

## **CODE ENFORCEMENT POLICY**

### **INTRODUCTION**

The Code Enforcement Policy, approved by the City of North Mankato City Council, provides guidelines for the enforcement of the City of North Mankato Municipal Code, the Zoning Ordinance, and other regulatory codes adopted by the City of North Mankato. This document is intended to regulate only those enforcement/compliance processes, and activities, initiated by the City of North Mankato.

### **POLICY SECTIONS**

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### **I. CODE ENFORCEMENT PROGRAM**

Minnesota Statutes gives the City Council of the City of North Mankato the “power to provide for the government and good order of the City, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of residence, trade, and commerce, and the promotion of health, safety, order and convenience, and the general welfare as it shall deem expedient.”

#### **A. STANDARD ENFORCEMENT POLICY**

The City of North Mankato residents are supported in their efforts to maintain the physical environment of their neighborhoods through standards set in local ordinances. To assist in this endeavor, the following code enforcement policy has been established to guide the City in addressing properties with code violations.

This policy is a guideline and does not bind the City. The City may deviate from this policy at any time if at the sole discretion of the City, as deviation is deemed appropriate.

#### Typical Violations

- Junk Storage
- Permit Violations
- Garbage and Refuse
- Tall Grass
- Signage
- Yard Parking

- Right-of-Way
- Animals
- Junk Vehicles
- Zoning Use
- Property Maintenance
- Property Nuisance

## **B. COMPLAINT PRIORITY CLASSIFICATIONS**

City staff inspects every complaint it receives. When a violation is confirmed, the appropriate action is taken. Due to staff and time constraints, it is sometimes necessary to prioritize complaints and violations. When this happens, complaints are prioritized as follows:

1. Immediate risk to public health and safety.
2. High risk to health and safety through potential environmental impacts.
3. Work begun or actions taken without the necessary permits.
4. Aesthetic and nuisance violations.

## **II. DEFINITIONS**

**Abatement-**Abatements are the removal or repair of a substandard property conditions by the property owner, agent, or City.

**City Code-**The City Code includes all ordinances passed by the City including those that have not been codified.

**Code Enforcement Officer-** The term Code Enforcement Officer includes all City employees authorized to issue citations.

**Compliance Deadline-** The Compliance Deadline (re-inspection date) is the date compliance is required and listed on the Notice of Violation, or Notice and Order. If compliance has not occurred by the compliance deadline a misdemeanor citation may be issued, or an abatement process may be initiated. The Compliance Deadline may be extended at the discretion of the Code Enforcement Officer.

**Compliance Inspection-** The Compliance Inspection is the re-inspection of the property on or after the date which is established when a notice is issued.

**Extension-** An extension provides additional time for a responsible party to fully remedy any identified code violations. When a legitimate need arises a responsible party may request an extension beyond the initial compliance deadline. Extensions are determined at the sole discretion of the Code Enforcement Officer or other City official handling the matter.

**Life Safety Hazard-** A Life Safety Hazard is any identified code violation that has the potential to directly, or indirectly, cause bodily harm. Examples of life safety hazards include, but are not limited to: vehicles dangerously positioned on jacks, concrete

blocks, wood, or other physical objects; certain types of right-of-way obstructions; dead trees or trees leaning at precarious angles; missing or obscured building addresses; swimming pools which are not properly fenced or secured; broken windows; electric hazards; unsecured structures; and any other hazardous conditions where there exists a foreseeable danger to the public. Note: all life safety hazards will be described as such on all written notices.

Notice of Violation- A Notice of Violation is a standard formal legal notification (written notice) issued by a Code Enforcement Officer advising the responsible party that a violation(s) exists on their property. It also establishes a compliance deadline. This written notice is principally designed to encourage timely voluntary compliance.

Repeat/Recurring Violation- A Repeat/Recurring Violation is a newly identified code violation on a property involving the same responsible party for the same or substantially the same violation as identified on a previous investigation within the last twelve (12) months. Note the twelve (12) months is calculated from the date of the Initial Property Inspection to the date of the Initial Property inspection of the new violation.

Responsible Party

1. The listed owner(s) in the Nicollet County real property information I record.
2. All tenants on the property.
3. Any person or entity creating a violation even if they are not the record owner or tenant. For limited liability companies, corporations, or other forms of businesses and corporations, the responsible parties are the principals and officers of the entity.

Voluntary Compliance- Voluntary Compliance is achieved when all identified code violations are corrected before the established compliance deadline. This allows the Code Enforcement Officer to pass the inspection without the issuance of a citation, or the initiation of an abatement process. Voluntary Compliance is considered the preferred method of resolving code violations.

### **III. REACTIVE/PROACTIVE ENFORCEMENT**

#### **A. REACTIVE (COMPLAINT BASED) ENFORCEMENT**

The City of North Mankato City Code, including but not limited to the Zoning Ordinance, and other regulatory codes adopted by the City are principally enforced on a complaint basis. This is designed to encourage a resident, neighborhood associations, block watch programs, or other City departments to actively participate in the enforcement/compliance process.

#### **B. PROACTIVE ENFORCEMENT**

The City may observe and respond to code violations during regular business, visit areas for reactive enforcement, or proactive code enforcement sweeps.

#### **IV. GENERAL PROCEDURES**

##### **A. LIFE SAFETY COMPLAINTS**

If the alleged violation concerns a potential health or safety hazard to the neighborhood or neighbors, inclusive of open/vacant buildings, fire hazard and/or health hazards, or other health and safety hazards, the City's goal will be to respond within one (1) business day of receiving the complaint.

##### **B. NON-LIFE SAFETY COMPLAINTS.**

If the alleged violation is not a potential health or safety hazard the City's goal will be to respond within five (5) business days of receiving the complaint.

##### **C. NOTICE OF VIOLATION/NOTICE AND ORDER**

Upon the initial property inspection the responsible party will be notified of any violation(s) discovered during the inspection process through the issuance of a written notice. If the responsible party is not present to receive the written notice at the time of the initial property inspection, the notice will be posted on the property in a conspicuous location and may be mailed. The notice of violation will specify a compliance deadline. The notice of violation will also list any observed code violation(s).

##### **D. FINAL NOTICE OF VIOLATION-CITATION/ABATEMENT FOR NON-COMPLIANCE**

Unless a violation is an immediate enforcement violation, any uncorrected code violations remaining after the Compliance Deadline will receive a final notice of violation. After the final notice compliance deadline, remaining violations are subject to citation and/or the initiation of abatement. In addition, a final notice will also provide an explanation that repeat/recurring code violations, on the same property, within twelve (12) months are subject to expedited legal action.

#### **V. REPEAT/RECURRING VIOLATIONS**

The Repeat/Recurring Violation process is designed to provide resolution through a procedural fast track. The discovery of a repeat offense is cause to:

1. Issue a repeat/recurring violation warning notice.

The Repeat Recurring Violation Warning Notice will be a final notice of violation that will be mailed directly to the responsible party(s), via U.S. Mail, to the address as listed on the Nicollet County Assessor Record. This written notice will advise the responsible party that repeat/recurring violations may be present on their property. Educational material describing other common code violations may be included with the warning notice. As specified in the final notice of violation, a compliance inspection will be made. At the time of this compliance inspection, any unresolved repeat/recurring violations are cause to:

2. Issue a citation;
3. Initiate an abatement process

## **VI. IMMEDIATE ENFORCEMENT VIOLATIONS**

Certain types of illegal activities constitute an imminent public safety and health hazard. The following types of illegal activities may result in the issuance of a citation without the benefit of receiving a written notice:

1. Person(s) found illegally dumping litter, or waste, onto any property, vacant parcels, or City Right of Ways.
2. Food vendor(s) who are selling food products without a license.
3. Merchandise vendor(s) who are soliciting customers without a license.
4. Person(s) who allow a vehicle to remain unattended in a condition that it is openly accessible to the public and that presents a life-safety hazard.
5. Person(s) found responsible for causing an obstruction of a public street, or sidewalk.
6. Other violations as determined by the City.

## **VII. ADVANCED CUSTOMER SERVICE**

The City is a governmental body that places a high-value on providing professional, advanced customer service to the citizens with which we interact and serve. Governmental transparency, performance efficiency, and public accountability are core values that guide our operational processes.

We Strive to Provide the Following Advanced Customer Related Services

- An emphasis on public education and voluntary compliance
- When requested, keep complainants informed when contact information is provided.
- Refer low-income qualified, owner occupied, property owners who may require special assistance to known hardship assistance programs such as: non-profit volunteer organization.

## **VIII. ANNUAL POLICY REVIEW**

In April of each year, the City Council should receive a report from City staff regarding code enforcement activity from the previous year. The number of violations by type should be communicated as well as the number of proactive vs. reactive complaints.