

2024 UMAA CODE ENFORCEMENT

Presenters

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WHAT IS CODE ENFORCEMENT ?

Code Enforcement is the prevention, detection, investigation and enforcement of violations of statutes or ordinances regulating public health, safety, and welfare, public works, business activities and consumer protection, building standards, land-use, or municipal affairs.



Code Enforcement Looks Different and is Handled Differently in the Over 250 Cities and 29 Counties in Utah

West Valley has been using an Administrative Code Enforcement Since Before I Started in 1999. A highly proactive high-volume program with team of 9 code enforcement officers. Here's our procedure:

- Courtesy Notice (75% of Cases Comply)**
- Formal Notice of Violation with Deadline to Comply (another 13% comply here)**

- Default Hearing for those who Don't Comply before ALJ (about half the homeowners attend and those normally comply shortly after)**

- If fines accrue, record a Certificate of Non-Compliance with County**
- 2-4% cases are abated for non-compliance, about 100 each year**

- Those sent to County as a Tax Lien for any hard costs**
- Unpaid fines sent to a Private Collections Agency**

WEST VALLEY CITY

CODE ENFORCEMENT



Pros:

- Much Quicker Process than Justice Court
- Lots of Tools to Incentivize and Communicate
- Due Process Covered with an ALJ Hearing
- Quick(ish) Resolutions via Abatement

Cons:

- Requires City Code Changes
- Requires ALJ, and Staff to do the Paperwork
- Abatement Requires an Initial Investment

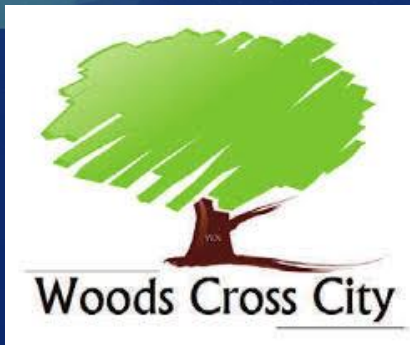
WEST VALLEY CITY

CODE ENFORCEMENT



WOODS CROSS & RIVERTON CITY

CODE ENFORCEMENT

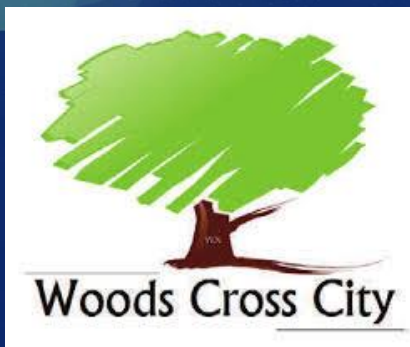


Woods Cross and Riverton both use a traditional justice court approach to Code Enforcement.

- Both use their local PD to investigate and cite for violations
- Both start with a warning but move to a criminal citation or summons for those who don't comply
- 10 or so cases a year in Woods Cross
- 30-50 or so a year in Riverton
- Average Resolution of a Criminal Case in Justice Court is 6 months
- Reluctance of Judges to Come Down Hard on "Messy Yards"
- Often results in about a \$200 fine and a court-imposed deadline to comply if not yet compliant
- No abatement component
- Most cases get to compliance, but it can be pretty slow

WOODS CROSS & RIVERTON CITY

CODE ENFORCEMENT



Pros:

Justice Court has built in Infrastructure

Can be done with police department if desired

Cons:

MUCH Slower process

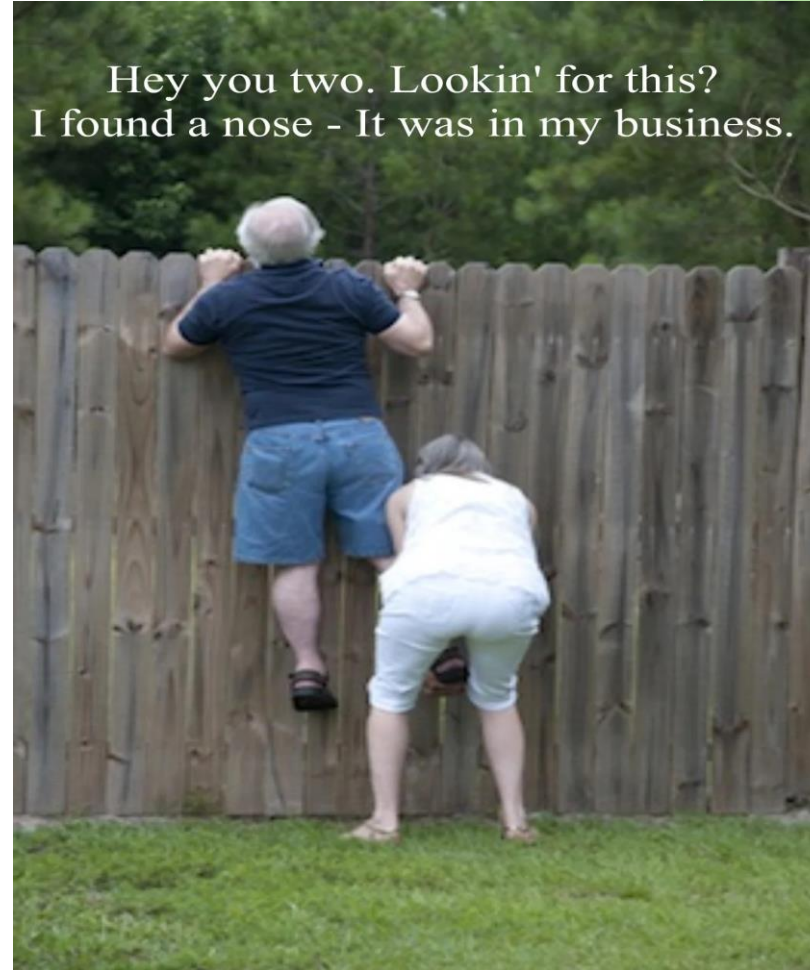
Likely entitled to a public defender if your codes are more serious than an infraction

Sticks and carrots are much smaller

Normally no abatement for those who can't or won't comply

South Salt Lake has enacted an enforcement system that allows for a combination of emergency, judicial, and administrative remedies for the effective correction of violations.

- City aims for enforcement that is handled quickly and fairly.
- City's enforcement is a mixture of reactive, complaint based and self-initiated enforcement.
- City retains the discretion to proceed with enforcement civilly or criminally.



SOUTH SALT LAKE CITY

CODE ENFORCEMENT

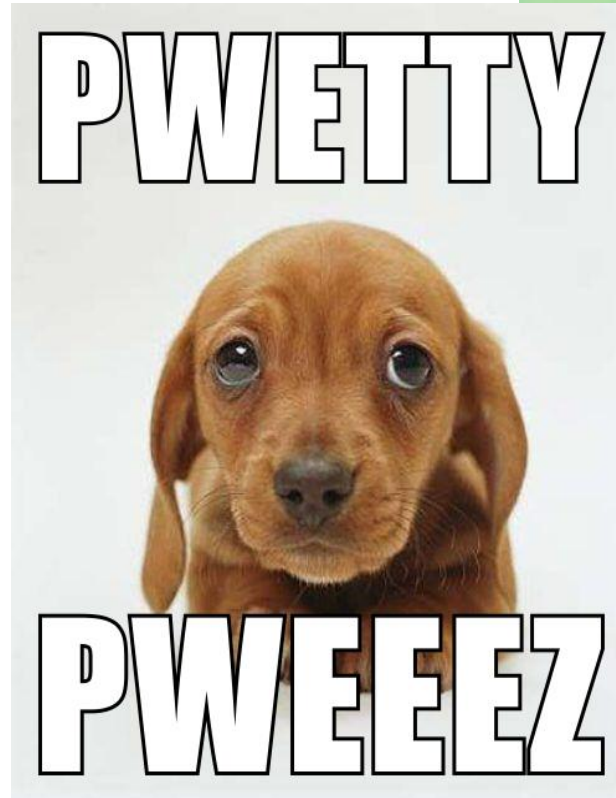


SOUTH SALT LAKE CITY

CODE ENFORCEMENT

- Primary goal is always compliance, rarely punitive (if you have the right people doing the job!), therefore majority of violations are pursued through civil administrative means:

- First Corrective Action and Final Corrective Action notice letters
- Civil citations
- Mandatory appearance citations
- Notice of Violations and Summons to appear at an administrative hearing
- Administrative Law Hearing



- Criminal enforcement is reserved for egregious violations or habitual violators.
 - Prosecuted in the SSL Justice Court by prosecutors



SOUTH SALT LAKE CITY

CODE ENFORCEMENT



Pros of Civil:

- No rules of evidence or formal rules of procedure.
- More room for creative resolutions/settlement.
- Standard of proof is by a Preponderance of the Evidence.



Cons of Civil:

- Cases not taken as seriously as a criminal violation.
- Expending resources on a system separate from established justice court.



SOUTH SALT LAKE CITY

CODE ENFORCEMENT



Pros of Criminal:

- Cases taken more seriously.
- More teeth to force compliance.
- Infrastructure and collections process more dialed in.



Cons of Criminal:

- Justice court business is booming (for SSL anyway).
- Complying with the rules of evidence and rules of procedure.
- Standard of proof is Proof Beyond a Reasonable Doubt.



SOUTH SALT LAKE
CITY

CODE
ENFORCEMENT



NEPHI CITY CODE ENFORCEMENT

TWO PHASES:

- **Andy Griffith's Approach**
- **Hammer Approach
(Formal Enforcement)**



Andy Griffith's Phase

- Phone Call
- Letter
- Thank you letter
- The letter and phone call resolve about 80% of the problems.



Hammer Phase

Voluntary correction
agreement with deadline –
signed

Administrative citation with
deadline, notice of potential
administrative fee, and notice
of potential criminal action

Administrative citation with
fine or criminal citation



ANDY GRIFFITH'S PHASE

PROS:

1. Effective for most situations
2. Positive relationship with residents

CONS:

1. Adds extra steps that slow the process
2. Subject to abuse by people who want to delay



HAMMER PHASE – ADMINISTRATIVE ENFORCEMENT



PROS:

1. Ultimately, it gets the job done.
2. Arm's Length -- Can be done through written correspondence

CONS:

1. Cumbersome for law enforcement – Requires training, monitoring, and follow through
2. Not as efficient

HAMMER PHASE – CRIMINAL ENFORCEMENT

PROS:

1. Simpler than administrative enforcement. Typically, just officer & prosecutor
2. Carries the authority of the court to bring compliance

CONS:

1. Added burden on court system
2. Can be a long process
3. Can be a public relations problem for city



SUCCESS STORY

Adopt Laws that Address the Problem

Situation: RV parks with long-term residents

Problem:

- Drug houses
- Domestic violence
- Cat mansion
- Dangerous, unauthorized propane hookups
- Health & sanitation issues
- Accumulation of junk & garbage
- Permanent add-ons





SUCCESS STORY RV Parks

First attempt to fix

problem: Enforce 30-day limit law

Result:

- Full council meeting of RV park patrons & owners
- "Why do you hate poor people?"
- This is the only place we can afford to live.
- Throwing individuals without disabilities onto the streets
- Tears from RV park owners saying that he needs to stick up for his residents.

SUCCESS STORY

RV Parks

Second Attempt:

- Rewrite code with input from RV park owners
- 29-day stay limit with unlimited renewals
- Penalties for RV park owners for excessive criminal activity
- Inspections twice a year
- Restroom and laundry room requirements
- Spacing requirements / setbacks
- Higher licensing fee to cover inspections



(Inset Name of City Here)

- Hired as Ryan Carter's Intern, AKA "Code Boy"
- Criminal Process:
 - Aggressive/Invested (signs, weeds, junk, and debris)
 - Ran a Good Neighbor Program (think Traffic School)
 - Management and Council changed, and focus changed
 - Investment dropped. Criminal caseload dwindled (Police went back to doing police work)
 - Code issues grew and Management /Council wanted something, but not aggressive or criminal enforcement.
 - Drafted Civil Code Enforcement Similar to WVC
 - Did not have automatic hearing process, defendant required to request hearing (less investment than WVC)
 - Created a Civil Code Enforcement Division (Deputy CA, Supervisor, 2 CE Officers)
 - Reported annually or when called to the table to explain

CLEARFIELD CITY

- Criminal Process:
 - Lame duck program within the PD (SFO, minimal effort, a few criminal citations)
 - Drafted Civil Code Enforcement Similar to WJ
 - Still do not have automatic hearing process, defendant required to request hearing (again, less investment than WVC)
 - Get in Front of Council
 - Quarterly reporting, reminders on process, input on priorities, willingness to change, build trust with the program

CLEARFIELD CITY

CODE ENFORCEMENT



SUCCESS TAKES THE ENTIRE TEAM

PATRICK LENCIONI

NEW YORK TIMES BEST-SELLING AUTHOR

The **FIVE** DYSFUNCTIONS of a **TEAM**

A LEADERSHIP FABLE



20TH ANNIVERSARY EDITION

NEW FOREWORD FROM THE AUTHOR

High Performing Team Features

Focuses on team success; celebrates collective results.

Holds peers accountable; maintains high standards.

Commits to decisions; embraces accountability.

Engages in constructive debate; values diverse perspectives.

Shares vulnerabilities; builds mutual trust.

Five Dysfunctions of a Team



Dysfunctional Team Features

Prioritises individual goals; neglects team outcomes.

Shuns responsibility; ignores low standards.

Doesn't make decisions; is unclear.

Avoids healthy debate; seeks artificial harmony.

Conceals weaknesses; fears vulnerability.

THE FUN STUFF



“Seriously?”

When you end up on the nicest street in the city and you cite the councilmember for having a branch argumentatively less than 6’ above the sidewalk you make future conversations about the importance of code enforcement very difficult.



Art vs. Inoperable Vehicle

“Lucy” made national news, had her own Facebook page, and resulted in a petition getting 1000’s of signature in support. The City Council Chambers was full, and even city staff got involved.

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Questions

