

ADMINISTRATIVE POLICY: DEVELOPMENT SERVICES CODE ENFORCEMENT GUIDELINES

ADOPTION OF STANDARD OPERATING PROCEDURES

These policies and procedures are to be interpreted to maximize both the efficiency of City code enforcement and compliance with the Sandy Municipal Code. Nothing in these policies shall be interpreted to require the City to act or to refrain from acting on code enforcement violations.

PRIORITIES FOR CODE ENFORCEMENT

Priority cases. The following cases are priorities for enforcement:

- (1) Violations presenting an imminent threat to public health and safety;
- (2) Violations affecting streams, wetlands, and/or adjacent riparian areas;
- (3) Building code violations consisting of ongoing non-permitted construction or failure to obtain permits;
- (4) Land use violations failing to meet conditions of approval; and

Second priority cases. All other cases are second priority.

These policies apply to civil enforcement of alleged code violations. The City does not enforce covenants, conditions, and restrictions (CC&Rs) or other private agreements. The City does not resolve private disputes among third parties.

INITIATION OF CODE ENFORCEMENT

Code enforcement may be initiated by any of the following methods:

Citizen complaint. Any person may make a complaint to the city alleging one or more code violations.

- (1) Form of complaints. A citizen's complaint may be made on a City complaint form, by sending an email, or filing the complaint verbally over the phone.
- (2) Confidentiality. The City's policy is to maintain the confidentiality of code enforcement complaint files and computer records, including the identity of the complainant, to the extent legally possible. However, in some cases, it may be necessary for successful prosecution and enforcement for the complainant to be identified and to testify in court.

Observation. City staff may initiate enforcement any time a violation is observed.

Permit/approval condition. City staff shall conduct timely monitoring of ongoing conditions of approval for all permits and approvals as staffing and time resources allow.

ENFORCEMENT PROCEDURES

Voluntary compliance without penalty.

- (1) It is the City's policy to encourage voluntary code compliance by providing code violators and other responsible persons with the opportunity during code enforcement to comply with the codes with little or no penalty.
- (2) In some cases, allowing code violators the opportunity to voluntarily comply may result in abuse of this opportunity in order to delay compliance. Therefore, a time frame for compliance should be part of any voluntary compliance.
- (3) Voluntary compliance without penalty or cost recovery will not be allowed where the alleged violator is a repeat offender either on the subject property or by the code violator, or where the original violation was not corrected following the prior code enforcement action.

Notice of violation.

- (1) The Development Services Department Code Enforcement Specialist may issue a notice of violation for Titles 5, 8 (Chapter 8.16), 12, 15, and 17 to the property owner and any responsible party when there are reasonable grounds to believe a violation did or does occur.
- (2) Notice of violations shall be sent by certified mail to the most recent known address for the property owner(s) and other responsible person(s). The notice of violation shall establish a deadline for compliance.
- (3) Applicable enforcement proceedings include, but are not limited to:
 - a. Title 5: Chapter 5.04 for Business License Violations
 - b. Title 8: Chapter 8.24 for Nuisance Abatement
 - c. Title 12: each chapter has separate enforcement proceedings
 - d. Title 15: each chapter has separate enforcement proceedings
 - e. Title 17: Chapter 17.06 for Enforcement of the Development Code

Citation. Where voluntary compliance is not obtained within the timeframe as set forth in the municipal code, a citation may be issued as provided by the City Code.

Other potential actions:

Stop work orders. The City may issue stop work orders to assure compliance with permits and approvals or when otherwise authorized by applicable law.

Permit revocation. Certain city codes authorize the revocation of permits or approvals for failure to comply with their requirements or conditions. Permit revocation may be pursued when corrective action may not be effective due to the nature of the violation or the deliberateness of the code violator's actions.

Liens. The City may use liens as a means of cost recovery as permitted under state or local law.

FILE CLOSURE

Code enforcement files may be closed for the following reasons:

- (1) When no code violation is found after investigation;
- (2) When there is voluntary compliance;
- (3) When a judgment is entered resolving the matter;
- (4) When an injunction has been issued and the property owner or other responsible party has corrected the violation(s); or,
- (5) When investigation and prosecution of the violation(s) have been completed by a federal or state agency to which the City deferred code enforcement.

Adopted: September 26, 2023



Tyler Deems, City Manager