



COMMUNITY DEVELOPMENT DEPARTMENT
TOWN OF PAYSON
303 N. BEELINE HIGHWAY
PAYSON, ARIZONA 85541-4306
PHONE: (928) 474-5242 X. 263 • FAX (928) 472-7490 • TDD: (928) 472-6449

**NOTICE OF VIOLATION
REQUEST FOR VOLUNTARY COMPLIANCE**

DATE: 03/20/12

Certified Mail No: 7011-0470-0001-0484-5996

[REDACTED]
PAYSON, AZ. 85541

RE: [REDACTED] CIRCLE, GILA COUNTY PARCEL # 302-[REDACTED]

Dear Property Owner:

The above referenced property is currently in violation of the following Town of Payson Unified Development Code Sections:

15-02-004(B)(9)

Trailers or recreational vehicles shall not be used as a permanent dwelling on any residential or commercial lot, and shall not be connected to a sewer system other than in an approved trailer park, except as otherwise provided in this Code. Trailers, including travel trailers, and recreational vehicles shall be parked only in the residential yard and not on any street. Trailers or recreational vehicles shall not be used for storage purposes or as an accessory building.

In order to bring your property into compliance with the Town Code you must ensure the following actions are completed within 15 calendar days (to include weekends and holidays) from the date of this notice:

Your recreational vehicle must be moved from the street and must be parked only in the residential yard area.

If the violation is not corrected within fifteen (15) days from the date of this Notice of Violation, the Town may pursue enforcement of the UDC by issuance of a civil citation or complaint or other legal remedies available at law.

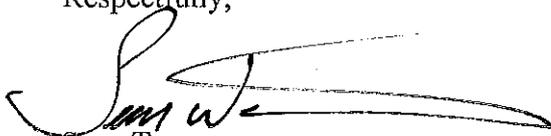
Warning

Each person, firm, sole proprietorship, corporation, partnership, LLC, or other entity violating any provision of the UDC shall be subject to a minimum civil penalty of FIFTY DOLLARS (\$50.00) and maximum civil penalty of ONE THOUSAND DOLLARS (\$1,000.00), for each and every violation of the UDC.

Each person, firm, sole proprietorship, corporation, partnership, LLC, or other entity violating the UDC shall be deemed to have committed a separate violation for each and every day during which the violation(s) is committed or continues to exist.

If you have questions regarding this notice or the requirements set forth herein, please contact the undersigned.

Respectfully,

A handwritten signature in black ink, appearing to read 'Sean Tanner', with a long horizontal flourish extending to the right.

Sean Tanner,
Building Inspector/Code Compliance Officer
(928) 474-5242 X384

15-10-004 Penalties

A. Civil

Each person, firm, sole proprietorship, corporation, partnership, LLC, or other entity violating any provision of the UDC shall be subject to a minimum civil penalty of FIFTY DOLLARS (\$50.00) and maximum civil penalty of ONE THOUSAND DOLLARS (\$1,000.00), for each and every violation of the UDC.

Each person, firm, sole proprietorship, corporation, partnership, LLC, or other entity violating the UDC shall be deemed to have committed a separate violation for each and every day during which the violation(s) is committed or continues to exist.

B. Criminal

Each person, firm, sole proprietorship, corporation, partnership, LLC, or other entity violating the same provision of the UDC more than once within 24 months may be subject to a criminal penalty as provided for in Section 10.49 of the Code of the Town of Payson.

15-10-005 Responsible Party

The owner, occupant, and/or the person, firm, sole proprietorship, corporation, partnership, LLC, or other entity in possession of any property in violation of the UDC shall be each severally responsible for such violation(s).

15-10-006 Civil Enforcement Procedure

A. Notice of Violation

Except in cases of alleged imminent hazards, repeated violations, or similar situations where the Town has previously notified or cited the same or a substantially similar violation, the Community Development Director or the Director's designee shall provide reasonable written notice to the owner, occupant, and/or the person, firm, sole proprietorship, corporation, partnership, LLC, or other entity in possession of the property in violation of the UDC in an attempt to obtain voluntary compliance with the provisions of the UDC, as provided for in Sections B and C.

B. Reasonable notice shall consist of written notification and shall include the following:

1. Identification of the property in violation by street address if known and if not known, by tax parcel number.
2. A clear description of the violation(s) of the UDC and request for voluntary compliance by correction of the described violation(s) within fifteen (15) days from the date of the Notice of Violation. Such fifteen day period shall include weekends and holidays.
3. A warning that if the violation(s) is not corrected within fifteen (15) days from the date of the Notice of Violation, the Town may pursue enforcement of the UDC by issuance of a civil citation or complaint, issuance of a stop work order, issuance of a cease use order, or other legal remedies available at law.
4. The potential penalties.

C. Service of Notice of Violation

2. Service of Notice of Violation

The Notice of Violation shall be hand delivered or mailed by certified regular mail (1) to the property address; (2) to the last known mailing address of the property owner; and (3) to the occupant, or such other person, firm, sole proprietorship, corporation, partnership, LLC, or other entity in possession or control of the property, if such mailing address is different from the property address.

B. Civil citation or complaint for appearance in Magistrate Court

1. Commencement of Action.

- a. An action in the Payson Magistrate Court (the "Magistrate Court") may be commenced by the issuance of a civil citation or complaint. The Community Development Director and/or the Director's designee(s), may issue a citation under this article. The citation shall direct the defendant to appear personally in the Magistrate Court.
- b. An action under this article may also be commenced by the Town Legal Department filing a civil complaint with the Magistrate Court. The commencement of this procedure shall not limit the right or authority of the Town, through its Legal Department or otherwise, to take any other action available by law to enforce compliance with the UDC.

2. Contents of civil citation or complaint.

The civil citation or complaint, whichever is applicable, shall contain at least the following information:

- a. The time, date, place and UDC section(s) of the alleged violation(s);
- b. The time, date and place for the defendant to appear;
- c. A signature of the citing official that the violation(s) took place;
- d. The possibility of a minimum penalty in the amount of FIFTY (\$50.00) and maximum penalty of ONE THOUSAND DOLLARS (\$1,000.00) for each violation; and,
- e. Warning of default and imposition of penalty in the event of failure to appear.

3. Service of civil citation or summons and complaint.

Service shall be made by personal service, certified mail or publication.

C. Procedure in Magistrate Court

1. Civil Hearing Officer

The Town Magistrate or Associate Town Magistrate shall serve as Civil Hearing Officer.

2. Rules of Procedure

The Arizona Rules of Procedure in Civil Traffic Violation cases shall govern the proceedings under this section, except as modified by, or where inconsistent with the provisions of this section.

15-10-007 Criminal Enforcement Procedure

- A. Criminal enforcement proceedings shall be initiated by the Town Prosecutor's office.
- B. All criminal enforcement proceedings shall be conducted pursuant to the Arizona Rules of Criminal Procedure.