DD NUMBER:	DD-2000-81	**INITIATOR:**	Tim Overstake *TJO*
SUPERSEDES:	None	**MANAGER:**	N/A
DATE INITIATED:	11-14-2000	**DIRECTOR:**	Joy Rich *JR*
EFFECTIVE DATE:	Immediately	**RESPONSIBLE AUTHORITY:**	PLANNING & DEVELOPMENT DEPARTMENT

SUBJECT:	Reliance on Civilian Witnesses at Civil Code Violation Hearings

PURPOSE: To establish a procedure to accommodate civilian witnesses who wish to provide evidence or testify during a civil code violation hearing.

POLICY: When a code enforcement case cannot be established by evidence gathered during field inspections, the aid of civilian witnesses may be sought. In many cases a complainant may insist on presenting evidence at a civil hearing despite the fact that a code enforcement officer has documented no evidence of a code violation. When a civilian witness is being relied upon to provide the sole evidence necessary to prove a civil violation case, the Code Enforcement Supervisor will be notified. The County Attorney liaison will also be consulted, and the merits of the case evaluated, before the civil hearing process proceeds. Only with the agreement of the County Attorney will the case be prepared for civil hearing.

COMMENT: In many cases, such as residential businesses, non-accessory vehicle parking and underaged occupancy in a senior citizen overlay district the code enforcement officer may not be able to gather sufficient evidence to prepare a case for hearing. If the aid of a civilian witness is sought, or a complainant insists he/she can provide the necessary proof, the case may still proceed to hearing despite the code enforcement officer's lack of personally compiled evidence. It is important to enlist the aid of the County Attorney in these matters. It is ultimately the County Attorney's decision, after reviewing the testimony and/or evidence possessed by the civilian witness, to allow the case to proceed to hearing. The County bears the responsibility to insure each case presented to a Hearing Officer is sound and has merit.