

## CHAPTER 27

### CIVIL CODE VIOLATIONS

#### SECTION:

- 1-27-1: VIOLATIONS TREATED AS CIVIL MATTERS**
- 1-27-2: COMMENCEMENT OF ACTION; JURISDICTION OF MESA CITY COURT**
- 1-27-3: SERVICE OF UNIFORM CIVIL CODE COMPLAINT**
- 1-27-4: AUTHORITY TO DETAIN PERSONS TO SERVE CIVIL COMPLAINT; FAILURE TO PROVIDE EVIDENCE OF IDENTITY**
- 1-27-5: FORM FOR CIVIL VIOLATION COMPLAINTS**
- 1-27-6: FALSE CERTIFICATION OF CIVIL VIOLATION COMPLAINTS**
- 1-27-7: ADMISSION OR DENIAL OF ALLEGATION IN COMPLAINT; HEARINGS; FINDING OF COURT; CIVIL SANCTION**
- 1-27-8: HEARING OFFICERS**
- 1-27-9: APPEAL**
- 1-27-10: SUBPOENA OF WITNESSES; NONAPPLICABILITY OF RULES OF CIVIL PROCEDURE**
- 1-27-11: FAILURE TO PAY CIVIL SANCTION; COLLECTION PROCEDURE**
- 1-27-12: PENALTY**

#### **1-27-1: VIOLATIONS TREATED AS CIVIL MATTERS:**

Violations of this Code for which a civil sanction is imposed shall be treated as civil matters as provided in this Chapter. (2131)

#### **1-27-2: COMMENCEMENT OF ACTION; JURISDICTION OF MESA CITY COURT**

- (A) A civil code violation case is commenced by issuance of a uniform civil code complaint as provided in this Chapter. A civil code violation case shall be commenced within one (1) year of the alleged violation. (2131)
- (B) The Mesa City Court shall have jurisdiction over all civil violations of this Code except as provided in Section 1-27-8. (2131,4074)

#### **1-27-3: SERVICE OF UNIFORM CIVIL CODE COMPLAINT:**

- (A) A uniform civil code complaint may be served by delivering a copy of the uniform civil code complaint citation to the person charged with the violation or by any means authorized by the Arizona Rules of Civil Procedure. (2131)
- (B) The original complaint shall be filed in the Mesa City Court within five (5) days of the time that a complaint was issued. Any peace officer or duly authorized agent of the City may issue the complaint. (2131)

#### **1-27-4: AUTHORITY TO DETAIN PERSONS TO SERVE CIVIL COMPLAINT; FAILURE TO PROVIDE EVIDENCE OF IDENTITY:**

- (A) A peace officer or duly authorized agent of the City may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of this Chapter and to serve a copy of the complaint for any alleged civil violation of this Chapter. (2131)

- (B) A person who fails or refuses to provide evidence of his/her identity to a peace officer or duly authorized agent of the City upon request, when such officer or agent has reasonable cause to believe the person has committed a violation of this Code, is guilty of a misdemeanor. (2131)

**1-27-5: FORM FOR CIVIL VIOLATION COMPLAINTS:**

The civil violation complaint shall be in the form of the document marked Exhibit "A," following hereto and made a part hereof by reference, and shall contain the following notice: (2131)

If you fail to appear as directed in this complaint on a civil code violation, a default judgment will be entered against you and a civil sanction will be imposed. (2131)

1-27-5					UNIFORM CIVIL CODE COMPLAINT				EXHIBIT A		
COMPLAINT NO.	DRIVER'S LICENSE NO.	STATE	SOCIAL SECURITY NO.		IN THE CITY COURT, CITY OF MESA <input type="checkbox"/>				OR		
					BEFORE THE ADMINISTRATIVE HEARING OFFICER <input type="checkbox"/>						
CITY OF MESA		FIRST	MIDDLE	LAST	THE UNDERSIGNED SAYS THE DEFENDANT NAMED HEREON						
VS. DEFENDANT:											
RESIDENCE	STREET	TOWN	STATE	ZIP	ON	DAY	AT	AM			
ADDRESS:					THE	OF	19	PM			
MAILING	SAME AS	STREET	TOWN	STATE	ZIP	DID THEN AND THERE AT (LOCATION)					
ADDRESS: ABOVE											
BUSINESS	STREET	TOWN	STATE	ZIP	IN MESA, ARIZONA						
ADDRESS:											
RESIDENCE				BUSINESS	COMMIT A CIVIL INFRACTION IN VIOLATION OF						
PHONE:				PHONE:	MESA CODE SECTION AS FOLLOWS:						
OWNER	YES	OWNER'S	FIRST	MIDDLE	LAST						
OCCUPIED	NO	NAME									
OWNER'S	STREET	TOWN	STATE	ZIP							
ADDRESS:											
YOUR DATE AND TIME	MONTH	DAY	YEAR	TIME	AM						
TO APPEAR IS					PM						
MESA CITY COURT			IF I FAIL TO APPEAR AS DIRECTED IN THIS COMPLAINT ON A CIVIL CODE VIOLATION, A DEFAULT JUDGMENT WILL BE ENTERED AGAINST ME, AND A CIVIL SANCTION WILL BE IMPOSED						I HEREBY CERTIFY THAT I HAVE REASONABLE GROUNDS TO BELIEVE AND DO BELIEVE THAT THE PERSON NAMED HEREIN COMMITTED THE CIVIL VIOLATION DESCRIBED HEREIN CONTRARY TO LAW		
245 WEST 2ND STREET											
MESA, ARIZONA 85201	<input type="checkbox"/>										
OR											
ADMINISTRATIVE											
HEARING OFFICER											
LOCATED AT											
245 WEST 2ND STREET											
MESA, ARIZONA 85201	<input type="checkbox"/>										
				DEFENDANT'S SIGNATURE				OFFICER'S OR AGENT'S SIGNATURE			

**1-27-6: FALSE CERTIFICATION OF CIVIL VIOLATION COMPLAINTS:**

- (A) A civil code violation complaint need not be sworn to if it contains a form of certification by the issuing officer in substance as follows: (2131)

"I hereby certify that I have reasonable grounds to believe and do believe that the person named herein committed the civil violation described herein contrary to law." (2131)

(B) A false certification under the provision of Subsection (A) constitutes perjury. (2131)

**1-27-7: ADMISSION OR DENIAL OF ALLEGATION IN COMPLAINT; HEARINGS; FINDINGS OF COURT; CIVIL SANCTION:**

- (A) A person with a civil code complaint shall appear at the time and place stated in the complaint or may appear prior to the time if so authorized by the court and upon the directions contained in the complaint and admit or deny the allegations of the complaint. Allegations not denied at the time of appearance are admitted. A fee shall not be charged for such appearance. (2131)
- (B) If the allegations are admitted, the court shall enter judgment for the City and impose a civil sanction. Allegations may be admitted with an explanation. In such case the court shall enter judgment for the City and impose a civil sanction. In determining the civil sanction, the court shall consider the explanation submitted. (2131)
- (C) If the person denies the allegations of the complaint, the court shall set the matter for hearing. All such hearings are informal and without a jury, and the City is required to prove the violation charged by preponderance of the evidence. Technical rules of evidence do not apply, except for statutory provisions relating to privileged communications. If the person elects to be represented by counsel, the person shall so notify the court at least ten (10) days prior to the hearing date. Hearings may be recorded. If the court finds in favor of the person, the court shall enter an order dismissing the allegation. (2131)

If the court finds in favor of the City, the court shall enter judgment for the City and impose a civil sanction. (2131)

- (D) If the person served with a civil code complaint fails to appear on or before the time directed to appear or at the time set for hearing by the court, the allegations in the complaint shall be deemed admitted, and the court shall enter judgment for the City and impose a civil sanction. (2131)
- (E) A civil sanction imposed pursuant to this Chapter shall not exceed one thousand dollars (\$1,000.00). (2131)

**1-27-8: HEARING OFFICERS**

The City Manager, or his designated representative, may appoint one (1) or more hearing officers to preside over civil code matters arising under the Mesa City Code or the Arizona Revised Statutes that are filed and processed as administrative cases with a City department other than the Mesa Municipal Court. The judgment of the Administrative Hearing Officers constitutes a judgment that is subject to special action relief in accordance with the Arizona Supreme Court's Rules of Procedure for Special Actions. (3879)

**1-27-9: APPEAL:**

Any party may appeal the judgment of the court. The appeal may be to the Superior Court in the same manner as promulgated by the Supreme Court. The posting of an appeal bond stays enforcement of the judgment. Commissioners of the Superior Court may hear and determine appeals. (2131)

**1-27-10: SUBPOENA OF WITNESSES; NONAPPLICABILITY OF RULES OF CIVIL PROCEDURE:**

- (A) The City and the person charged with a civil code violation may subpoena witnesses as provided by Arizona Revised Statutes Section 13-4072. Such witnesses are not entitled to fees for appearing in connection with a civil violation proceeding. (2131)
- (B) Except as otherwise provided in this Chapter, the rules of civil procedure do not apply. (2131)

**1-27-11: FAILURE TO PAY CIVIL SANCTION; COLLECTION PROCEDURE:**

All civil sanctions shall be paid within thirty (30) days from entry of judgment, except that if payment within thirty (30) days will place an undue economic burden on the person, the court may extend the time for payment or may provide for installment payments. A civil sanction may be collected in the same manner as any other judgment in favor of the City. (2131)

**1-27-12: PENALTY:**

That any person who shall violate any of the provisions of Section 1-27-4(B) hereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment in the City jail for a period not to exceed six (6) months, or by both such fine and imprisonment. (2131,2466)