

ORDINANCE NO. 2676 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE, CHAPTER 13, ARTICLE II, RELATING TO CIVIL CODE ENFORCEMENT; AND SETTING FORTH AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Glendale City Code, Chapter 13, Article II, Sec. 13-22 is hereby deleted in its entirety and new Sec. 13-22 shall read as follows:

Sec. 13-22. Commencement of enforcement action on civil code infraction.

(a) "Civil code infraction" means any violation of the City Charter, City Code or any city ordinance wherein the enforcement action undertaken may result in the imposition of a civil sanction.

(b) Prior to initiation of an enforcement action on a civil code infraction, a notice of violation may be served on the person or persons responsible for the civil code infraction. The notice of violation shall include:

- (1) Identification of the property;
- (2) A statement of the violation(s) in sufficient detail to allow a responsible party to identify and correct the problem;
- (3) A re-inspection date;
- (4) Name and telephone number of the inspector to contact; and
- (5) Civil penalties for failing to correct the violation.

(c) Service of the notice of violation shall be deemed effective on the date when the written notice is:

- (1) Delivered in person to the owner, occupant, manager or agent of the premises where the violation has occurred, or the person responsible for the violation; or
- (2) Posted on or about the entrance of the premises where the violation occurred; or
- (3) By certified or first class mail, postage prepaid, addressed to the owner, occupant, agent, manager or responsible person at the last known address. Service by mail is deemed effective upon deposit in the U.S. Mail; or

- (4) Served on the owner, occupant, agent, manager or responsible person in the same manner as provided by the Arizona Rules of Civil Procedure.

(d) The City Manager or designee is authorized to commence civil enforcement action by issuing a citation to the owner, the occupant of the property where the violation has occurred, agent or manager of record, or any person responsible for the violation.

(e) The citation form will be substantially the same form as the Arizona Uniform Traffic Ticket and Complaint currently in use and shall direct the defendant to appear in Glendale City Court within 30 days after issuance of the citation. The citation shall contain the date and location of the violation and reference to the City Code section violated.

(f) The citation shall be served by delivering a copy to the defendant by any of the following means:

- (1) By service upon the defendant;
- (2) By posting the citation on the property where the violation has occurred or upon the property of the person responsible for the property where the violation has occurred;
- (3) By certified and first class mail, postage prepaid, addressed to the defendant at the last known address. Service by mail is deemed complete upon deposit in the U.S. Mail; or
- (4) By any of the methods described in Rules 4, 4.1 or 4.2, Arizona Rules of Civil Procedure.

(g) A defendant served with a civil citation shall appear at the time and place stated in the citation, or may appear prior to the time and admit or deny the allegations of the complaint. Allegations not denied at the time of appearance are deemed admitted.

(h) If the allegations are admitted, the court shall enter judgment for the city and impose a civil sanction.

(i) If the defendant denies the allegations, the court shall set the matter for hearing. Civil code infraction hearings are informal and held without a jury, and the city is required to prove the violation(s) charged by a preponderance of the evidence. Technical rules of evidence do not apply, except for relevancy and privileged communications. If the defendant elects to be represented by counsel, the defendant shall so notify the court at least ten (10) days prior to the hearing date. Hearings may be recorded.

(j) If the court finds in favor of the defendant, the court shall enter an order dismissing the complaint. If the court finds in favor of the city, the court shall enter judgment for the city and impose a civil sanction.

(k) If the defendant served with a civil citation fails to appear on or before the time directed to appear or at the time set for hearing by the court, the allegations shall be deemed admitted and the court shall enter judgment for the city and impose a civil sanction.

(l) In the event that service of the civil citation is made by licensed process server, the court or hearing officer may enter an award of the costs of such service in favor of the City in addition to the civil sanction imposed, if a civil code infraction is found to have been committed by the defendant(s) named in the civil enforcement action.

SECTION 2. That the provisions of this ordinance shall become effective thirty (30) days after passage of this Ordinance by the Glendale City Council.

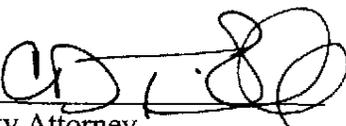
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 10th day of March, 2009.


MAYOR

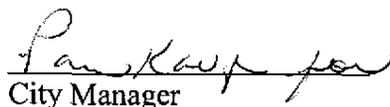
ATTEST:


City Clerk (SEAL)

APPROVED AS TO FORM:


City Attorney

REVIEWED BY:


City Manager