

## **I. MISSION**

The Code Enforcement Program's mission is to enhance the livability of the City of Columbus (the "City") by protecting the health, safety, and public welfare of the City's residents, businesses, and visitors, by assuring compliance with the City's land use and nuisance codes. The City will work toward compliance through educating property owners, tenants, and businesses on the city code, encouraging voluntary compliance, and by following progressive steps, including legal action for code violations.

## **II. PURPOSE**

The purpose of the City's Code Enforcement Policy and Procedures Manual ("manual") is to provide written guidelines for:

- The prioritization of code enforcement cases;
- Investigation of code violation complaints;
- Enforcement of City codes through education and voluntary compliance;
- Prosecution of code violators who do not comply;
- Abatement of nuisance conditions

These written guidelines are intended to assure consistency within the City's Code Enforcement program and to educate and set clear expectations for the City's residents, businesses, and property owners.

## **III. CODE ENFORCEMENT PHILOSOPHY**

The City's goal is to achieve voluntary compliance rather than taking legal action in cases of reported code violations. The City has adopted a complaint-based code enforcement process. Not all violations have the same degree of severity. As such, the City has established priority ranking and procedures. The intent is to allow the level of enforcement that best fits the type and circumstances of the code violation(s) within clear and objective criteria, consistent with the established priorities, while maximizing available resources. It is the City's policy that code enforcement follows the priority ranking set forth in this manual.

## **IV. PRIORITIES FOR CODE ENFORCEMENT**

Effective and timely communication with residents, visitors and businesses is essential. City staff will endeavor to acknowledge complaints received within three business days. It is the City's policy to investigate and attempt to resolve all reported code violations. However, once a complaint is received in order to ensure public safety and increase efficiency, staff will address the most serious violations, as determined through application of the priorities and criteria in this section first, regardless of the order in which the complaints are received.

**A. Priority Cases.** The Council has established the following priorities.

1. Violations that present an imminent threat to public health and safety or the environment;
2. Building code violations consisting of non-permitted construction or failure to obtain permits for construction;

3. Land Use and Zoning violations, including compliance with conditional use permit and interim use permit conditions of approval;
4. Public nuisances as defined by Chapter 5 of the City Code; and
5. Multiple complaints received on the same property.

**B. Non-Priority Cases.** Complaints alleging code violations that do not fall within the priority rankings above will be processed as received and as resources allow. At the discretion of Code Enforcement staff, non-priority complaints may be processed in any order that maximizes efficiency. Complaints concerning a particular type of code violation (e.g., occurring in a particular geographic area) may be processed together, regardless of the order in which the complaints are received.

**C. Enforcement Options.**

1. Obtaining voluntary compliance.
2. Physical abatement by City employees or agents (when applicable).
3. Stop work order (when applicable).
4. Conditional Use Permit or Interim Use Permit revocation (when applicable)
5. Citation and criminal prosecution

**D. Criteria for Establishing Priority and Choosing Level of Enforcement.** Code violation cases not normally listed as priority may be moved to priority status if they have one or more of the following aggravating circumstances:

1. The alleged code violator is receiving significant economic benefit from the continuing code violation;
2. The physical size or extent of the violation is significant;
3. The violation has existed uncorrected for a significant period;
4. There is a previous history of complaints and code enforcement on the subject property and/or with the alleged code violator;
5. The relative benefit of code enforcement outweighs its cost (e.g. correction should be quick and inexpensive to accomplish).

**V. INITIATION OF CODE ENFORCEMENT**

The City has adopted a complaint based code enforcement procedure. Any person can make a complaint to the City alleging one or more code violations by email \_\_\_\_\_, phone call \_\_\_\_\_, or filling out the online code enforcement complaint form. Complainants' names and information are private data pursuant to the Minnesota Government Data Practices Act and are not subject to disclosure during the pendency of a complaint.

The City issues land use and building permits with a variety of requirements, conditions, and timelines. For example, a conditional use permit may require installation of landscaping, or prohibit exterior storage in certain areas of a property. Code violations occur when these conditions are not met. The City Administrator, Planning, and Code

Enforcement staff shall monitor conditions of approval and may initiate complaints based on observed violations.

## **VI. RECORDING COMPLAINTS, OPENING FILES AND TIMELINES**

**A. Recording Complaints.** All complaints received shall be recorded in the City Code Enforcement software and associated database. When staff records a complaint, they shall assign a case number and enter the following information:

1. Complainant's name and contact information if provided
2. Property address
3. Summary of the Complaint

**B. Opening a File.** After a complaint is assigned a number and recorded, a file shall be opened. The file is the official record of complaint and its investigation and resolution. The file shall contain the following:

1. Case number;
2. Summary of complaint;
3. Contact information for related parties;
4. Property owner information, including determination of whether the property is occupied by the owner or a tenant;
5. Name of city staff assigned to the complaint and staff who will provide substantive information in the case of any alleged land use or building permit violation;
6. Projected case timeline;
7. Investigation narrative including notes on each on site visit, all communication with Complainants and Respondents; and
8. Photographs or other exhibits that support the complaint.

**C. Projected Case Timeline.** When a file is opened, and before an investigation begins, Code Enforcement staff shall establish a projected timeline for investigating the complaint. Code Enforcement staff shall endeavor to return phone calls, emails, and online submissions alleging code violations within three business days. The projected timeline shall consider:

1. The type of alleged violation and estimated time to bring property into compliance;
2. Priority ranking of the violation(s);
3. Current enforcement caseload; and
4. Current workload in other enforcement divisions that may assist in, or be assigned to, the investigation.

## **VII. INVESTIGATION**

**A. Establishing the Elements of a Violation.** Before a notice of violation is sent, it must be determined whether the complaint, if valid, establishes a code violation. If it does not, the case will be closed. Code Enforcement staff, with the assistance of the other City staff

and/or legal counsel, and after any necessary field investigation, shall determine if the following elements have been established:

1. Jurisdiction. The property upon which the alleged code violation has occurred must be land over which the City has jurisdiction.
2. Zoning. Zoning of the subject property shall be determined, and an analysis performed as to whether the property is in compliance with the zoning ordinance.
3. Permit Status. The status of any land use, environmental health, engineering and/or construction permits on the subject property shall be determined.
4. Property Ownership. All persons with a recorded legal interest in the subject property shall be identified from the Anoka County Assessor's records and if applicable contract purchasers, lessees, and lien holders or other security interest holders.
5. Other Responsible Persons. In addition to the persons listed in # 4 of this section, any other persons potentially responsible for the alleged code violation(s) shall be identified. These persons could include but are not limited to tenants, occupants, and contractors.
6. Identification of Applicable Code Provisions. Code Enforcement staff, with the assistance of other City staff and legal counsel as necessary, shall identify the pertinent provisions of the City codes that may have been violated according to the complaint.
7. Alleged Violation Occurred or is Occurring. A complainant may allege a code violation that occurred in the past (e.g., construction without permit); that occurs intermittently (e.g. noxious odors or noise); or is ongoing (e.g. non-permitted commercial activity in a residential zone). Code Enforcement staff shall determine whether there are reasonable grounds to believe that the alleged violation did occur or is occurring. If a violation cannot be verified in a reasonable period, the case may be closed.
8. Prior Complaint History. Code Enforcement staff shall examine past records to determine the existence and status of any prior or existing code violation complaints on the subject property or concerning the alleged violator.

**B. Field Investigation**. The purpose of a field investigation is to:

1. Verify the existence and severity of a code violation.
2. Document code violations by means of written notes, photographs, witness interviews, etc. If a violation is visible, any investigation that establishes such violation, or confirms there is no violation, shall include pictures. The report shall include any measurements made and where they were made.
3. Obtain supporting evidence, such as name and statements of potential witnesses.
4. If possible, contact and discuss with the property owner, occupant or other responsible persons: the nature of the violation(s); methods for complying; timelines for compliance; enforcement procedures; and potential consequences for failure to comply.

- C. **Entering Upon Property or Premises.** Code Enforcement staff and other assigned staff shall not enter upon private property or premises to conduct a field investigation without authority to enter.

Code Enforcement staff may enter property to seek permission to investigate on the premises. Unless permission is granted, the investigation shall be conducted from public roads or property where permission to enter has been granted. If Code Enforcement staff or other assigned staff does not have permission or other authority to enter upon the property or premises and emergency action is not required, an administrative search warrant is necessary for further entry onto the subject property. Staff shall consult with the City Attorney's office about obtaining an administrative search warrant. An administrative search warrant is issued by a judge and allows designated people to enter the property for certain purposes specified in the warrant.

- D. **Report of Field Investigation.** Upon completion of the field investigation, Code Enforcement staff will enter the information into the Code Enforcement records. The report shall include the following information:

1. Name of Investigator;
2. Date, time and place of field visit(s);
3. Code violation(s) observed;
4. If no code violation(s) is observed, an explanation of conditions observed;
5. Witnesses, if any, interviewed;
6. Evidence obtained, if any, (photographs, measurements, etc.);
7. Documented discussions, if any, with owners, occupants or other responsible persons;
8. Action necessary to correct violation;
9. Recommended enforcement action and timeline; and
10. Referrals, if any, to other agencies such as social services, state agencies, etc

## VIII. ENFORCEMENT PROCEDURES

### A. **Notice of Violation for all Levels of Enforcement**

1. When Sent. When Code Enforcement staff or other assigned staff determines there are reasonable grounds a violation exists, based upon the information in the complaint and any field investigation, initial notice may be provided by means of personal contact with the violator and an informal "door hanger" left on the property. Within **15 days** of the initial inspection and upon confirmation that the violation has not been corrected or remedied a first written notice shall be sent.

2. To Whom Sent. Written notice shall be sent to each person who is or may be legally responsible for the alleged violation based upon investigation by Code Enforcement staff. A separate notice shall be sent to the subject property owner(s). Final notices shall be sent via certified mail or as otherwise required by the City Code.

3. How Sent. Written notices of violation shall be send by US Mail to the property address and the taxpayer address provided by the Anoka County assessor's office.

4. Follow-up and Preference for Voluntary Compliance. The date in the notice for corrective action shall be entered in the enforcement records. Unless emergency action must be taken as referenced within Chapter 5 of the City Code, the first notice of violation shall generally provide 30 days to come into compliance unless the violation may be easily remedied within a shorter period of time. After the deadline; if Code Enforcement staff determines the required corrections have not been made or a Voluntary Compliance Agreement has not been signed, the following actions may be taken: (a) an additional notice may be issued; (b) upon consultation with the City Attorney, a citation may be issued for alleged violation or (c) abatement action may be initiated pursuant to Chapters 5 and 16C of the City Code. In most cases, the City shall provide three notices prior to prosecution via the civil or criminal complaint process, but so long as notice and a public hearing are provided prior to filing of a criminal or civil complaint, the code enforcement staff may make a determination on whether multiple notices are appropriate based upon the priority level of the violation.

**It is the City's policy to encourage voluntary code compliance by providing an opportunity to correct the violation without penalty. Voluntary compliance generally is less expensive for all parties and of a more satisfactory and lasting nature than involuntary compliance. At any time in the enforcement process, Violators may enter into a written agreement that establishes a timeline for correcting the violation.**

B. **Time Extended by Voluntary Compliance Agreement** Following issuance of a notice of violation, deadline provided in the notice may be extended for a limited duration if the alleged violator admits the violation(s) and enters into a "Voluntary Compliance Agreement". The extended deadline shall be determined on a case-by-case basis contingent upon Code Enforcement workload and budget, effort already made by a violator to correct the violation, severity and extent of violation, whether the violation is a repeat offense. The agreement shall provide that, in exchange for the extended time for voluntary compliance, the alleged violator agrees to abate the violation(s) by a specific time, and to waive hearing and consent to judgment against him/her if voluntary compliance is not obtained during the extended time allowed by the City and a citation is issued. Minor violations that do not meet the priority criteria and can be corrected within a ten day period may be granted an extension if a written request is submitted by the violator stating the specific date violation will be corrected.

- C. **Compliance.** If Code Enforcement staff determines that required corrections have been made, the date and method of compliance shall be noted in the file and the case shall be closed.
- D. **Corrective Action.** In some cases, corrective action may consist of both applying for and obtaining necessary permits or approvals. In such cases, the permit or approval application alone will not be sufficient to assure compliance. The alleged violator must complete the application process to obtain the necessary permit or approval and undertake any improvements or site plan revisions as required by any such permit or approval. Where the required corrective action consists of both applying for and obtaining permits or approvals, Code Enforcement staff, in consultation with other appropriate staff, shall determine a reasonable time frame for applying for or obtaining the necessary permits or approvals.

In cases where code compliance requires both applying for or receiving a permit or approval, code enforcement shall continue until all necessary permits or approvals are granted or until they are denied. If at any time during the process for obtaining necessary permits or approvals the alleged violator fails to meet the reasonable timelines established by the City, and such failure does not result from the actions of others, the City Attorney shall cause a citation to be issued.

- E. **Citation and Complaint.**
1. **Voluntary Compliance.** Where voluntary compliance cannot be obtained within the timelines established by ordinance and/or in a Voluntary Compliance Agreement, a citation may be issued.
  2. **Field Investigation Required.** No citation shall be prepared unless and until a Field Investigation has verified the existence of a code violation, at least one notice of violation has been provided and a request for review has been made to the City Attorney.
  3. **Service.** All citations shall be drafted by the City Attorney, reviewed by the City Council and served by the Anoka County Sheriff's Office.
- F. **Permit Revocation.** Certain City ordinances authorize the revocation of permits or approvals for failure to comply with a permit requirements or condition of approval. It is the City's policy to maximize code compliance by revoking permits or approvals to the extent authorized by law in appropriate cases. It is the City's policy to use permit revocation in cases in which corrective action may not be effective in bringing the subject property into code compliance due to the nature of the violation and deliberateness of the code violator's actions to avoid compliance. If a Field Investigation reveals violation of the conditions of approval or requirements of a permit, notice of the violation shall be provided to the permit holder. Prior to revocation, staff in consultation with the City Attorney shall determine:

1. Whether the criteria for permit revocation set forth in the applicable code provisions exist;
2. The severity and deliberateness of the deviation from the permit or approval requirements or conditions; and
3. Whether compliance can be achieved more effectively through other code enforcement methods

#### **IX. FILE MAINTENANCE**

Code Enforcement files, including building and public works records, are the official records of the City. As such, the files and records shall be maintained pursuant to Minnesota Government Data Practice Act.

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