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Amended Ordinance No. 05-01
Gila County Hearing Officer
Rules of Procedure

(Previously Recorded as Docket No. 2018-007397)

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ORDINANCE NO. 05-01

GILA COUNTY HEARING OFFICER

RULES OF PROCEDURE

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TABLE OF CONTENTS

RULE 1: DEFINITIONS 4
RULE 2: SCOPE 6
RULE 3: SERVICE 6
RULE 4: COMMENCEMENT OF ACTION 7
RULE 5: NOTICE OF HEARING 8
RULE 6: APPEARANCE AND ENTRY OF PLEA 8
RULE 7: AMENDING THE COMPLAINT 8
RULE 8: VOLUNTARY DISMISSAL 9
RULE 9: NOTICE OF COUNSEL OR OTHER DESIGNATED REPRESENTATIVE 9
RULE 10: REPRESENTATION OF THE COUNTY 9
RULE 11: DEFAULT 9
RULE 12: SETTING ASIDE DEFAULT 10
RULE 13: DEFAULT BY COUNTY 10
RULE 14: CONTINUANCE 10
RULE 15: DISCOVERY 10
RULE 16: SUBPOENAS 10
RULE 17: QUESTIONING OF WITNESSES 11
RULE 18: ORDER OF PROCEEDINGS 11
RULE 19: RULES OF EVIDENCE 11
RULE 20: RECORD 12
RULE 21: RULING OF THE HEARING OFFICER 12
RULE 22: NOTICE OF RIGHT TO APPEAL 14
RULE 23: APPELLATE REVIEW 14
RULE 24: ORDER TO SHOW CAUSE 16

GILA COUNTY HEARING OFFICER RULES OF PROCEDURE

RULE 1: DEFINITIONS

As used herein, capitalized terms shall have the following meaning:

1.1 **ALLEGED VIOLATOR** means any person or individual, whether as principal, owner, occupant, agent, tenant, employee or otherwise, or an enterprise, whether a sole proprietorship, partnership, corporation or other legal entity that is alleged to have violated any provision of an Enforcement Code that is subject to enforcement pursuant to this Ordinance. For purposes of the Ordinance 01-3, Animal Control Ordinance and the No. 01-4, Barking Dog Prohibitions and Regulations, Alleged Violator means the Owner of the offending animal or animals.

1.2 **BOARD** means the Gila County Board of Supervisors.

1.3 **CIVIL PENALTIES** mean any order to remediate a violation, a fine imposed by the Hearing Officer or an Order to Abate. All monies collected for Civil Penalties shall be deposited in to the County general fund.

1.4 **COMPLAINT** means a formal notification of a civil violation of any Enforcement Code filed with the Hearing Officer.

1.5 **COUNSEL** means an attorney licensed to practice law in the State of Arizona.

1.6 **COUNTY** means Gila County or any of its agencies or departments.

1.7 **CODE ENFORCEMENT OFFICER** means a County employee authorized pursuant to an Enforcement Code, the Community Development Director, County Health Officer, the Board or the County Manager to file a Complaint.

1.8 **DEFENDANT** means the Alleged Violator of an Enforcement Code.

1.9 **DESIGNATED REPRESENTATIVE** means a person over eighteen (18) years of age, other than an attorney, authorized in writing by the Defendant to represent the Defendant in proceedings before the Hearing Officer. The written authorization shall state the name of the person authorized to act on the Defendant's behalf; that the Defendant understands and agrees to be bound by the actions taken by the designated representative in the proceedings before the Hearing Officer; and shall be signed by the Defendant before a notary public.

1.10 **ENFORCEMENT CODE(S)** mean the following enumerated County ordinances, codes and Arizona Revised Statutes:

1) Floodplain Management Ordinance, and subsequent revisions and A.R.S. §§ 48-

3603, 48-3613, 48-3614, 48-3615, 48-3615.01 and 48-3615.02 and subsequent revisions.

2) Wastewater:

Aquifer Protection Permit Program, Title 18 Environmental Quality, Arizona Administrative Codes Chapter 9, Articles 1 & 3, and Article 7 Use of Recycled Water as specified in Appendix A of the Gila County Delegation Agreement EV12-0053 and subsequent revisions.

Environmental Nuisances as set forth in A.R.S. §§ 49-141 through 49-144 and subsequent revisions, and the obligations and responsibilities delegated to the County for enforcement by the Arizona Department of Environmental Quality pursuant to Appendix B of Gila County Delegation Agreement #EV12-0053 and subsequent revisions.

Wastewater- Ordinance# 2014-02, and subsequent revisions.

3) Public Health Nuisances as set forth in A.R.S. §§ 36-601 through 36-606 and the obligations and responsibilities delegated to the County for enforcement by the Arizona Department of Health Services pursuant to Delegation Agreement # AGR2017-044, and subsequent revisions.

4) Gila County Zoning Ordinance

5) The Gila County Outdoor Light Control Ordinance

6) The Building Code Ordinance for Unincorporated Areas of Gila County Arizona, Ordinance No. 2017-02, as updated and amended from time to time

7) Gila County Ordinance #08-02 - Clean and Lien

8) Ordinance 01-3, Animal Control Ordinance

9) Ordinance No. 01-4, Barking Dog Prohibitions and Regulations

10) Any other statute, County Code, Ordinance, or Resolution authorizing the Hearing Officer to hear civil violations, this includes all past and future statutes, County Codes, Ordinances, or Resolutions enacted or adopted after this Ordinance has been adopted.

1.11 HEARING OFFICER means an individual appointed by the Board or County Manager to hear and adjudicate alleged violations of any Enforcement Codes.

1.12 NOTICE OF HEARING means the notice provided to the Alleged Violator setting the date for the hearing in front of the Hearing Officer.

1.13 **OWNER** means any person keeping an animal other than livestock for more than six consecutive days.

1.14 **PARTY** means the Defendant or the County.

1.15 **RULES OF PROCEDURE** means these Gila County Hearing Officer Rules of Procedure.

1.16 **SUMMONS** is a legal notice requiring an individual to appear at a designated place, time and date.

RULE 2: SCOPE

2.1 These Rules of Procedure shall apply in all cases involving the adjudication of civil violations which may be brought before the Hearing Officer and are adopted pursuant to the authority granted to the County in A.R.S. §§ 48-3603 (C) (22) and (C) (23), (Floodplain Regulations); A.R.S 36-183.04 (D), (Public Health Nuisance); A.R.S §11-815 (E), (Zoning and Building Code Enforcement); and A.R.S. § 11-1006, (Animal Control).

2.2 An Alleged Violator charged under any Enforcement Code with a civil action shall not be subject to a criminal charge arising out of the same facts.

2.3 An action before the Hearing Officer does not preclude the Board, County Attorney, Code Enforcement Officer, a private individual or other entity that is specially damaged by a civil violation from pursuing other remedies provided by law, including but not limited to injunction, mandamus, abatement or any other appropriate action or proceeding to prevent or abate the violation.

2.4 Except for alleged violations of the Ordinance 01-3, Animal Control Ordinance and the Barking Dog Ordinance 01-4 for which the County Enforcement Officer shall use a uniform traffic ticket and complaint for civil traffic cases, pursuant to the rules of procedure in traffic cases adopted by the Arizona Supreme Court, all other notices of violation and civil violations under any other Enforcement Code shall follow a non-ticket complaint form.

2.5 Any code or ordinance later added to the Hearing Officer's jurisdiction will follow procedural rules under the non-ticket complaint format according to the specific authority in that code, ordinance or statute.

2.6 The Hearing Officer has the authority to impose Civil Penalties for violations, order compliance with the Enforcement Codes and issue an Order to Abate.

RULE 3: SERVICE

3.1 **Personal Service, Personally Serve, Personally Served.** This shall be accomplished by the Code Enforcement Officer or other authorized law enforcement officers-delivering

documents to the Alleged Violator personally or by leaving such pleadings or papers at his/her dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or delivery to a personal representative or agent authorized by appointment or by law to receive service of process. Any document served shall be served at least fifteen (15) days prior to the hearing date.

3.2 **Service by Certified Mail or Regular Mail Return Receipt Requested as an Alternate Means of Service.** Where personal service cannot be accomplished or is impractical, the Code Enforcement Officer has the administrative authority to accomplish service by mailing the complaint by Certified Mail or Regular Mail Return Service Requested to the mailing address associated with the parcel as currently on file with the Gila County Assessor's Office. Any notice served upon the Alleged Violator other than by personal service shall be served at least thirty (30) days prior to the hearing date. Service is completed when an acknowledgement of receipt by the Code Enforcement Officer is placed in the file. At hearing, the Code Enforcement Officer attempting service by Certified Mail or Regular Mail Return Receipt Requested, shall provide the reasons why personal service cannot be accomplished or is impractical. If the Hearing Officer disagrees, the Hearing Officer may require personal service of the Complaint.

3.3 **Service by Publication.** When service by publication of a legal notice is the best means practical under the circumstances for providing notice of the commencement of the action against the property, then service may be made by publication upon approval of the Code Enforcement Officer.

3.4 **Additional Alternative Methods.** If service by one of the methods above proves impractical, then service may be done by any method as the Hearing Officer upon motion and without prior notice, may direct. Whenever the Hearing Officer allows any other method of service pursuant to this section, the Party requesting a different method of service shall make reasonable efforts to ensure that the other Party does receive the notice of legal action against them or the property. Additionally, the Complaint, and any documents served, as well as any order of the Hearing Officer authorizing an alternative method of service, shall be mailed to the last known business or residence address of the person to be served.

RULE 4: COMMENCEMENT OF ACTION

4.1 Every action or proceeding brought before the Hearing Officer for a civil violation of any Enforcement Code shall be commenced by filing a Complaint with the Code Enforcement Officer.

4.2 Complaints shall contain the name and address of the Alleged Violator, a legal description and/or the address of site of violation, a statement of facts constituting the specific violation, and the Enforcement Code designation of the violation.

RULE 5: NOTICE OF HEARING

5.1 The Complaint shall be accompanied by a Notice of Hearing which shall set forth a date of appearance. The Complaint and Notice of Hearing shall be personally served by the Code Enforcement Officer on the Alleged Violator at least fifteen (15) days prior to the appearance date. If the Code Enforcement Officer is unable to personally serve the notice, then the Complaint and notice may be served by Certified Mail or Regular Mail Return Service Requested in accordance with Rule 3.2 of these Rules of Procedure. Any notice served upon the Alleged Violator other than by personal service shall be served at least thirty (30) days prior to the date of the appearance.

RULE 6: APPEARANCE AND ENTRY OF PLEA

6.1 **Complaints:** The Defendant may admit or deny responsibility by appearing in person at the time and date set to appear and entering a plea, or by mailing to the Code Enforcement Officer a short statement signed by the Defendant or his/her Counsel admitting or denying the allegations of the Complaint, which must be received in the office of the Code Enforcement Officer by 5:00 PM on the business day prior to the date set for appearance and plea.

6.1.1 Upon admission of responsibility, and if there is no agreement in writing between the parties to waive the hearing for determination of penalty and date of remediation of the violation, the hearing shall be held at the same time and place set for appearance in the Complaint and Notice of Hearing. At this hearing, the Defendant and the Code Enforcement Officer shall be given an opportunity to state their position on the amount of the penalty and date of remediation to be imposed by the Hearing Officer.

6.1.2 The hearing determination of penalty and remediation date may be waived if agreed to by the parties involved. Upon agreement to waive said hearing, the Hearing Officer shall impose action to correct the Enforcement Code violation. The Defendant shall be notified by first class mail of the penalty and remediation date.

6.1.3 Upon denial of responsibility, the hearing of testimony and evidence shall be held at the time and place set for appearance in the Complaint and Notice of Hearing.

6.1.4 If the Defendant does not enter a plea, Defendant shall appear at the place, date and time set in the Complaint and Notice of Hearing. Failure of the Defendant to appear shall be considered a Default Judgement as set forth in Rule 11 of these Rules of Procedure.

RULE 7: AMENDING THE COMPLAINT

7.1 The Hearing Officer may permit a Complaint to be amended at any time before the final

decision if no additional or different violation is charged and if substantial rights of the Defendant are not thereby prejudiced.

7.2 The Complaint may be amended to conform to the evidence alleged at the hearing if no additional or different violation is charged and if substantial rights of the Defendant are not thereby prejudiced.

7.3 All amendments to a Complaint relate back to the date the Complaint was issued.

RULE 8: VOLUNTARY DISMISSAL

8.1 The Code Enforcement Officer may request in writing that the Hearing Officer dismiss a Complaint. All such requests shall be filed prior to the hearing for testimony and presentation of evidence.

RULE 9: NOTICE OF COUNSEL OR OTHER DESIGNATED REPRESENTATIVE

9.1 The Complaint shall contain written notice that the Defendant has the right to be represented by Counsel or by another Designated Representative. The Defendant must notify the Code Enforcement Officer in writing at least fifteen (15) days prior to the Hearing Date for testimony and presentation of evidence of the Defendant's election to be represented by Counsel or by another Designated Representative. Otherwise, the Hearing Officer shall cause a postponement of these proceedings upon the request of Code Enforcement Officer.

RULE 10: REPRESENTATION OF THE COUNTY

10.1 If the Defendant is represented by Counsel, then the County may then be represented by Counsel.

RULE 11: DEFAULT

11.1 If the Defendant fails to appear at the hearing for testimony and presentation of evidence, the allegations of the Complaint shall be deemed admitted, and the Hearing Officer shall enter a default judgement against the Defendant and impose Civil Penalties according to the applicable Enforcement Code violated as provided in Section 21.2.3 hereafter. The Code Enforcement Officer may present evidence for determination of the penalty amount, prior to the imposition of penalty. The parties shall be notified of said default judgement by first class mail.

11.2 If it appears from the face of the Complaint that the Defendant is in the active military service; no default judgement may be entered against the Defendant. In such cases, the Code Enforcement Officer may notify the Defendant's commanding officer, if known, of the

Defendant's failure to appear.

RULE 12: SETTING ASIDE DEFAULT

12.1 A request by the Defendant to set aside the default judgement entered under Rule 11 shall be made in writing no later than thirty (30) days after entry of default judgement.

12.2 The Hearing Officer's decision on a request to set aside the default judgment is final and is not appealable to the Board.

RULE 13: DEFAULT BY COUNTY

13.1 If no witness for the County, excluding the Defendant, appears at the time set for hearing, the Hearing Officer may dismiss the Complaint unless good cause is shown for continuing the hearing to another date.

RULE 14: CONTINUANCE

14.1 The Hearing Officer may, upon motion of any Party or on his own motion, continue the hearing to the next hearing date if it appears that the interests of justice require continuation.

14.2 If the Defendant and the Code Enforcement Officer agree in writing to continue a hearing, that hearing shall be continued to the next hearing date.

RULE 15: DISCOVERY

15.1 No pre-hearing discovery shall be permitted absent extraordinary circumstances.

15.2 Immediately prior to the hearing, both parties shall present to the Hearing Officer any evidence that Party intends to use during the hearing. The Hearing Officer will allow the opposing parties to review all evidence. Failure to comply with this rule may result, at the Hearing Officer's discretion, in granting of a recess to permit the parties to review all evidence.

RULE 16: SUBPOENAS

16.1 Either Party may request the Hearing Officer to issue subpoenas for the attendance of witness and/or production of documents pursuant to A.R.S. §12-2212. The subpoena shall state the title of the action and command each person to whom it is directed to give testimony at the place and time listed on the subpoena.

16.2 A subpoena may be served by the Sheriff, his or her deputies, or by any other person who is not a Party and is not less than eighteen (18) years of age. At the time of service, witness fees for one day plus mileage shall be paid to the witness pursuant to A.R.S.

§12-303 which shall be paid by the requesting Party.

RULE 17: QUESTIONING OF WITNESSES

17.1 All testimony shall be given under oath or affirmation.

17.2 The Hearing Officer may on his/her own motion, call and examine witnesses, including the Code Enforcement Officer, other County witnesses, the Defendant, Defendant's Counsel or Designated Representative.

RULE 18: ORDER OF PROCEEDINGS

18.1 All witnesses called to testify on behalf of the County shall be required to testify prior to the Defendant, Defendant's Counsel or Designated Representative being required to testify. A witness that has already testified may be called in rebuttal to testify to an issue raised by the defense.

18.2 The order of proceedings shall be as follows:

18.2.1 Testimony of the Code Enforcement Officer and any other County witnesses.

18.2.2 Testimony of the Defendant, Defendant's Counsel, Designated Representative and any other witness of the Defendant.

18.2.3 Testimony of the County's rebuttal witnesses, if any.

18.2.4 Testimony of the Defendant's rebuttal witnesses, if any.

18.2.5 Any argument of the Code Enforcement Officer, Defendant, Defendant's Counsel, or Designated Representative, as permitted by the Hearing Officer.

18.2.6 Ruling by the Hearing Officer.

RULE 19: RULES OF EVIDENCE

19.1 The Arizona Rules of Evidence shall not apply before the Hearing Officer. Any evidence offered may be admitted subject to a determination by the Hearing Officer that the offered evidence is relevant and material and has some probative value to a fact at issue.

19.2 Nothing in this Rule 19 is to be constructed as abrogating any statutory provision relating to privileged communication.

19.3 Incomplete, irrelevant, immaterial and unduly repetitious evidence may be excluded.

19.4 Documentary evidence may be received in the form of copies or by incorporation by

reference.

19.5 The Hearing Officer may take note of judicially cognizable facts and may take note of general, technical or scientific facts.

RULE 20: RECORD

20.1 The County will record the proceedings digitally or by audio tape. The Defendant or the County may have the proceedings recorded by a court reporter provided by the Defendant or the County at the Defendant's or County's expense.

RULE 21: RULING OF THE HEARING OFFICER

21.1 If the Defendant after the hearing is found responsible for the civil violation, the Hearing Officer shall enter a decision for the County and impose Civil Penalties according to the applicable Enforcement Code violated as provided hereafter.

21.2 The ruling shall include the findings and conclusion of the Hearing Officer. The conclusions may include, at the discretion of the Hearing Officer, various compliance orders ("Orders"), including but not limited to the following:

21.2.1 A date certain for the remediation of any violation(s) of the applicable Enforcement Codes that is the subject of the hearing.

21.2.2 If, at the hearing, or any subsequent review hearing, the Hearing Officer determines that the Defendant has failed to remove or otherwise abate: (a) a hazard to public health and safety as set forth in PART II (D) of Gila County Ordinance #08-02 - Clean and Lien; (b) a public nuisance dangerous to public health pursuant to A.R.S. 36-602; or (c) an environmental nuisance dangerous to the public health and the environment pursuant to A.R.S. 49-143, the Wastewater Ordinance 2014-02 or the Aquifer Protection Permit Program, the Hearing Officer may issue an Order to Abate. The procedures for an Order to Abate, the appeal process and subsequent assessments shall be as set forth in paragraphs D through P of the Gila County Ordinance #08-02 - Clean and Lien.

21.2.3 The imposition of fines by the Hearing Officers shall be in accordance with the stipulated fine in the Enforcement Code violated as follows:

Floodplain Management Ordinance:

A fine of not more than $700 per day for a continuing violation by an individual and not more than $10,000 per day for a continuing violation by an enterprise.

Wastewater- Ordinance 2014-02:

A fine of not more than $700 per day for a continuing violation by an individual and not more than $10,000 per day for a continuing violation by an enterprise.

Public Health Nuisances:

A fine of not more than $750 for each violation by an individual and not more than $5,000 for each violation by an enterprise.

Gila County Zoning Ordinance:

A fine of not more than $750 per day where each day of a continuing violation is a separate violation.

The Gila County Outdoor Light Control Ordinance:

A fine of not more than $750 per day where each day of a continuing violation is a separate violation.

Building Code Ordinance for Unincorporated Areas of Gila County Arizona Ordinance No. 2107-02:

A fine of not more than $750 per day where each day of a continuing violation is a separate violation.

Gila County Ordinance #08-02 – Clean and Lien

A fine of not more than $750 per day where each day of a continuing violation is a separate violation.

Ordinance 01-3, Animal Control Ordinance and the Barking Dog Ordinance 01-4:

A fine not to exceed $500.00 for each violation.

For any other Enforcement Code violation not listed above:

A fine of not more than $700 per day for a continuing violation by an individual and not more than $10,000 per day for a continuing violation by an enterprise.

21.2.4 A date for review of the Orders of the Hearing Officer. The purpose of this review is to allow the Hearing Officer to determine if the Enforcement Code violation has been brought into compliance and to allow the Hearing Office to reduce or eliminate the fine previously imposed.

21.3 The Hearing Officer or Code Enforcement Officer shall deliver or mail, to all parties, a copy of the decision together with written notice of right to appeal within ten (10) calendar days from the date the decision is signed by the Hearing Officer.

21.4 Any fines noted in the Hearing Officer's Final Order shall be due within ten (10) calendar days following the date of service of the decision. If a decision to appeal is received from the Defendant, the payment of fines is suspended pending the outcome of the appeal. If the Hearing Officer's final decision regarding the fine is upheld or if the fine is reduced but not eliminated, the balance of the fine is due within ten (10) calendar days after the date the Board's decision is rendered. Any unpaid fines may be collected by a collection agency with the Defendant being responsible for any fees charged by the collection agency as compensation for its services.

21.5 The final decision of the Hearing Officer ("Final Decision") shall be filed with the Gila County Recorder's Office upon the expiration of the time for filing an appeal and upon determination that the Defendant did not file an appeal. If the Defendant appeals the Final Decision and the Final Decision is upheld in whole or in part by the appellate process, the Final Decision as modified by the appellate process shall be filed with the Gila County Recorder's Office upon the exhaustion of all appellate remedies.

RULE 22: NOTICE OF RIGHT TO APPEAL

22.1 Following the decision and imposition of Civil Penalties and after the hearing, the Hearing Officer shall advise the Defendant of the Defendant's right to a review of the Hearing Officer's Final Decision by the Board. The Defendant also shall be informed of the applicable time limit and referred to the rules governing the review process.

RULE 23: APPELLATE REVIEW

The procedures for review of a civil violation of any Enforcement Code is as follows:

23.1 The Party requesting review shall file a written Notice of Request for Appellate Review with the Code Enforcement Officer within fifteen (15) days after signing the Final Decision, notice or order by the Hearing Officer.

23.2 The request for appellate review shall identify the decision on appeal. The request shall be signed by the appellant, his/her attorney, or his/her Designated Representative and shall contain the names, addresses and telephone numbers of all parties and their attorney or Designated Representative. The request for appellate review shall state whether appellant will represent himself or the name of appellant's attorney or Designated Representative. Failure to designate representation by Counsel or Designated Representative at the time of request for appeal may cause a recess or postponement of the proceedings by the Board.

23.3 The original, plus one copy of the notice of request for appellate review, shall be filed with the Code Enforcement Officer, who shall serve a copy of the request for appellate review on the other Party or the Party's attorney or Designated Representative.

23.4 Record on Appeal. The Board's review of the Hearing Officer's decision shall be limited to the record of the previous proceedings before the Hearing Officer, and there shall be no introduction of new evidence. The record of proceedings shall include all pleadings and orders in the Hearing Officer's file, all evidence admitted at the hearing, and the digital or audio tape required by Rule 20. If the Board determines the transcript of the digital recording or audio tape is necessary, a transcript shall be prepared by the Code Enforcement Officer at the requesting Party's expense. A trial de novo (new trial) is not permitted.

23.5 Transmission of Record

23.5.1 Upon receipt of the request for appellate review, the Code Enforcement Officer shall, within twenty (20) working days, prepare and transmit the record to the Clerk of the Board.

23.5.2 The parties may stipulate that the review may be on less than a complete record or upon stipulated facts. The designation of the stipulated record shall be in writing and filed with the Code Enforcement Officer within ten (10) days after the filing of the Notice of Request for Appellate Review.

23.5.2 Upon transmission of the record, the Clerk of the Board shall send notice by mail to all parties that the record has been transmitted and stating that written memoranda are due within fifteen (15) working days from the date of transmission of the record by the Code Enforcement Officer.

23.6 Appellate Memoranda. Each Party may file a written memorandum no later than fifteen (15) working days following the date of transmission of the record to the Board as to why the Board should affirm, modify, or reverse the final decision being reviewed by the Board. The memorandum shall not raise new facts or issues not previously presented before the Hearing Officer.

23.6.1 Each Party shall file the original, plus three copies, with the Clerk of the Board.

23.6.2 No memorandum filed shall exceed five typewritten, double-spaced pages in length.

23.7 Notice of the Appellate Review by the Board. Upon receipt of the record by the Board from the Hearing Officer, the Clerk of the Board shall set a date for the review and mail parties a written notice of the time and place of the appellate review. Appellate review by the Board shall be set within no less than twenty (20) days from the Board's receipt of transmission of record. The Notice of Appellate Review date shall be mailed by first class mail not less than five (5) days prior to the appellate review hearing. Appeal hearing may be continued by the Board for good cause.

23.8 Oral Argument. Oral argument shall be limited to five (5) minutes for each Party, unless

extended by the Board. One person shall speak for each side unless this requirement is waived by the Board. Oral argument shall be based on the record and there shall be no presentation of new evidence in oral argument. Either Party may waive its oral argument.

23.9 Disposition by the Board. After consideration of the record transmitted by the Hearing Officer and memoranda, the Board may increase, decrease or modify any penalty and assessment imposed by the Hearing Officer according to the applicable Enforcement Code violated as provided in Section 21.2.3 hereof and may:

23.9.1 Affirm the decision of the Hearing Officer.

23.9.2 Affirm in part and reverse in part and, if necessary remand for further proceedings.

23.9.3 Reverse the action of the Hearing Officer and if necessary, remand for further proceedings.

23.9.4 Written notice of the final decision of the Board shall be hand-delivered or mailed first class to all parties by the Clerk of the Board within fifteen {15) calendar days of the Board's decision.

23.10 Appeal to the Superior Court. Judicial review of the final decision of the Board shall be pursuant to Arizona Revised Statutes, Title 12, Chapter 7, Article 6 (12-901 et seq.)

RULE 24: ORDER TO SHOW CAUSE

24.1 If the Defendant fails to comply with the decision entered by the Hearing Officer, the County may file an affidavit setting forth the facts relating to the Defendant's noncompliance and request the Hearing Officer to enter an Order to Show Cause requiring the Defendant to appear and show cause why additional penalties should not be imposed for noncompliance.

24.2 All orders to Show Cause issued by the Hearing Officer shall set forth the time and place for hearing and be personally served upon the Defendant. Where personal service cannot be accomplished, service may be made in the manner prescribed for alternative methods.

24.3 At any hearing on an Order to Show Cause, the only issue before the Hearing Officer is compliance with the decision entered previously by the Hearing Officer. The Hearing Officer shall find either the Defendant has complied or not complied with the previously entered decision. If good cause cannot be shown for noncompliance, the Hearing Officer may order the imposition of additional penalties upon the Defendant.

24.4 Failure by Defendant to appear shall not constitute grounds for continuance. The Hearing shall proceed in the absence of the Defendant. The Code Enforcement Officer shall present evidence and the Hearing Officer shall make a determination.