

EMILY VIOLATION AND ENFORCEMENT POLICY

Goal: To develop a clear procedure for dealing with violation situations so that people are treated fairly, actions of the City are well-thought out and defensible and the provisions of the Ordinance are consistently upheld.

Steps in the Process:

1. Identifying violations. Investigating and determining the extent of violation.
 - The violation process begins when the City either receives a report of a violation or the Planning and Zoning Administrator identifies and documents a violation.
 - The name of the individual/organization making a report is not documented and their name is not to be released to the public.
 - All reports of violation are documented in the property file including a statement on whether or not it was determined to be a violation.
 - Where possible, pictures should be taken of every violation.
 - The Planning and Zoning Administrator is responsible for making the preliminary decision on whether or not something is a violation.
 - The Planning and Zoning Administrator is to report all violation complaints and administrative decisions to the Planning and Zoning Commission for review and to the City Council for their oversight.

2. Notifying property owners of violations.
 - The Planning and Zoning Administrator is to attempt to contact the property owner and contractor, where known, to verbally notify them of the violation.
 - After making verbal contact or attempting to make verbal contact, the Planning and Zoning Administrator shall notify the property owner and, where known, the contractor in writing.
 - In the letter of violation, invite the property owner to call within 10 days to set up a meeting.
 - The letter of violation should cite both the local ordinance violation and any state statute violation.
 - The letter of violation should indicate that the property owner could appeal to the Planning Commission the Staff interpretation of the Ordinance.
 - All interaction with property owners are to be handled in a friendly manner.

3. Discussion with property owner / seeking a resolution
 - The Planning and Zoning Administrator is to try and meet with the property owner to discuss the violation. A Planning and Zoning Commission member or a City Council member should attend the meeting.

- The Planning and Zoning Administrator is to report to the Planning Commission monthly on the deliberation and ongoing discussions for each violation.
 - Any letters should allude to possible civil and criminal penalties but avoid any direct threats.
 - Violations are expected to be resolved within 90 days from the first meeting (or within 100 days after the letter of violation letter is sent).
4. Moving beyond negotiations
- For unresolved violations, the Planning Commission is to recommend a course of action to the City Council. The Planning Commission should consider testimony from the Planning and Zoning Administrator and the City Attorney when making a recommendation.
 - The Commission's recommendation must include findings and shall recommend a course of action that could include:
 - Criminal prosecution
 - Civil litigation
 - Placing a hold on a property owner's file (not allowing any permits for the property until the matter is resolved)
 - Notification of the county when asked for assessment evaluation
 - The City Council is to receive the recommendation from the Commission and make decision on how to proceed.
 - The Council should receive all correspondence and other pertinent information to support the Commission's recommendation.
 - The property owner should be notified in writing of the decision of the City Council.

Key Participants and Decision Makers:

- City Council (ultimate decision makers)
- Planning Commission (advisory board)
- City Attorney
- Planning and Zoning Administrator
- Property Owner and representatives