

City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT



MEMORANDUM

TO: Mark Dombroski, City Manager
FROM: Meghan McKnight, Code Enforcement Officer
DATE: August 20, 2009
RE: Code Enforcement Protocols

1. Complaint Received

- If complaint is actually code inquiry/ how code applies to a situation:
 - ✓ Technical staff responds. Enforcement provides assistance if necessary.
- If complaint is a violation during an active project or condition of permit:
 - ✓ Project technical staff informs the violator of the violation and compliance mechanisms.
 - ✓ If the violator fails to follow compliance mechanisms (permit revision, expert reports, etc) then technical staff refer to enforcement. Enforcement then proceeds with typical process.

2. Complaint Investigation

- Review for validity
- Review any previous complaints
- Review any previous or current permits on the property
- Review aerial photos & GIS overlays (i.e. critical areas)
- Review BIMC, other State or Federal requirements
- Possibly discuss with technical staff to assist in identifying possible violations

3. Site Investigation – Tier 2 or 3 complaints

- Contact the owner or representative of the violation property by the following options:
 - ✓ In person by a site visit or
 - ✓ A letter requesting a scheduled visual inspection of the alleged violation will be sent or
 - ✓ A warning letter or notice of violation (if violation is clearly identifiable).

Site Investigation – Tier 1 complaints

- Go immediately to the site; discuss the situation with the property owner or workers if present; if not present do a site investigation; leave business card; and place a stop work notice on the site (if necessary).

4. Written Determination of Violation

- A notice of violation or other correspondence is sent stating how the property is in violation; the steps necessary to bring the property into compliance; a deadline for the necessary action; assigned staff; and appeal options (if applicable).
 - ✓ Technical staff is assigned and provides review of draft correspondence to establish what permits may be necessary or other restoration requirements.
 - ✓ The notice of violation is also sent to the complainant as they have the right to appeal.

5. Appeals

- As per BIMC 1.26.070, Review by Director, any person affected by a notice of violation or stop work order issued under BIMC 1.26.050 or 1.26.060 may request a review of the notice by requesting such review within seven days after service of the notice.
 - ✓ If the review is requested the director determines if the meeting should be held in accordance with the criteria of BIMC 1.26.070.
 1. If held: The meeting is scheduled with applicable parties (including technical staff if necessary and informing the complainant - while maintaining confidentiality). The director makes the decision to uphold, modify or revoke the notice of violation or stop work order.
 2. If not held: The decision to not hold the meeting is treated as upholding the notice of violation and is communicated in writing.
- The director's decision may be appealed to the hearing examiner in accordance with BIMC 2.16.
- If a director's review is not requested, the notice of violation may be appealed to the hearing examiner within fourteen days after service of the notice in accordance with BIMC 2.16.

6. Permit / Restoration Review

- Technical staff provides information to violator on permit process and guidance on how the code applies.
- Technical staff assist in review of restoration or mitigation plans, even in cases where no permit is necessary.
- If compliance is not established within the timeframe in the original correspondence:
 - ✓ Code Enforcement sends follow up letter establishing penalties for failure to bring into compliance or proceeds with prosecution.
- If after-the-fact permit is incomplete or lack of response by the applicant is preventing compliance:

- ✓ Technical staff sends correspondence typical to situation (such as cancellation notice) with code enforcement to provide review of draft document. Correspondence includes that failure to complete the permit process will result in further enforcement.
- ✓ If the permit is cancelled or denied, Code Enforcement sends follow up letter establishing penalties for failure to bring into compliance (such as removal) or proceeds with prosecution.
- The after-the-fact permit decision may be appealed in accordance with BIMC 2.16.

7. Complaint Closed

- Once all necessary permits and/or restoration measures are complete the code enforcement case is closed.

CODE ENFORCEMENT MISSION

Our mission is to diligently investigate all complaints that fall within the purview of BIMC Chapter 1.26 in a timely, fair manner with a view toward working with citizens to resolve code enforcement issues and bringing properties into compliance while increasing awareness of regulations. The intention is to provide consistent and clear code enforcement to deal with complaints while maintaining due process.