

Code Administration / Enforcement / Compliance

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A. Three-Legged Stool

1. Regulations (Statutes & Codes)
2. Administration
3. Enforcement

B. Regulations, administration, and enforcement are all part of the equation.

C. Effective administration and enforcement are necessary to ensure there is compliance with regulations.

- D. Administration and Enforcement Programs Need to Match the Culture and Resource Capacity of the Community.
- E. A Measured Approach is the Best Practice
 - A. Don't go too far, too fast.
 - B. Strike a balance between too much, and not enough.
 - C. Small incremental steps.
 - D. 'Right-size' the administration and enforcement program.

F. Types of Enforcement Programs

1. Complaint-based code enforcement.

- a) What constitutes a bona-fide complaint?
 - Oral?
 - Written?
 - Anonymous?

2. Systematic code enforcement.

- a) Block-by-block, parcel-by-parcel, or town-by town.
- b) Windshield survey (identify apparent violations).

3. Other???

G. Typical (Complaint-Driven) Situation

1. Investigation.
2. Inspection.
 - a) Voluntary.
 - b) Special inspection warrant.
3. Communication.
 - a) In person or by phone.
 - b) In writing.
4. Documentation.

5. Violation(s) found to exist.

- a) Notice and opportunity to correct.
 - Oral Communication (in-person or by phone).
 - Follow up with a warning letter to each violator, identifying each violation, any necessary remedial measures, deadline to attain compliance, and consequences if fail to do so.
- b) If all violations timely corrected, document via letter, and remember to say 'Thank you.'
- c) If all violations not timely corrected...go to 6. – 8. below.

6. Citation(s)

- a) monetary penalties only ... no injunctive relief.
- b) one violation (a single day)

7. Summons and Complaint

- a) monetary penalties
- b) each day of continuing violation may (depending on code language) constitute a new violation
- c) injunctive relief

8. Post-Judgment Enforcement Action

- a) Contempt
 - Remedial Sanctions
 - Punitive Sanctions

H. Violations that Require Immediate Action

1. See: E. 1. – 4. Above
2. Letter
3. Cease and Desist Order
4. Summons and Complaint
5. Temporary Injunctive Relief
6. Post-Judgment Enforcement Action

I. Not Going to Win Many Popularity Contests

1. Frame the debate.
2. Educate
3. Paint code administration and enforcement measures in a positive light.
4. Focus on compliance ... not necessarily punishment.
5. Tout the benefits to the community.

Questions? Comments? Concerns?

Thank You.