the rear of your home, and a patio cover over the front entrance, absent any building permit having been sought or issued.

Section 150.02 requires buildings be permitted and in conformance with the International Building Code, 2006 Edition.

*(A) International Building Code adopted. There is hereby adopted by reference that certain document known as the International Building Code, 2006 Edition, including Appendices C and I, that certain document as copyrighted by the International Code Council. This document is hereby adopted as the Building Code for the Town of Dewey-Humboldt providing for the regulation of the erection, construction, enlargement, alteration, repair, moving, demolition, conversion, occupancy, use heightened area of all building and structures within this county and each and all such regulations, provisions, penalties, conditions and terms of the International Building Code, 2006 Edition, including Appendices C and I are hereby referred to, adopted and made a part hereof as thoughtfully set forth herein, excepting such portions as are hereinafter deleted, modified or amended.*

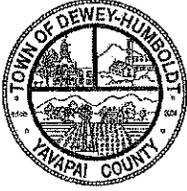
A site visit was conducted on August 14, 2015 that found that the structures in question are still present and our records do not indicate that any permits have been sought to correct the violation.

Please remedy or remove the above violation(s) within 30 days of the date of receiving this notice to avoid further legal action.

Please feel free to contact me at (928) 632-7362 if you have any questions.

Respectfully,

Joe Janusz  
Building Official / Inspector



**TOWN OF DEWEY-HUMBOLDT**  
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**Phone 928-632-8643 • Fax 928-632-7365**

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## Notice of Violation and Hearing

August 18, 2015



AP#: [REDACTED]  
Certified mail: [REDACTED]

Dear [REDACTED]:

This notice is to inform you that the property identified as Assessor's Parcel # [REDACTED], of which you are listed as property owner or have been indicated as having an interest in this property, remains in violation of the Town of Dewey-Humboldt Municipal Code or adopted ordinances.

The violation(s) is/are as follows:

1. Permitted uses for the R1L District (Residential; Single Family Limited, Town Code Section 153.036 does not permit Manufactured homes.  
The Town has previously provided you with service of a Notice of Complaint, Notice of Violation and a Second Notice of Violation in an attempt to gain compliance. Service of each, was acknowledged by yourself by your signature on each occasion

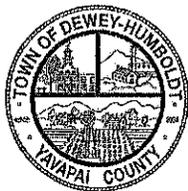
A follow-up investigation by our office reveals that the above violation(s) still exist on the above indicated property. Therefore, you have been scheduled for a hearing in regards to the above violation(s) to be held on [REDACTED] at **10:00 am** at the Town Council Chambers located at 2735 S. Hwy 69 Suite 10, Humboldt, AZ 86329. A copy of the rules of procedure for hearings is included in this mailing. You have the right to be represented by an Attorney provided that notice has been made to the Hearing Officer 10 days in advance of the hearing that you will be represented by an Attorney.

Action by the Town Hearing Officer could include citation, including civil or misdemeanor, fines from a minimum of \$100 up to \$2500.00, and Town abatement of the violation, the cost of which would be assessed against the property as a lien. If you do not appear at the hearing, the Hearing Officer will find you in default and enter a judgment for the Town.

Please feel free to contact me at 928-632-8643 if you have any questions.

Sincerely,

Steven L. Brown  
Community Planner/Code Officer



TOWN OF DEWEY-HUMBOLDT  
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## Notice of Violation Resolved

August 5, 2014

Re: [REDACTED]  
[REDACTED]

Dear [REDACTED]:

A second site visit was performed on July 31, 2014 at property located at [REDACTED], APN: [REDACTED]. As of this date the violation has been resolved and no further action will be pursued by the Town of Dewey Humboldt.

The Violation(s) were as follows:

Description of violation: Too many horses (**Resolved**)

Code Section: Town of Dewey Humboldt Code of Ordinances: **No violations at this time.**

Thank you for your timely response to this notice. If you have any additional questions or concerns, please feel free to contact me at (928) 632-7362.

Sincerely,  
Town of Dewey-Humboldt

Connie Dedrick  
Community Development Coordinator

TOWN OF DEWEY-HUMBOLDT HEARING OFFICER RULES OF PROCEDURE FOR LAND USE AND BUILDING SAFETY VIOLATIONS

(Adopted by the Town Council – January 17, 2006)

The following rules will apply in all cases that come before the Town of Dewey-Humboldt Hearing Officer for violations of the Town of Dewey-Humboldt Planning and Zoning Ordinance or the Town of Dewey-Humboldt Building Codes. Civil penalties may be set in accordance with state law for violations of the Planning and Zoning Ordinance, violations of the Town's Building Codes and other applicable codes and ordinances.

**DEFINITIONS**

- A. "Attorney" means an attorney (lawyer) licensed to practice law in the state of Arizona.
- B. "Council" means the Common Council of the Town of Dewey-Humboldt
- C. "Mayor" means the Mayor of the Town of Dewey-Humboldt Town Council or, if the Mayor is not present the Vice-Mayor or other designee
- D. "Civil Penalties" means fines that may be imposed on a Defendant.
- E. "Town Clerk" means the Town Clerk of Dewey-Humboldt
- F. "Clerk" means the person who acts as the Clerk for the Hearing Officer.
- G. "Comply" or "Compliance" means meeting the requirements of the Town of Dewey-Humboldt Planning and Zoning Ordinance or the Town of Dewey-Humboldt Building Codes.
- H. "Compliance Date" means the date by which a property must meet the requirements of the Town of Dewey-Humboldt Planning and Zoning Ordinance or the Town of Dewey-Humboldt Building Codes.
- I. "Town" means the Town of Dewey-Humboldt and its departments
- J. "Default" means not showing up for a hearing or failing to either admit or deny responsibility for a violation.
- K. "Defendant" is the property owner who has received a Notice of Violation.
- L. "Hearing" is the meeting with the Hearing Officer at which the Defendant and the Town present their cases regarding the Notice of Violation.
- M. "Hearing Officer" means the person appointed by the Town Council to hear cases related to violations of the Town of Dewey-Humboldt Planning and Zoning Ordinance or the Town of Dewey-Humboldt Building Codes.
- N. "Hearing Office" means the Office of the Town Clerk
- O. "Inspector" means the Town of Dewey-Humboldt employee or other person authorized to inspect property or to deliver Notices of Violation.

- P. "Judgment" means the decision of the Hearing Officer in cases related to violations of the Town of Dewey-Humboldt Planning and Zoning Ordinance or the Town of Dewey-Humboldt Building Codes.
- Q. "Notice of Violation" means a land use violation or building safety violation complaint.
- R. "Party" or "Parties" means the Defendant and/or the Town.
- S. "Prehearing Discovery" means documents, witnesses or other evidence related to a case.
- T. "Serve" or "Service" means the act of delivering a Notice of Violation to a property owner.

### **1. ISSUING A NOTICE OF VIOLATION**

A case may be brought before the Hearing Officer for a violation of the Town of Dewey-Humboldt Planning and Zoning Ordinance or Town of Dewey-Humboldt Building Codes after a Notice of Violation is issued to a property owner.

The Notice of Violation provided to the property owner will include the date, time and location of the hearing on the violation and a copy of the Town of Dewey-Humboldt Hearing Officer Rules of Procedure for Land Use and Building Safety Violations. The Notice of Violation will also include a statement that the Defendant has the right to be represented by an Attorney provided that the Defendant or the Defendant's Attorney notifies the Hearing Officer in writing at least 10 days before the hearing that he or she will be represented by an Attorney.

The Notice of Violation will be served to the property owner by the Inspector. 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. If a Notice of Violation cannot be served personally by the Inspector, then it must be served by an alternative method at least 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 Hearing Officer.

### **2. CHANGING THE NOTICE OF VIOLATION**

The Hearing Officer may allow a Notice of Violation to be changed by the Town at any time before he 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

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.

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.

### **3. DISMISSING THE NOTICE OF VIOLATION**

The Hearing Officer will dismiss a Notice of Violation when a request for dismissal is received from the Town, or from the Town Attorney. A request to dismiss a Notice of Violation may be made on or before the date of the hearing.

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

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.

#### **4. DEFENDANT'S RESPONSE TO NOTICE OF VIOLATION; DEFAULT; RIGHT TO AN ATTORNEY**

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.

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 Town and will provide to both the Defendant and the Town a Judgment notice explaining what the Defendant must do to comply with the Town of Dewey-Humboldt Planning and Zoning Ordinance or Town of Dewey-Humboldt Building Codes, 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.  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.

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 Town, and will set civil penalties. A Judgment notice will be provided to the Defendant and to the Town explaining what the Defendant must do to comply with the Town of Dewey-Humboldt Planning and Zoning Ordinance or Town of Dewey-Humboldt Building Codes, including the date by which the Defendant must be in compliance and the amount of the civil penalties. The Hearing Officer may set aside a Default Judgment if the Defendant makes such a request in writing within 20 days after the Judgment is made, and if the Hearing Officer believes there is a good reason to set aside the Default Judgment.

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 reason 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 Town additional time to prepare its case.

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

#### **5. SUBPOENAS; DISCOVERY; DISCLOSURE OF EVIDENCE**

At the request of either the Defendant or the Town, the Hearing Officer may issue a subpoena to any person who is not 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 Town's current reimbursement rate. The party requesting the subpoena pays the witness fee and mileage.

No Prehearing Discovery is allowed unless, in the opinion of the Hearing Officer, extraordinary circumstances exist.

At the hearing, the Defendant and the Town 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 Town time to inspect the evidence. The Hearing Officer may also prohibit the introduction of any evidence deemed irrelevant or otherwise inappropriate.

#### **6. POSTPONEMENT OF HEARING**

The Hearing Officer may postpone a hearing for a period not to exceed 60 days if requested to do so by either the Defendant or the Town, or if the Hearing Officer believes it is appropriate to do so.

If a hearing is postponed, the Hearing Office will provide notice of the new hearing date to both Parties. Notice to the Defendant will be by first-class mail.

#### **7. COMPLIANCE BEFORE THE HEARING**

If the violation(s) listed in the Notice of Violation is corrected 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. If a hearing is cancelled, it is unnecessary for either the Defendant or the Town to attend the hearing.

#### **8. CONDUCT OF THE HEARING**

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.

The Town 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.

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. A typed transcript of the hearing may be made if requested. The Party requesting the typed transcript will pay for it.

## **9. FAILURE TO APPEAR; DEFAULT JUDGMENT**

If neither the Defendant nor the Defendant's Attorney appears at any hearing, the Hearing Officer will find the Defendant to have committed the violation(s), enter a Judgment for the Town, and set civil penalties in accordance with the Town of Dewey-Humboldt Planning and Zoning Ordinance or Town of Dewey-Humboldt Building Codes. The Hearing Officer will also set a nonrefundable minimum \$100 fine that is due and payable as of the date and time set for the hearing. The Judgment will include information about what the Defendant must do to be in compliance with the Planning and Zoning Ordinance or the Town of Dewey-Humboldt Building Codes, including the date by which the Defendant must be in compliance, information about the civil penalties that have been set, and what will happen if the Defendant is not in compliance by the date given in the Judgment. A Judgment notice will be sent to the Defendant and to the Town, with the notice to the Defendant being sent by first-class mail.

If the Town fails to appear at any hearing, the Hearing Officer will dismiss the Notice of Violation.

The Hearing Officer may set aside a Default Judgment if a written request from the Defendant is received within 20 days of the date the Judgment is made. The Town will receive a copy of the request and will have 15 days from the date the copy is sent in which to send its response to the Hearing Officer. At any time, the Hearing Officer may set aside a Judgment if the Town fails to respond.

The Hearing Officer may also set a hearing at which the only issue is whether or not the Town's failure to respond or the Defendant's failure to appear at a hearing was justifiable or excusable. A notice of this hearing will be sent to the Defendant and to the Town, with the notice to the Defendant being sent by first-class mail.

## **10. DETERMINATION OF RESPONSIBILITY**

If the Hearing Officer determines that the Defendant is responsible for any or all of the land use or building safety violation(s) listed in the Notice of Violation, whether it is the original Notice of Violation or one that has been changed, the Hearing Officer will enter a Judgment for the Town and set civil penalties in accordance with the Town of Dewey-Humboldt Planning and Zoning Ordinance or Town of Dewey-Humboldt Building Codes. The Hearing Officer will also set a nonrefundable minimum \$100 fine that is due and payable at the time of the hearing. The Hearing Officer may waive the minimum \$100 fine if it is determined that the physical, mental or financial situation of the Defendant is such that imposing the fine would result in an unreasonable hardship. The Judgment will include information about what the Defendant must do to be in compliance with the Planning and Zoning Ordinance or the Town of Dewey-Humboldt Building Codes, including the date by which the Defendant must be in compliance, information about the civil penalties that have been set, and what will happen if the Defendant is not in compliance by the date given in the Judgment. If the Defendant comes into compliance by the date listed in the Judgment, the Hearing Officer may set aside the civil penalties, except that civil penalties set and payable for a previous case or cases for the same violation(s) cannot be set aside.

The Defendant is not relieved of responsibility for correcting violations simply because the Hearing Officer sets civil penalties.

If the Hearing Officer finds the Defendant to be in violation of the Planning and Zoning Ordinance or the Town of Dewey-Humboldt Building Codes and enters a Judgment for the Town, the Defendant will be

advised of his or her right to appeal the Hearing Officer's decision to the Town Council. The Judgment notice, along with a summary of the right to appeal procedure, will be sent to the Defendant by first-class mail.

Unless the Defendant appeals the decision of the Hearing Officer within 15 days of the date the Judgment notice is mailed, the Defendant will be required to correct the violation(s) in accordance with the provisions of the Judgment.

**11. FAILURE TO COMPLY WITH THE JUDGMENT; CIVIL PENALTIES**

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. Failure of the Defendant to pay the civil penalties will result in the Town turning collection of the civil penalties over to a collection agency and the addition of another 25% of the total amount of the civil penalties. In addition, the Inspector may refer the case to the Town Attorney for further action. The Hearing Office will be notified in writing of any cases referred to the Town Attorney.

In the case of an appeal to the Town Council, the civil penalties will become due and payable by the compliance date or by the date of the Town Council's ruling, whichever is later.

**12. APPEALS TO THE TOWN COUNCIL**

Both the Defendant and the Town have the right to appeal a Judgment of the Hearing Officer to the Town Council. In order to appeal, a written notice of appeal must be filed with the Hearing Office within 15 days of the date the Judgment notice is mailed.

When the Hearing Office receives the notice of appeal, notice will be sent to the Defendant and to the Town providing information about the date, time and location of the Town Council's review of the Hearing Officer's decision and giving a date by which appeal memorandums must be received. An appeal memorandum can be no longer than 5 pages, and cannot raise issues or include information that was not presented to the Hearing Officer. In addition to filing appeal memorandums with the Hearing Office, each party shall send to the other party a copy of their appeal memorandum no less than 5 days prior to the date the Town Council is scheduled to review the Hearing Officer's decision.

The Town Council's review of the Hearing Officer's decision will be to determine whether the decision of the Hearing Officer was reached in a fair and impartial manner. The Town Council's review will be limited to the information presented to the Hearing Officer during the case, along with appeal memorandums from the Defendant and the Town. No new evidence will be allowed. The Mayor of the Town Council will preside at the meeting, and may allow Town Council members to direct questions to the Defendant and the Town regarding the record of the hearing. After considering the appeal, the Town Council may:

Uphold all or part of the Hearing Officer's decision.  Reverse all or part of the Hearing Officer's decision.  Send the matter back to the Hearing Officer for further consideration.  Increase, decrease or modify any of the civil penalties set by the Hearing Officer.  Extend, shorten or modify the date set for compliance.

The Town Council will make a decision regarding the appeal within 15 days of the date it reviews the Hearing Officer's decision, unless a majority of the Town Council votes to extend the time frame to 30

days. The Clerk of the Town Council will provide written notice of the Town Council's ruling to both the Defendant and the Town within 10 days of the Town Council's decision. The notice to the Defendant will be sent by first-class mail. The Town Council's ruling is considered a final decision with regard to the administrative review of Notices of Violations.