



Memorandum

To: Town Council
From: Thomas Dansie, Town Planner
Date: February 5, 2021
Re: Updates to the Code Enforcement Policy

Executive Summary

In 2014 the Town adopted a code enforcement policy by resolution R2014-10 (attached). According to that policy, the Town takes code enforcement action: 1) after receiving a signed complaint from a resident, 2) if there is imminent irreparable damage associated with an activity underway (e.g. grading without a permit), 3) on a handful of high priority code issues (e.g. lighting, weeds, noise, etc.), and 4) when directed by the Town Council in a public meeting.

The Town has operated under this policy for the last six years. However, since the policy was adopted the Town has increased its enforcement capabilities. We have a full-time code enforcement officer and we have a new civil code enforcement citation process. With this increased capability, the Town can be more proactive in code enforcement than what the policy established in R2014-10 calls for.

Staff recommends updates to the code enforcement policy to allow the code enforcement officer to be more proactive in responding to violations, and to allow complaints to be submitted without a written complaint form.

Proposed Enforcement Policy Revisions

Staff proposes the following revisions to the Town's enforcement policy:

- 1) Expand the types of violations the code enforcement officer is directed to address proactively. Currently, the Town's enforcement policy directs the code enforcement officer to proactively respond to the following violations: weeds, noise, outdoor lighting, signs, unauthorized outdoor sales / vendors. In addition to these violations, staff recommends the following violations be addressed proactively:
 - a) Nuisances (section 4-3-2).
 - b) Junk, debris, and abandoned machinery/equipment on a property (section 4-3-5).
 - c) Other violations of Title 10 (the land use code) not already specifically addressed in the existing policy.
 - d) Operating a business without a permit (section 3-1-4). The code enforcement officer is already investigating and enforcing these violations, but formal direction from the Council is requested.
- 2) Allow the code enforcement officer to act on verbal complaints, and complaints submitted anonymously (without a signature).

Analysis

At the time the existing policy was adopted the Town was trying to find a balance between effective enforcement, efficient use of Town resources, and protection of private property rights.

At that time the Town did not have a full-time code enforcement officer. This limited the staff resources available to respond to complaints and violations (both from a time standpoint and a position function standpoint). The Town also used a criminal enforcement process for code violations. The criminal process is a time and labor heavy process not well suited to code enforcement.

Since the policy was adopted the Town has created a full-time code enforcement position and has adopted a civil citation process. With a full-time code enforcement officer and a more nimble civil enforcement process, the Town is in a better position to be more proactive in code enforcement.

The Town Council and staff receive frequent feedback from the community regarding the Town's enforcement efforts. While much of this feedback is based on incomplete information or misinformation, some of it is a result of the Town's inaction toward existing violations pursuant to existing policy. Adopting a more proactive policy will allow the Town to respond to community comments concerning code enforcement.

Staff suggests the new proactive enforcement approach be tempered to avoid a "police state" atmosphere in the Town and maintain protection of property rights. In being proactive the Town's enforcement actions also need to be pragmatic and compassionate.

Recommendation

Staff recommends the Council direct staff to prepare a resolution that will revise the existing enforcement policy established in R2014-10 to adopt a more proactive code enforcement approach.

RESOLUTION 2014-10
SPRINGDALE TOWN CODE ENFORCEMENT POLICY

WHEREAS, the Town of Springdale has adopted ordinances regulating zoning, nuisances, noise, weeds and other issues impacting the health, safety and welfare of the residents of the Town; and

WHEREAS, the Town Council desires these ordinances to be enforced in a fair, consistent and effective manner; and

NOW THEREFORE, BE IT RESOLVED by the Town Council of Springdale, Utah that all Code Enforcement activities and actions in the Town will be conducted according to the following policy:

CODE ENFORCEMENT POLICY

- I. The Director of Community Development, acting in conjunction with the Chief of Police and Code Enforcement Officer, will investigate potential violations of the Town Code and take necessary actions to correct violations pursuant to the standards established in Chapter 4-3 and 10-4 of the Town Code.

- II. The Town Officials described above will investigate potential violations of the Town Code under any of the following circumstances:
 - a. The Town Officials have received a written and signed complaint describing the potential violation.
 - b. The Town Officials have become aware of potential violations which would cause immediate, permanent or irreparable harm, whether or not a written and signed complaint has been received. Examples of these violations include grading without a permit and building without a permit.
 - c. The Town Officials have become aware of potential violations of the following ordinances, whether or not a written and signed complaint has been received:
 - i. Weeds (Chapter 4-3A)
 - ii. Noise (Chapter 4-3B)
 - iii. Outdoor Lighting (Chapter 10-15C)
 - iv. Sign Regulations (Chapter 10-24)
 - v. Unauthorized Outdoor Sales / Vendors (Section 3-1-16)
 - d. The Town Council directs the Town Officials to investigate the potential violation in a properly advertised public meeting.

This resolution shall become effective immediately upon passage and posting.

Passed and adopted the 12th Day of November, 2014.



Stanley J. Smith, Mayor

Attest:



Darci Carlson, Town Clerk



TOWN OF SPRINGDALE

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I, Elizabeth Totten, acting for the Town of Springdale, hereby certify that copies of the foregoing Resolution 2014-10, which was adopted by a unanimous vote on November 12, 2014 was posted at three public places within the municipality: the Springdale Post office, the Springdale Branch of Zions First National Bank and Springdale Town Hall on the 13th day of November, 2014.

Elizabeth Totten