

CASTLE VALLEY ORDINANCE # 2008 - 2

**COMPLAINT PROCESS: AN ORDINANCE ESTABLISHING
A COMPLAINT RESOLUTION PROCESS AND BOARD
AND A UNIFORM PROCEDURE FOR ORDINANCE ENFORCEMENT
(This Ordinance Amends and Supersedes Ordinance 2006-6)**

WHEREAS

The Town of Castle Valley has had two years' experience with a Complaint Resolution Process enacted through Ordinance 2006-6 and has found that the Process is manageable and is helpful, and

WHEREAS

The Town of Castle Valley has duly established ordinances concerned with the protection of public health, safety and welfare; and,

WHEREAS

State law requires that the Mayor shall be responsible for enforcing the laws and ordinances of the Town, and

WHEREAS

The Town of Castle Valley acknowledges the right to privacy of the residents of this community, and

WHEREAS

The Town of Castle Valley acknowledges the occasional need for designated officials, employees, or agents to lawfully enter onto the property of persons residing in this community for the expressed purpose of inspection, and

WHEREAS

The Town of Castle Valley inspections shall take place only upon presentation of written complaint or evidence of proper authority, and shall be limited to entering buildings and structures during the course of their construction, modification, or repair, and to inspecting land uses or other uses to determine compliance with the provisions in the Castle Valley ordinances,

WHEREAS

The Town of Castle Valley is reviewing its Ordinances and Resolutions. While this process is ongoing, the Town finds that there is an immediate need to establish a uniform procedure to respond to and resolve complaints and to enforce Town Ordinances,

THEREFORE BE IT ORDAINED that the following procedure shall be developed and implemented to effectively and equitably enforce the Town's ordinances, and to process, evaluate and respond to complaints alleging a nuisance or violation of a Town ordinance:

1. A Complaint Resolution Board ("CRB") is hereby established, to consist of a pool of members including private citizens, seated Town Council members, seated PLUC members, and the Building Agent, appointed by the Town Council. The Mayor will assign two

different CRB members from this pool for each incident to address complaints as s/he deems appropriate.

2. The complainee shall file a written complaint with the Town Clerk. A valid complaint would be a letter describing a specific incident, including their name and lot number, and referring to a violation of an ordinance. The Town Clerk will forward the complaint to the Mayor and the CRB group within seven days. Two CRB members will be appointed by the Mayor within fourteen days to determine if an ordinance has been violated. One of these two members will interview the complainee within fourteen days. If they believe that the ordinance violation is valid the two appointed CRB members will contact the complainant within fourteen days. The first contact with the complainant will be to try to resolve the issue amicably.
3. If the complaint is resolved, the resolution shall be documented by all parties at the time of the resolution. If the complaint is not resolved, the two CRB members will schedule a meeting with the complainant to investigate, explore further mediation options and set a deadline for the complainant to comply within fourteen days. The two CRB members will document their observations and report their findings to the Mayor, the CRB group and the complainee within fourteen days.
4. If at this point, a resolution has not been reached, or if the agreed upon process/resolution is not followed, the Mayor and/or the code enforcement administrator will initiate legal proceedings by sending the complainant a registered letter as per Town Resolution 96-3, or the Nuisance Ordinance, within thirty days.
5. The letter shall set forth the violations alleged, and a synopsis of the CRB findings, along with a request that the conduct or activity be abated within 30 days of receipt, or immediately, if it is an emergency or animal safety complaint. In the event the violation requires more than 30 days to abate, the Town and CRB may develop a plan to abate the violation with specific actions and deadlines.
 - The owner(s) and/or resident(s) shall further be informed that the failure to abate the nuisance or bring the conduct into compliance within 30 days from receipt of the letter, or failure to take abating action by the deadlines as documented on the timeline if a timeline is developed, shall result in legal proceedings being brought against the owner/resident who shall then be responsible for all costs and attorney's fees resulting from such proceedings, in addition to any legal judgment for the costs of abatement and compliance, or for damages; and
 - It shall be further stated that the action would be enforceable by court action or tax lien, pursuant to State law;
6. In the case of an emergency threat to public health, safety or welfare, all time periods noted herein shall be accelerated as is practicable, and the proper, relevant, authorities (County, State, Federal) shall be notified by the Mayor;
7. If a timeline has been developed and the owner/resident is abating violations as per the deadlines, the Town Council may, upon recommendation by the CRB, extend the time for

abatement/compliance for 30 day period(s). In the event that the matter is not resolved to the satisfaction of the CRB and the Town Council, within the 30-day time period, or on schedule with the timeline, the matter shall be forwarded to the Town Prosecutor for action as soon as the relevant 30-day period(s) expires.

8. Notice of any legal judgment shall be filed with the County Treasurer pursuant to State law for tax enforcement of any and all costs of enforcement, abatement and damages;
9. Legal action by the Town shall not preclude any civil action filed against the violator by or on behalf of any person affected and damaged by the nuisance or violation.
10. Penalties and fines: A person convicted of a violation of this Ordinance may be sentenced to pay a minimum fine of \$250, with a maximum fine not to exceed \$1,000, as per Utah code Section 76-3-301.
11. This Ordinance shall become effective immediately upon public posting.

PASSED, ADOPTED AND APPROVED by the Town Council of The Town of Castle Valley in open session this 22nd day of October, 2008 by the following vote:

Aye: Damian Bollermann, Jim Lindheim, Ranna Bieschke, Aaron Davies.

Nay: None.

Absent: Valli Smouse.

TOWN OF CASTLE VALLEY

Damian Bollermann, Mayor

ATTEST:

Denise Lucas, Town Clerk

Official Seal of the Town of Castle Valley

Effective Date