



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: GOV DP 9-0-0-0

HB 2632: zoning violations; enforcement; notice; service

Sponsor: Representative Chaplik, LD 3

House Engrossed

Overview

Outlines requirements for a hearing notice regarding a county zoning violation.

History

[Rule 4](#) in the Arizona Rules of Civil Procedure authorizes a sheriff, a sheriff's deputy, a constable, a constable's deputy, a certified private process server under the Arizona Code of Judicial Administration and any other person appointed by the court to personally serve an alleged zoning violator. Additionally, [Rule 4.1](#) permits service by publication to be performed by the serving party or the council of the serving party.

[Rule 4.1](#) contains alternative methods of service including mailing the summons, the pleading being served and any court order that states that an alternative method is necessary. The summons may also be published, in a newspaper once a week for four consecutive weeks, where the subject of the summons presumably resides, with instructions on how to obtain the pleading.

Provisions

1. Prescribes that before reporting a zoning violation to a hearing officer, personal service of a notice of violation on the alleged violator may be made by an inspector or a person authorized by the Arizona Rules of Civil Procedure. (Sec. 1)
2. Allows a notice to be served in the same manner as prescribed in the Arizona Rules of Civil Procedure for alternative methods of service, if impracticable for an inspector to have the notice personally served. (Sec. 1)
3. Requires a notice of violation to include the following:
 - a) the name of the owner of record of the property and any others the county seeks to take action against;
 - b) the location of the property in violation;
 - c) the specific violation with citation of the zoning ordinance or regulation and description of how it has not been met;
 - d) the date when compliance must begin and when compliance must be completed; and
 - e) information that failure to comply is a separate violation and a description of possible civil penalties. (Sec.1)
4. Prohibits an inspector from reporting a zoning violation to a hearing officer unless the time specified to cure the alleged violation has expired. (Sec.1)
5. Modifies the number of days before a hearing in which a notice of hearing by an inspector must be served from 5 days to 15 days. (Sec.1)

6. Mandates the notice of a zoning violation hearing to include:
 - a) the name of the owner of record of the property and any others the county seeks to take action against;
 - b) the location of the property in violation;
 - c) the specific violation with citation of the zoning ordinance or regulation and description of how it has not been met; and
 - d) if applicable, the dates when continuing violations have occurred. (Sec.1)
7. Directs the hearing officer to inform the violator of the right to request a review of the hearing decision. (Sec.1)
8. Applies the definition of *impracticable* to statute relating to enforcement of county zoning ordinances. (Sec. 1)
9. Makes technical and conforming changes. (Sec.1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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