



*City of Victor, Colorado*  
**Code Enforcement Policy**

Adopted: 1/19/17

Amended:

# CODE ENFORCEMENT POLICY

## I. Introduction

This Code Enforcement Policy provides policy guidance for enforcement of the Victor Municipal Code and other regulations adopted by the City of Victor from time to time. These ordinances and codes are designed to protect the health, safety, and welfare of those who live, work or visit the City of Victor. This document is intended to provide policy guidance only for those actions specifically initiated by the City.

## II. Objective and Goals

This Code Enforcement Policy has been established to guide the City in addressing code violations and should be interpreted to maximize efficiency and compliance. The City may deviate from this policy and nothing herein shall be interpreted to require the City to act or to refrain from acting or to establish a standard of care for the City's actions.

The City's primary goal in code enforcement matters is voluntary compliance. This is achieved through education, communication, and outreach. While voluntary compliance is the primary goal, it may not be appropriate in all instances. For example, when chronic or dangerous violations exist, a different enforcement response may be necessary, as determined by the City.

## III. Typical Violations and Enforcement Priorities

The City of Victor has identified typical code enforcement violations as well as its enforcement priorities.

### A. Typical violations may include but are not limited to:

- Nuisances
- Zoning/ Land Use/Permit Violations
- Utilities

### B. Enforcement Priorities.

Due to staff and time constraints, it is sometimes necessary to prioritize complaints and violations. Code enforcement should follow the following priority ranking but be flexible to allow enforcement that fits the specific circumstances of the code violation(s).

1. Violations presenting a threat to public health and safety
2. Building code violations including failure to obtain permits
3. Land use and zoning violations
4. Aesthetic and nuisance violations

## IV. Initiation of a Code Enforcement Matter

Enforcement may be initiated on a proactive (City observes and responds) or reactive (complaint based) basis. The Victor Municipal Code and other regulatory codes adopted by the City are principally enforced on a complaint basis. This is designed to encourage community participation in the enforcement/compliance process.

Identification of a code enforcement matter may be initiated by any one of the following methods:

- A. Citizen Complaint. Any person may make a complaint to the City alleging one or more code violations. Citizens are encouraged to use the complaint form that is available in person from the City Clerk or on the City's website.
- B. Anonymous Complaints. The City's policy is to not accept anonymous code violation complaints. Nothing in this policy precludes the City from investigating a violation.
- C. Observation. City staff may, in its discretion, initiate enforcement any time a violation is observed.
- D. Permit/Approval Condition. City staff may monitor ongoing conditions of approval for all permits and approvals as time and resources allow.
- E. General/Other. Information from other sources may reveal code violations that may be investigated at the discretion of the City.

## V. General Enforcement Procedures

There are numerous enforcement options available to the City. While voluntary compliance is the preferred enforcement mechanism, depending upon the nature, scope and circumstances of a violation, an alternative enforcement option may be utilized by the City. Enforcement tools generally include, but are not limited to, voluntary compliance, issuance of citation(s), abatement, stop work orders, and such other remedies that may be available under the Victor Municipal Code and applicable law. Nothing herein shall preclude the City from contacting law enforcement.

### A. Initiation of Code Enforcement Procedures.

1. All code enforcement complaints shall be logged by City staff to include the following information: *[Note: if City will require a written complaint this can be revised to say written complaint form or if initiated by City staff refined for the following:]*
  - a. Location of alleged violation
  - b. Date received
  - c. Name of reporting person, telephone number, and any other applicable personal information or if observed by City personnel
  - d. Type of violation
  - e. Name of property owner/alleged violator
  - f. Name of staff person accepting the complaint
  - g. Any photographs or other information submitted

B. Investigation.

1. Upon receipt and logging of a complaint the matter shall be referred to the appropriate City staff person (for example, City Administrator, Public Works Director, Building Inspector) for consideration or investigation, as appropriate. Notwithstanding the foregoing, nothing herein shall preclude the City from contacting law enforcement or refraining from investigation or further action based upon the circumstances of an alleged violation.
  
2. Staff should establish the following as applicable:
  - a. Jurisdiction. Determine that the violation to be investigated occurred within the City.
  - b. Zoning. Determine the zoning of the subject property, if applicable.
  - c. Permit Status. Determine the status of any land use approvals, building or other permits associated with the subject property, if applicable.
  - d. Property Ownership. Property ownership shall be determined by the most current profile of the property as recorded with the Teller County Assessor's Office.
  - e. Identification of Applicable Code Provisions. City staff, with assistance of City attorney, if needed, shall identify the pertinent provisions of the Victor Municipal Code and other regulatory codes adopted by the City of Victor that may have been violated.
  - f. Prior History. Examine City records to determine the existence of prior or current complaints concerning the subject property or alleged violator.
  - g. Other Information. When appropriate, photographs or other information concerning the alleged violation may be included as part of the investigation.
  
3. If a code violation requires additional investigation, City staff may also:
  - a. Verify the existence and severity of the alleged violation(s).
  - b. Document the matter by means of written notes, interviews and photographs, as appropriate.
  - c. If possible, discuss with the property owner, occupant or other responsible person:
    - i. Nature of alleged violation
    - ii. Methods for complying with the code(s)
    - iii. Timeline for compliance
  - d. Upon completion of the investigation City staff should update City records with the following:

- i. Name of City staff person assigned to the matter
- ii. Date, time and place of investigation
- iii. Code violations(s) observed
- iv. If no violations observed, explanation
- v. Witnesses, if any, interviewed
- vi. Discussion, if any, with owner, occupant or other responsible person
- vii. Any other pertinent information
- viii. Action necessary to correct violation

- e. Life Safety Violations. If the alleged violation concerns a potential health or safety hazard, the City's goal will be to investigate as soon as possible after receiving the complaint or observing the alleged violation.
- f. Non-Life Safety Violations. If the alleged violation is not a potential health or safety hazard the City's goal will be to investigate as soon as time and resources become available after receiving the complaint or observing the alleged violation.
- g. The time frames set forth in Section V.B.3.e. and f. may be modified by the City based upon the nature, scope and circumstances associated with the alleged violation(s).

C. Enforcement.

- 1. The form of notice and enforcement action to be pursued, if any, will be determined by the City staff after considering to the extent applicable:
  - a. This policy guidance
  - b. Priority status
  - c. Nature of violation(s)
  - d. Scope of, and circumstances associated with the violation(s), including facts that may have been identified during an investigation
  - e. Repeat or recurring violations
  - f. Excessive violations
  - g. Number of complaints received
  - h. Such other factors deemed relevant by the City

City staff is authorized to use its discretion in enforcement matters or refraining from enforcement, so long as the same is accomplished in a non-discriminatory manner. Further, it is recognized that the City has limited resources in both staffing and funding to manage complaints and violations. The City has the right to choose how best to use its resources. Depending on the nature of the violation and impact on health, welfare and safety, City staff will prioritize the list of pending complaints. Staff may choose

to limit the amount of follow up in certain situations. For example, for matters of the lowest priority, staff may refrain from issuing a notice until such time as one or more written complaint(s) have been received.

2. Notification. When there are reasonable grounds to believe a violation has or is occurring, City staff may issue a notice to the property owner.
  - a. Verbal Warning. This is typically a conversation with the resident or property owner where the resident agrees to stop an activity or correct a minor violation without requiring written notice. Compliance is usually required within a specific time frame of a verbal notice.
  - b. Written Warning/Notice of Violation. The owner will be notified of:
    - i. The code violation(s)
    - ii. What must be done to rectify the violation(s)
    - iii. Deadline for compliance
    - iv. Specific time and date for a follow-up inspection, if applicable
    - v. Name and contact information for City staff person for more information
    - vi. If failure to comply that further action may be taken the City

The written warning/notice of violation shall be sent by regular and certified mail to the most recent known address for the property owner.

3. Voluntary Compliance. It is the City's policy to encourage voluntary code compliance by providing verbal and/or written notice of code violations so that compliance may occur. As indicated above, some violations may not be appropriate for voluntary compliance.
4. Other Enforcement. In the event voluntary compliance is not achieved or in the event the City determines that the violation is one that is not appropriate for voluntary compliance after considering this policy guidance including the priority status, nature, scope, and circumstances associated with a violation, the City may pursue one or more of the following:
  - a. Citation. Issue a citation and seek penalties and costs in accordance with the Victor Municipal Code or as otherwise authorized by applicable law.
  - b. Abatement. File an abatement action concerning nuisance(s) and seek penalties and costs as set forth in the Victor Municipal Code or as otherwise authorized by applicable law.
  - c. Stop Work Orders. The City may issue a stop work order(s) to assure compliance with permits and approvals or when a permit or approval is required or as otherwise authorized by applicable law.

- d. Seizures and Impoundments. The City may seize or impound property as set forth in the Victor Municipal Code or as otherwise authorized by applicable law.
  - e. Cost Recovery. The City may recover its costs and expenses as authorized by Victor Municipal Code or as otherwise authorized by applicable law.
  - f. Other. Such other remedies and settlement tools (negotiation, mediation, injunction, etc.) as may be available to the City.
5. Immediate Enforcement. Certain types of activities constitute an imminent public safety and health hazard which may require immediate action by the City without prior written notice.
6. Extensions. City staff may, in its sole discretion, authorize an extension of time for bringing a violation(s) into compliance. In determining whether to authorize an extension, staff shall consider the following:
- a. Demonstration of reasonable need for additional time to perform
  - b. Priority status
  - c. Nature of Violation
  - d. Measurable progress
  - e. On-going and open communication from violator
  - f. Repeat or recurring violation(s)

Any extension shall be set forth in writing with appropriate milestones for performance and/or a deadline for full compliance. The extension shall be acknowledged and agreed to by the owner.

7. Repeat/Recurring Violations. Repeat or recurring violations exist when there are repeated violations and the owner has demonstrated an inability or unwillingness to correct or cease the activity giving rise to the violation(s). When repeat or recurring violations exist, City staff may consider alternatives other than voluntary compliance including consulting with the City Attorney to determine the best course of action.
8. Excessive Complaints. Excessive complaints occur in those situations where one or more parties inappropriately use the code enforcement system. What begins as a complaint escalates into multiple complaints between two parties. Both parties use the process to antagonize each other. Excessive complaints are ongoing complaints where all or a majority of the following are present:
- a. The alleged violation does not pose an immediate risk to public health and safety, or there is no high risk to health and safety through potential environmental impacts, or alleged violation is a private property dispute.

- b. Nature of complaints move from reporting a legitimate code violation to a frivolous complaint or a complaint deemed to be using the City to harass another party; or
- c. The parties refuse to participate in a process identified to resolve the dispute.

Staff may choose to limit the amount of, or entirely refrain from, follow up when excessive complaints from an individual or property owner are determined to be frivolous or capricious.

## **VI. Conduct of City Staff and City Council in Code Enforcement Matters**

A. City Council. The City Council is responsible for adopting this Code Enforcement Policy which is intended to guide City staff in the performance of its duties. It is further the policy of the City Council that it will conduct its business in connection with code enforcement as follows:

- 1. Matters forwarded to City Council for action shall be conducted at a public meeting, whether in an open or executive session.
- 2. Members of the City Council will disclose and take appropriate action in the event of a conflict of interest in connection with a code enforcement violation.
- 3. Upon issuance of a written notice by the City, then the members of the City Council shall refrain from discussion of, interference with, or involvement in that code enforcement matter until such time as the matter is brought before Council for formal action. Discussion of such matters outside a formal environment jeopardizes the City's legal position in the enforcement action and could move any appeal to a higher court.
- 4. City Council may review and modify this policy.

B. City Staff. City staff shall:

- 1. Perform code enforcement in its discretion after considering this policy guidance.
- 2. Perform code enforcement in a non-discriminatory manner.
- 3. Perform its duties in accordance with the Victor Municipal Code and other applicable laws.

The City Administrator may adopt additional standard operating procedures, as necessary, to implement this policy.

C. Other. The Code Enforcement Policy may not be used as a defense in an enforcement action or civil infraction proceeding.