

CASTLE VALLEY ORDINANCE 2021-2

**COMPLAINT PROCESS: AN ORDINANCE ESTABLISHING
A COMPLAINT RESOLUTION PROCESS, THE COMPLAINT RESOLUTION BOARD
AND A UNIFORM PROCEDURE FOR ORDINANCE ENFORCEMENT
(This Ordinance Amends and Supersedes Ordinance 2008-2)**

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 has determined it is in the best interests of its residents and property owners 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 seated Town Council members, seated Planning and Land Use Commission Members, seated Road Committee Members and the Building Permit Agent. The Mayor will assign two different CRB members from this pool for each incident to address complaints as s/he deems appropriate.
2. Informal complaints notifying Town officials of clearly obvious ordinance violations are not considered part of this Complaint Resolution Process and may be handled as the Mayor deems appropriate.
3. Any person seeking enforcement of a violation of a Town ordinance (the "Complainant") shall file a written complaint with the Town Clerk. A valid complaint must include:
 - i) A description of a specific incident or incidents;
 - ii) The name and lot number of the person or persons who are the subject(s) of the complaint (the "Defendant"), and
 - iii) A reference to the specific ordinance that is being violated.

Complainant should be prepared to, but not required to provide supplemental videos and/or photographs, or other evidence documenting the alleged violation(s). A lack of evidence could result in a failed resolution and an unresolved complaint.

4. Within four (4) days of the receipt of a valid complaint, the Town Clerk shall forward a copy of the complaint by email to the Mayor and the CRB group. Within four (4) days following receipt of the forwarded complaint, the Mayor shall appoint two CRB members to determine if an ordinance has been violated. Within seven (7) days of their appointment, one of the CRB appointees will interview the Complainant to determine if there is sufficient evidence of an ordinance violation. If the two CRB appointees conclude that an ordinance has been violated, they will contact the Defendant within fourteen (14) days to advise the Defendant of the complaint and attempt to resolve the violation by voluntary compliance with the ordinance.
5. If the two CRB appointees determine that the violation(s) described in the complaint has (have) been resolved, they will provide the Mayor with a written document within four (4) days describing that resolution, which document shall be signed by all parties.
6. If the complaint is not resolved following their initial contact with the Defendant as provided in Paragraph 4 above, the two CRB appointees will schedule a meeting with the Defendant to be held within fourteen (14) days from the date of the initial contact to explore further options to remedy the violations and set a deadline for the Defendant to comply with the applicable ordinance no later than fourteen (14) days following that meeting. The two CRB appointees will document their observations and report their findings to the Mayor, the CRB group and the Complainant within seven (7) days.
7. If the CRB appointees are unable to contact the Defendant using the Town's available contact information within the fourteen (14) day period as required by Paragraph 4, or if the Defendant refuses to meet with the CRB appointees as provided by Paragraph 6 above, or if the Defendant refuses to comply with the ordinance within the deadline set by the CRB appointees, the CRB appointees shall so advise the Mayor in writing within seven (7) days of the end of the relevant deadlines set forth in Paragraph 4 or 6, as applicable.
8. Upon receipt of the documentation required by Paragraph 7 above, advising the Mayor that either:
 - i) The CRB appointees have been unable to contact the Defendant pursuant to Paragraph 4 above using any contact information available to the Town or from other public records; or
 - ii) The Defendant refuses to meet with the CBR appointees as provided by Paragraph 6 above;
or
 - iii) The Defendant refuses to remedy the violation(s) and comply with the ordinance as provided by Paragraph 6 above,

the Mayor will initiate legal proceedings by sending Defendant a registered letter pursuant to the Town's Nuisance Ordinance, or pursuant to the ordinance being violated and Utah Code 10-7-65 within seven (7) days.

9. The letter shall set forth:

- i) The violation(s) alleged;
- ii) A synopsis of the CRB appointees findings;
- iii) A demand that the conduct or activity be abated within thirty (30) days of receipt;
- iv) A statement informing the Defendant that the failure to abate the nuisance or bring the conduct into compliance within thirty (30) days from receipt of the letter shall result in formal court proceedings being brought against the Defendant 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
- v) It shall be further stated that the action would be enforceable by court action or tax lien, pursuant to State law.

10. In the event the Defendant responds to the letter described in Paragraph 9 above by providing evidence that abatement of the violation requires more than 30 days, the Mayor and CRB appointees may develop a plan for the Defendant by providing specific actions to be taken by Defendant to abate the violation and setting deadlines for such actions.

11. In the case of a valid complaint showing that there is an emergency threat to public health, safety or welfare, all time periods noted herein shall be accelerated as is practicable, and the Mayor shall notify the proper, relevant County, State, and/or Federal authorities.

12. If a timeline has been developed and the Defendant is abating violations as per the deadlines, the Town Council may extend the time for abatement/compliance for an additional 30-day period. In the event that the matter is not resolved to the satisfaction of the Town Council, within said the 30-day extension, or on schedule with the timeline, the matter shall be forwarded to the Town Attorney for action.

13. 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.

14. 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.

15. 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

16. This Ordinance shall become effective immediately upon public posting.

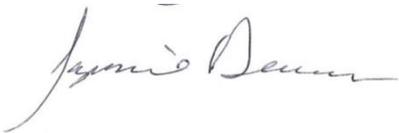
PASSED, ADOPTED AND APPROVED by the Town Council of The Town of Castle Valley in open session this 19th day of May, 2021 by the following vote:

Aye: Mayor Jazmine Duncan, Council Members: Pamela Gibson, Tory Hill, Harry Holland and Robert O'Brien

Nay: None

Absent: None

TOWN OF CASTLE VALLEY

A handwritten signature in cursive script, appearing to read "Jazmine Duncan".

Jazmine Duncan, Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "Jocelyn Buck".

Jocelyn Buck, Town Clerk

May 19th 2021
Effective Date