

To: Ron Whitehead, City Manager

From: Lynn Chandler, Building Official

Date: November 1, 2013

Subject: Code Violation Process

The first step taken when there is a violation is to contact the responsible person. The code violation is explained to them, and they are given a verbal notice to correct it. The Inspector makes a judgment call in the field on the amount of time allowed to the person to get the problem corrected. The amount of time given depends on the nature and severity of the problem.

If the violation has not been corrected in the time frame verbally given by the inspector, a written notice is then sent to the responsible person. The notice is sent both by certified mail and regular mail. The notice must contain the following:

1. Date of violation.
2. Responsible person's name and address.
3. Inspector's name.
4. Subject property's DCAD legal description.
5. Section of the code that is in violation and any pictures or other relevant documentation.
6. A correction order allowing a reasonable time to make the repairs and improvements required to bring the issue into compliance
7. A copy of Section 111, Means of Appeal, outlining the process the property owner can take to appeal the correction order. Section 111 provides that the offender has 20 days after the date the notice is service during which to file an appeal. If the offender files an appeal, the Board of Zoning Adjustment, which is also authorized to hear appeals to the fence ordinance and other codes, shall hold a meeting to hear the appeal. The Board of Zoning Adjustment shall meet within 20 days of the filing of the appeal to hear the case. All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Building Official, and any person whose interests are affected shall be given an opportunity to be heard.
8. Penalties that may be assessed if violation is not corrected.
9. Phone number of the Building Official for any questions or requests for additional information.

If the violation has not been corrected, or the appeal process has not been requested in the time frame given in the written notice, a complaint is then filed on the responsible person in

Municipal Court. All documentation is submitted along with the complaint form to the Court to begin the prosecution process. At that point it is then up to the Court to process the complaint. I have also included a sample of a notice of violation.

I would like to point out that even though the responsible person has the right to appeal the decision of the Building Official they do not have the right to appeal a code requirement. The intent of this section is not to waive a requirement but to appeal the Building Official's interpretation of the code or decision not to accept an alternate equivalency of protection to the code requirement. In an instance such as this, I would consult the Town's prosecuting attorney to see if their request had any validity before proceeding with any appeal process.

This violation is also entered into the monthly code process report and updated as needed.