

Procedures for Violations

Effective: June 30, 2009 Amended: February 1, 2011

Complaint received by phone: Explain to complainant that in order for the Zoning Department to respond to a concern, a person wishing to lodge a complaint must reduce their complaint to writing and mail, fax, or email that statement to the Zoning Division. The written statement shall include the address of the property and nature of the perceived violation.

If the person lodging a complaint would like to be informed of the Zoning Department actions, the written statement shall include a mailing address or phone number.

Anonymity:

If the person requests anonymity, explain that the Division will respect their request to the extent legally possible, however, their identity and other pertinent information will likely need to be disclosed if court proceedings are necessary.

If a person requests the identity of any individual who filed a complaint with the Zoning Division, inform them that the request must be made through an open records request.

After receiving a complaint follow these steps:

Step 1

Phone the person lodging the complaint, if possible. Ask them to describe the circumstances. Ask the complainant if he/she can suggest any reasonable solutions to the problem that in his/her view would be fair to all parties involved. Explain that you will contact the alleged violator and get back to them if they wish.

Step 2

Phone the person with the potential violation, if possible. State that a complaint has been filed with the Zoning Department and describe the nature of the complaint. Get their side of the story. Discuss ordinance standards with them specific to the complaint. State that a site inspection will be conducted to determine compliance or violations with the Zoning Ordinance. Request permission to enter the property.

Step 3

Conduct site Inspection: The objective is to observe, record, and report findings. This can be done through the use of photographs or written notes. Notes should describe in detail what is actually viewed.

- Make observations from right-of-way or for complainant's property. Document potential violations.
- Enter the property and make contact with owners. Identify yourself, explain complaint, and ask permission to conduct inspection.
 - If permission is granted, conduct inspection to determine compliance.
 - If permission is denied, honor their request. Explain that information will be obtained from the public right-of-way. A letter will be sent to them on potential violations and a response will be required. Note: A special inspection warrant may be needed to verify particular violations.

Step 4

Enforcement Action

- If no violation exists: Contact both parties and tell them so. If necessary, reduce your observations and determination to writing and close file.
- If a violation exists: Post notice on site. Take a picture of the Notice of Violation. Return to the office to prepare violation letter.

Step 5

Send letter of violation

The violation letter is to formally identify the violation and create a defined response/correction time. Use Sample of Corrective Action Letter format.

Start Timeline

Simple document which includes the date and brief explanation of interaction.

- Example: 1/5/10: Spoke with owner. (Describe conversation)
1/7/10: Site inspection, violation, sent letter (attach letter).
1/15/10: Phone message, no response.
1/17/10: follow-up inspection, no correction.
2/08/10: issued citation.

NOTE: Place all photos, notices, letters, warrants and timelines in:

H:/ Zoning/Violations by Town/ (town name)/(owner's name and section)

- Use 10-day/30-day correction letter. The purpose of this letter is to achieve compliance with the ordinance. Make it clear that owner is required to inform Zoning when the violation is corrected, and of any delays that may arise. If timeframe expires without correction, enforcement action could begin.

Step 6

Follow-up inspection. This is to determine if the violation is corrected.

- Corrections completed. Document observations in file. Send letter or phone that the violation is corrected. Close file.
- Corrective action almost complete. At the Regional Inspector's discretion, extend correction deadline or send out citation will be sent out.
- Corrections not completed. **Issue a citation.** At the Regional Inspector's discretion, citations may be issue every day in violation. If a citation is issued, send a copy of the citation and a copy of the timeline to Corp Counsel.

Step 7

Corporation Counsel files a Summons and Complaint.

If citations are not effective, fill out a referral to Corporation Counsel so that a Summons and Complaint can be filed in Circuit Court. Once the Summons and Complaint notice is served by the Sheriff's Department, the owner should be directed to Corporation Counsel to discuss proceedings. The Zoning Division should only be contacted when violations are corrected.