

RESOLUTION NO. 994

A RESOLUTION ADOPTING A CODE ENFORCEMENT POLICY
FOR THE CITY OF VENETA

WHEREAS, the Veneta City Council has adopted ordinances which include penalties for violation of such ordinances; and,

WHEREAS, the City Council has determined that it is important to treat all violations in a fair and consistent manner,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF VENETA THAT:

1. The Council hereby adopts the Code Enforcement Policy attached hereto as Exhibit "A" and made a part of this resolution.

2. This resolution shall take effect immediately upon adoption by the City Council.

PASSED AND ADOPTED this 9th day of February, 2009

Sharon Hobart Hardin
Sharon Hobart-Hardin, Mayor

ATTEST:

Darci Henneman

Darci Henneman,
Assistant City Recorder

Resolution No. 994
Exhibit "A"

CITY OF VENETA
CODE ENFORCEMENT POLICY

Adopted: February 9, 2009 - Resolution No. 994

CITY OF VENETA

CODE ENFORCEMENT POLICY

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I. MISSION

Code Enforcement's mission is to enhance Veneta's livability by protecting the health, safety, and environment of the City's residents and visitors, by assuring compliance with the City's land use, environmental, and construction codes. The City will assure code compliance both by encouraging voluntary compliance and by following progressive steps, including legal action for code violators.

II. PURPOSE

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

- The prioritization of code enforcement cases;
- Investigation of code violation complaints;
- Enforcement of City codes through voluntary compliance;
- Prosecution of code violators who do not comply;
- Assessment of fines and penalties to code violators; and
- Recovery of the City's investigation and enforcement costs.

These written guidelines are intended to assure consistency within the City's Code Enforcement program and to educate the City's citizens and property owners about code enforcement.

III. CODE ENFORCEMENT PHILOSOPHY

The City's policy is to achieve compliance with City codes in cases of reported and discovered code violations. However, not all violations have the same degree of severity. As such, the City has established through this manual 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, and maximize 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

It is the City's policy to investigate and attempt to resolve all reported and discovered code violations. There may be times when code violations cannot be given the same level of attention, when some code violations may receive no attention at all, or when the City may be unable to carry out the proactive code enforcement activities outlined in this manual. In such circumstances the most serious violations, as determined through application of the priorities and criteria in this section will be addressed before the less serious violations are addressed, regardless of the order in which the complaints are received. However, complaints alleging both priority and non-priority violations may be processed together to maximize efficiency.

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. Violations affecting storm drainage, wetlands and/or adjacent areas;

3. Building code violations consisting of non-permitted construction or failure to obtain permits for construction;
4. Building, Planning, Engineering and Environmental Health permit violations including failure to obtain required permits or failure to meet conditions and requirements of permits;
5. Land Use and Zoning violations; and
6. 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 in the order in which the complaints are received, and as resources allow.

Exception. At the discretion of Code Enforcement staff, 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 Levels.

1. Obtaining voluntary compliance.
2. Citation and prosecution of infractions in Municipal Court.
3. Physical abatement by City employees or agents.
4. Stop work order (when applicable).
5. Permit revocation (when applicable) and withholding additional permits.

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 actions leading to the violation(s) were deliberate;
2. The violation causes economic harm to individuals or the City as a whole;
3. The alleged code violator is receiving significant economic benefit from the continuing code violation;
4. The physical size or extent of the violation is significant;
5. The violation has existed uncorrected for a significant period;
6. There is a previous history of complaints and code enforcement on the subject property and/or with the alleged code violator;
7. There is community interest in the violation expressed by the receipt of multiple complaints from separate individuals or by a complaint by a citizens group;
8. The relative benefit of code enforcement outweighs its cost (e.g. correction should be quick and inexpensive to accomplish);
9. After reasonable efforts have been made, there is little likelihood of obtaining voluntary compliance (contacted twice with no response or citizen refuses to acknowledge city authority), and
10. Is flagrant and visible to the public.

V. APPLICABILITY

- A. **General Applicability.** This manual applies to all code enforcement carried out by City employees and agents. Except as otherwise provided, the policies and procedures in this manual apply to all alleged code violations.
- B. **New Policies and Procedures Applicable on Effective Date of Manual.** On and after the effective date of this manual and within available Code Enforcement resources, the City will undertake a number of procedures for proactive code enforcement. These procedures include:
1. Timely and regular follow-up by City staff for compliance with conditions and requirements for permits and approvals;
 2. Reporting by City staff of code violations observed while conducting City business;
 3. Stop Work Orders for work on property without permits or approvals;
 4. Revocation of permits and approvals for failure to comply with requirements or conditions;
 5. Restriction on issuance of permits on property with uncorrected code violations; and
 6. Cooperation with other agencies to terminate service, to the extent authorized by law, to non-permitted uses on property.
- C. **Non-Applicability to Covenants, Conditions and Restrictions.** Many subdivisions and planned communities are subject to private, recorded covenants, conditions and restrictions (hereafter "CC & R's"). For example, CC & R's may regulate height, size or appearance of structures, or the method of storing recreational vehicles. The conditions and restrictions included in CC & R's are generally enforceable through private legal action. The City does not enforce private CC & R's; however, City regulations supercede CC & R's.

VI. INITIATION OF CODE ENFORCEMENT

Code Enforcement will be initiated by the following methods:

- A. **Citizen Complaints.** Any person can make a complaint to the City alleging one or more code violations.
1. **Complaint Form.** A citizen must file a complaint on a City complaint form. The form is available at the City Hall and on the City website. Citizens may attach a supplemental information sheet to the form provided by the City.
 2. **Anonymous Complaints.** Anonymous complaints will be accepted, but may or may not be investigated at the discretion of the City Administrator or designee depending on the following factors:
 - a. The reliability of the complaint;
 - b. Whether the complaint alleges an imminent threat to public health and safety or to the environment;
 - c. The ease or difficulty with which the complaint may be verified by City staff.

3. **Confidentiality.** The City's policy is to maintain the confidentiality of Code Enforcement complaint files and computer records, including the identity of the complainant, to the extent legally possible. In addition, the City recognizes that some complainants do not wish to have their names disclosed to the alleged code violator for fear of retaliation. However, in some cases it may be necessary for successful prosecution and enforcement for the complainant to be identified and to testify in court. Additionally, the City's Code Enforcement files are subject to state statutes governing public records and disclosure.

B. **Observations by Code Enforcement Staff.** Code Enforcement staff shall document, in the Code Enforcement records, any potential code violations observed on property that is the subject of their current investigation. They may also document code violations observed on any property in the same vicinity as the subject property, which violations are observable from the subject property. Such violations then shall be prioritized for investigation according to this manual.

C. **Permit/Approval/Conditions Monitoring by Enforcement Staff.** The City issues land use, environmental, engineering, and building permits with a variety of requirements, conditions, and timelines. For example, a land use approval may require landscaping the site by a certain date, or building permits expire if construction progress and inspections are not made within certain periods. Code violations occur when these permits, approvals, or conditions are not met in a timely manner.

Planning and Code Enforcement staff shall monitor conditions of approval and similar permit requirements for permits and approvals for which the decision is issued, as time and resources allow.

D. **Report by City Staff.** In many cases, City staff may be in a unique position to observe potential code violations. For example, the Building Inspector may be the only person able to observe new construction for which there is no permit. The City's policy is that all City staff may report to the Code Enforcement staff possible code violations they observe while conducting City business. Reports by City staff under this subsection shall be made on a complaint form and shall be processed by priority ranking.

E. **Report by City Council.** A member of the City Council may report a potential code violation, or may request that Code Enforcement staff investigate a citizen report of a potential violation. The Council member shall complete a complaint form, submit a written memorandum concerning the alleged violation to be attached to a complaint form, or report the violation at a regular City Council meeting.

VII. **RECORDING COMPLAINTS, OPENING FILES AND TIMELINES**

A. **Recording Complaints.** To the extent possible, all complaints received shall be recorded in the City Code Enforcement records. Recording the complaint shall consist of assigning the complaint a case number and entering into the record the following information:

1. Case Number;
2. Complainant's name and telephone number;
3. The subject property address; and
4. Type of 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. The complaint form;
2. A map;
3. An investigation worksheet;
4. Assessor's information on the subject property;
5. The name of the staff member or City representative assigned to the case; and
6. Photographs or other exhibits that support the complaints.

C. Projected Timeline. When a file is opened, and before an investigation begins, Code Enforcement staff shall establish a projected timeline for investigating the complaint. This timeline is based on consideration of the following criteria:

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.

VIII. INVESTIGATION

A. Establishing the Elements of a Violation. Before a notice of violation is sent, it must be determined whether the complaint, if valid, established 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.
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 should be identified from the Assessor's records and they may include the owners, 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 tenants, land developers, 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. basketball hoops placed in public right-of-way); 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. Assignment of Investigation and Enforcement Responsibility.** Responsibility for field investigation and code enforcement will be assigned to City staff with the expertise in that particular field. For example, alleged violations of building codes are best investigated and resolved by the City's Building Inspector (15.05.030) with their special license and experience. However, all code enforcement activity will be coordinated with Code Enforcement staff, and all notices of violations, voluntary compliance agreements, and citations will be coordinated by Code Enforcement staff.

The following criteria shall be used for assignment of responsibility:

1. The nature of the code violation(s) alleged in the complaint;
2. The knowledge and expertise needed to investigate the alleged violations;
3. The history of prior code enforcement on the subject property or with the alleged violator; and
2. The type and status of permits and approvals on the subject property.

- C. Field Investigation.** The purpose of field investigation is to:

3. Verify the existence and severity of a code violation.
4. 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.
5. Obtain supporting evidence, such as name and statements of potential witnesses.
6. If possible, contact and discuss with the property owner, occupant or other responsible person:
 - a. The nature of the violation(s);
 - b. Methods for complying;
 - c. Timelines for compliance;
 - d. Enforcement procedures; and
 - e. Potential consequences for failure to comply.

- D. Preparations and Precautions.** Staff shall take whatever actions are reasonable and necessary to minimize any potential risk of violent confrontation or injury to themselves or others when conducting their field investigation:

1. Law Enforcement Assistance. When appropriate, Code Enforcement staff or other assigned staff will contact the Sheriff's Office to determine if there have been criminal complaints or investigations concerning the subject property of alleged code violator, and whether, in the opinion of the Sheriff's Office, a field investigation might present any threat to the safety of staff, the alleged code violator, or other persons present during a field investigation. Staff may request law enforcement assistance in conducting the field investigation and may postpone such investigation until law enforcement assistance is available.
2. Announced/Unannounced Field Visits. At the discretion of Code Enforcement staff or other assigned staff, a field visit to the vicinity of the subject property may be conducted with or without prior notice to the property owner, occupant, or alleged code violator. The determination of whether or not to give prior notice shall be made on the basis of the following criteria:
 - a. The nature of the alleged violation;
 - b. Whether or not prior notice will make detection and documentation of the alleged violation more difficult; and
 - c. Whether or not prior notice will unnecessarily increase the risk of violent confrontation or injury to staff.
3. 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 un-posted 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 entry is necessary to conduct the investigation, staff shall consult with City's Municipal Court Judge about obtaining an administrative search warrant.

4. Report of Field Investigation. Upon completion of the field investigation, Code Enforcement staff or other assigned staff will enter the information into the Code Enforcement records. The report shall include the following information:
 - a. Name of Investigator;
 - b. Date, time and place of field visit;
 - c. Code violation(s) observed;
 - d. If no code violation(s) is observed, an explanation of conditions observed;
 - e. Witnesses, if any, interviewed;
 - f. Evidence obtained, if any, (photographs, measurements, etc.);
 - g. Documented discussions, if any, with owners, occupants or other responsible persons;
 - h. Action necessary to correct violation;
 - i. Recommended enforcement action and timeline; and
 - j. Referrals, if any, to other agencies such as social services, state agencies, etc.

IX. 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 to believe a violation did or does occur, based upon the information in the complaint and any field investigation, notice shall be sent by the appropriate staff. The initial notice may be provided by means of personal contact with the violator and/or an informal "door hanger" left on the property.
2. To Whom Sent. Written notice shall be sent to each person who is or may be legally responsible for the alleged violation. A separate notice shall be sent to the subject property owner(s).
3. How Sent. Written notices shall be sent by certified mail, or as indicated in the correlating ordinance, to the best available address for the property owner(s) and other responsible person(s).
4. Follow-up. The date in the notice for corrective action shall be entered in the enforcement records. After the deadline; if Code Enforcement staff determines the required corrections have not been made and a Voluntary Compliance Agreement has not been signed, the following actions may be taken: (a) citation issued for alleged violation and/or (b) abatement action initiated.
5. 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.
6. 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 follow through with the application process to obtain the necessary permit or approval.

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 and code compliance is obtained through other means.

- a. 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.
- b. If at any time during the process for obtaining necessary permits or approvals the alleged violator fails to meet the reasonable timelines established under this section, and such failure does not result from the actions of others, Code Enforcement staff shall arrange for a citation to be issued.

- c. If the alleged code violator is not granted the necessary permits or approvals, Code Enforcement staff shall arrange for a citation to be issued.
- d. If the code violator has applied for permits, they cannot continue to actively violate the code while awaiting issuance of the permits, or be allowed to operate outside conditions of what a permit may typically approve.

B. Limited Time Frames. Listed below are some of the timelines set by ordinances for resolution of complaints monitored by Code Enforcement staff.

<u>Type of Violation</u>	<u>Deadline</u>
Nuisances not involving a structure:	10 days
Nuisances involving a structure (other than dangerous building)	30 days
Abandoned or Unauthorized Vehicles (on private or City- owned property)	24 hours
Large Vehicle or RV Parking without a permit	72 hours
Vehicles for sale or used as store front in public right of way	Immediate
Habitation on public roads or public right of ways	72 hours
Creation of hazard in public road or right-of-way	Immediate
Noise disturbances (including off road vehicles)	Immediate
Working in right of way without permit (driveway or utility installation)	Stop work order
Other as established by individual Veneta Municipal Codes	
Building Code Violations: (including but not limited to)	
1. Working w/o permit	Stop work order
2. House Accessory structure	30 days
3. Existing structure built w/o permit	30 days
Land Use/Zoning Violations: (including but not limited to)	
1. Violations affecting Public Health	Immediate
2. Violations not involving a structure	10 days
3. Violation involving a structure	30 day
5. No Permit	Stop work order

C. Voluntary Compliance Without Penalty. It is the City's policy to encourage voluntary code compliance by providing responsible persons the opportunity to correct the violation with little or no penalty. Voluntary compliance generally is less expensive for all parties and of a more satisfactory and lasting nature than involuntary compliance. Violators shall enter into a written agreement that establishes a timeline for correcting the violation. Notwithstanding this policy, allowing code violators the opportunity to

voluntarily comply outside reasonable time limits may actually result in delaying compliance. Therefore, it is the City's policy to limit the time frame during which code violators may come into voluntary compliance with little or no penalty.

1. Limited Opportunities. Voluntary compliance without penalty or cost recovery will not be allowed where the alleged violation is a repeat offense either on the subject property or by the code violator, or where the original violation was not corrected following prior code enforcement action.
2. Time Extended by Voluntary Compliance Agreement. Following issuance of a notice of violation, the deadline set by ordinance 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, etc. 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.

D. 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.
3. Forms. All citations shall be on a Uniform Citation and Complaint and shall contain the information required under ORS 153.048.
4. Service. All citations shall be served by Code Enforcement staff or Sheriff's Deputy on the person named in the complaint.
 - a. Within City Limits. Personal Service on persons located within Veneta city limits will be attempted three (3) times and, if unsuccessful, may be sent by certified mail, return receipt requested and restricted delivery.
 - b. Elsewhere in Oregon and outside Oregon. Service on a person residing in another Oregon county or outside Oregon will be notified by certified mail, return receipt requested and restricted delivery.
 - c. Return of Service. Code Enforcement staff shall assure that a return of service for each citation has been received before the citation is filed in court.

- d. Failure to Obtain Service. If personal service cannot be obtained after three (3) attempts, the citation shall be returned to Code Enforcement staff for a determination of whether and when further service attempts are appropriate, or whether another method of enforcement should be pursued.
5. Setting Arraignment. The date for arraignment in the citation shall be the first available Municipal Court date that allows the person cited a reasonable time to respond to the complaint and takes into account the Municipal Court schedule for Code Enforcement cases.
6. Arraignment. The purpose of arraignment is to:
 - a. Allow the defendant to enter a plea to the citation;
 - b. Resolve any jurisdictional issues;
 - c. Set a trial date if the plea is not guilty; and
 - d. If the plea is guilty, allow the defendant and Code Enforcement staff the opportunity to provide information to the court regarding sentencing.

City legal counsel shall not represent the City at arraignment unless the defendant has legal counsel present.
7. Bail. Bail amounts for City code infractions shall be set in a bail schedule adopted by the City for the City of Veneta.
8. Default. If the defendant fails to appear at arraignment, Code Enforcement staff may request that the judge enter a default judgment in favor of the City and impose a fine against the defendant.
9. Trial. If the defendant pleads not guilty to the allegations in the citation, Code Enforcement staff shall request that the judge set the matter for trial at the earliest available date.
10. Burden of Proof. The City has the burden of proving at trial, by a preponderance of the evidence, the allegation in the citation and complaint.
11. Responsibility of Code Enforcement Staff. At trial, the responsibility of the Code Enforcement staff is to coordinate the prosecution of cases by arranging for the appropriate staff to present evidence, call witnesses, and offer any relevant documents and other exhibits in support of the citation.
12. Appearance by City Legal Counsel. City legal counsel shall not represent the City at trial unless the defendant is represented by legal counsel at trial.
13. Citation not Exclusive. In addition to issuing a citation, other levels of enforcement may be initiated by the City.

E. Physical Abatement by City

1. Abatement Procedure. Where voluntary compliance cannot be obtained within the timelines established by ordinance and/or in a Voluntary Compliance

Agreement, the City may physically abate the violation following the procedures established by Veneta Municipal Code Chapter 8.05.

2. Assessment of Costs. When the City finds it necessary to physically abate a violation, costs shall be assessed following the procedure established by Veneta Municipal Code Chapter 8.05.180.
3. Physical Abatement not Exclusive. In addition to physical abatement by the City, other levels of enforcement may be initiated by the City.

F. Options for Disposition. The following shall apply whenever a code violator brings his or her property into compliance after Notice of Violation and during the Code Enforcement process:

Timing of Compliance

Disposition

After complaint/before field investigation

File closed, no cost recovery

After field investigation/before notice

File closed, no cost recovery

After notice/voluntary agreement
before citation/abatement

File closed, no cost recovery

After citation/before arraignment

Recommend reduced fine or dismissal
of citation, double fees where applicable

After arraignment/before trial

Recommend fine and/or bail forfeiture,
cost recovery, double fees where
applicable

At time of trial

Recommend maximum fine and/or bail
forfeiture, cost recovery, double fees
where applicable

X. FINES

- A. Schedule. The schedule of maximum fines for city code infractions is set fourth in ORS 153.018 and further defined by City Ordinances.
- B. Amounts. If the defendant is convicted, Code Enforcement staff shall request that the judge impose a fine in an amount consistent with the policy and procedures set forth in this manual.
- C. Collection and Distribution of Fines. All fines imposed by the court for City code infractions and remitted to the City shall be deposited in the City General Fund. Unpaid fines may be sent to collections or placed as a lien against the property on which the violation took place.

XI. RESTRICTING ISSUANCE OF PERMITS FOR PROPERTY WITH UNRESOLVED CODE VIOLATIONS

In addition to citations and physical abatement by the City the following actions may be taken for unresolved code violations:

A. Stop Work Orders. It is the City's policy to increase code compliance by using stop work orders to the maximum extent allowed by law.

1. Issuance of Stop Work Order. The appropriate staff shall promptly issue a stop work order in the following cases:

- a. Whenever follow-up of City issued permits and approvals reveals construction, installation and/or land use activity not permitted under the permit or approval; and
- b. Whenever Code Enforcement staff or other designated staff discover or receive a verified complaint of non-permitted construction, installation, or land use. Staff issuing the stop work order shall promptly notify the Code Enforcement staff. If the stop work order involves a building or structure the Building Inspector shall also be notified. The information will then be entered into to the Code Enforcement records system.

2. Violation of Stop Work Order. If construction, installation, or land use activity continues after the issuance of a stop work order, such activity shall be reported to Code Enforcement staff for further action.

B. Permit Revocation. Certain City ordinances authorize the revocation of permits or approvals for failure to comply with their requirements or conditions. It is the City's policy to maximize code compliance by revoking permits or approvals to the extent authorized by law in appropriate cases. In particular, 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.

1. Report to Code Enforcement. If permit or approval follow-up reveals that the conditions or requirements of a permit or approval have not been met, public works, Building, Planning, or other staff shall inform Code Enforcement staff of such violation and the information shall be entered in the Code Enforcement records.

2. Revocation Procedure. Prior to revocation of a permit, staff in the appropriate division shall determine the following:

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

- C. **Double-Fee Permits.** Certain provisions of the code allow the City to charge double the normal fee for permits issued for construction or installation originally performed without required permits. It is the City's policy to maximize the incentives to comply with City codes by double-fees, to the extent authorized by law. Whenever Code Enforcement staff or other staff discovers or receives a verified complaint of non-permitted construction or installation, the information shall be submitted on a complaint form and entered in the Code Enforcement and building permit computer programs. If this is a repeat of the same offense the fee will be doubled.
- D. **Restricting Acceptance or Issuance of Development Permits.** In some cases, land use applications, right-of-way permits, building permits, business registrations, or other City applications or permits may not be accepted or may be denied for property upon which there already exist uncorrected City code violations. In some cases, the only effective way to correct or prevent code violations may be to restrict the application for and/or issuance of development permits. This may be used when it is allowed by the governing ordinance. The City will review its current permitting ordinances and make changes to allow for this.

Exceptions: Land use, construction, and/or driveway permits, or renewals or extensions of such permits, sought in order to correct existing City code violations on the subject property, shall be issued if all criteria for issuance are met.

1. **Determination of Existing Violations.** When land use, construction, and/or driveway permits are applied for, or renewals or extensions of such permits are sought, City staff shall determine if there are existing code violations and status of those violations.
2. **Applications for Permits/Approvals with Existing Code Violations.** If review of public works, building, and planning records and/or consultation with Code Enforcement staff reveals the existence of unresolved code violations on the subject property, staff shall not issue permits or approvals, renewals or extensions. Instead, staff shall promptly consult with Code Enforcement Staff to determine whether the permit or approval, or the renewal or extension, is being sought in order to correct the existing code violation(s). Staff shall also refer persons not allowed approvals or renewals or extensions under this subsection to Code Enforcement staff to discuss required corrective action.

If the requested permit or approval, or renewal or extension is determined to be required for code compliance, the application shall be accepted, or the permit or approval issued. The permit will clearly state what must be done to bring property into compliance and include a timeline for compliance.

XII. ASSISTING ENFORCEMENT BY OTHER REGULATORY OR LICENSING AGENCIES

In some cases, City code violations also may constitute violations of federal and/or state statutes or administrative rule. For example, surface mining or working within a flood plain or wetlands without City land use approval may also violate federal laws or state statutes and administrative rules. Performing building construction without necessary permits may constitute violations of state statutes and administrative rules governing the conduct of licensed contractors. Code Enforcement staff shall notify other agencies of known violations.

XIII. RESOLUTION OF CODE COMPLAINTS

It is the City's policy to attempt to reach final, satisfactory resolutions of all code violation complaints. However, the City recognizes that not all complaints may be resolved successfully, due to factors outside the City's control. These factors can include the indigence of the code violator, the lack of City or other resources to assist the violators, statutory limitations on potential fines or other penalties for code violations, and the large number of complaints to be resolved. Where the City determines that a code violation may not be successfully resolved within the established reasonable timelines, the file will either be closed, or alternative methods of enforcement may be explored.

A. Outstanding Cases. Code Enforcement shall refer cases to legal counsel to seek additional legal remedies when:

1. Code violation(s) presents an imminent threat to public health and safety or to the environment; or
2. Code violations have not been corrected within the required time period after a defendant's third citation for the same infraction(s) into Municipal Court.

B. File Closure. A code violation complaint will be resolved by file closure in the following cases:

1. When no code violation is found after investigation;
2. When there is voluntary compliance;
3. When the property owner and/or other responsible person has been convicted of an infraction and has corrected the violation(s);
4. When investigation and prosecution of the violation(s) have been completed by a federal or state agency to which the City deferred code enforcement; or
5. When it is determined, by the City Administrator or designee, that the code violation(s) are not likely to be successfully resolved within a reasonable timeline, due to factors outside City control.

C. Notice of Resolution. The City will note the reason for file closure and also send written notice to the complainant when the complaint is resolved, describing the resolution.

D. Follow-up. For cases with extenuating circumstances, Code Enforcement staff will conduct a follow-up site inspection six months after file closure to ensure the offense has not re-occurred.

E. Alternate Methods of Resolution. The City may explore alternate methods to resolve code violations, fines, and liens.

XIV. 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 the rules of the Secretary of State for maintenance of official records.

XV. SAVING CLAUSE

Should any portion of this Manual be rendered ineffective by a Court of competent jurisdiction, the remaining parts shall remain in full force and effect.

XVI. ADOPTION OF POLICIES

The City Council may alter these policies at any time, including rectifying any portion as necessary to accommodate changes in applicable statute and/or regulations.

The policies contained herein have been adopted by Resolution consistent with the authority of the City Council of Veneta, at a Council meeting held Feb. 9, 2008.9.