

**CITY OF THORNE BAY
RESOLUTION 19-08-06-02**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,
ESTABLISHING THE JOB DESCRIPTION AND POLICIES AND PROCEDURES OF THE CODE
ENFORCEMENT OFFICER FOR THE CITY OF THORNE BAY, ALASKA**

WHEREAS, the city council is the governing body for the City of Thorne Bay, and

WHEREAS, it is the city's goal to establish a reasonable policy for providing consistent enforcement of municipal code violations; and

WHEREAS, the code enforcement officer is established within the municipal law enforcement department, working closely with the Village Public Safety Officer (VPSO), and Planning Official, and under the direction and day to day supervision of the Chief Executive Officer or his designee; and

WHEREAS, the Code Enforcement Officer shall enforce specified chapters within the Thorne Bay Municipal Code in a consistent, fair and responsible manner; and

WHEREAS, the policies and provisions adopted herein provide the duties and responsibilities of the code enforcement officer which include conducting complaint investigations and enforcement of zoning, litter and parking ordinances including a variety of other tasks relative to the assigned area of responsibility within the City of Thorne Bay, and

WHEREAS, the code enforcement officer shall report monthly a summary of violations and actions taken to gain compliance, to the city council and planning commission. The report shall include, but is not limited to:

- List of all violations investigated or reported
- Steps taken in response to reported violations
- Disciplinary measures taken against violators
- Results of compliance enforcement

WHEREAS, a unified compliance program, applied consistently for enforcement of municipal ordinances, will enable the city to be proactive in the prevention of zoning, parking and other code violations.

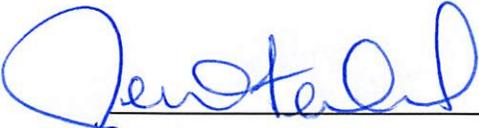
NOW, THEREFORE, BE IT RESOLVED, that the city council for the City of Thorne Bay, adopts the policies and procedures provided herein for the code enforcement officer.

PASSED AND APPROVED THIS 6TH DAY OF AUGUST 2019.



Harvey McDonald, Mayor

ATTEST:



Teri Feibel, CMC

2019

Policies & Procedures Code
Enforcement Officer



Teri Feibel, CMC

Adopted by Resolution 19-08-06-02,
August 6, 2019

JOB DESCRIPTION

TITLE: ORDINANCE ENFORCEMENT OFFICER

Department: Law Enforcement

Class Code: 103-01

Effective Date: July 1, 2019

Introduction

Code Enforcement Officer provides services for the administration and enforcement of municipal ordinances and zoning regulations. The Code Enforcement Officer assists in development of plans and ordinances and conducts Code Compliance and Enforcement activities in all areas of the City including parking or abandoned vehicle violations, property zoning use and/or development violations, animal complaints, etc.

The Code Enforcement Officer conducts field inspections, investigates violations, and takes appropriate action to gain compliance. The Code Enforcement Officer is located at City Hall, 120 Freeman Drive.

The City of Thorne Bay receives numerous complaints of junked and/or trash premises containing non-operating and “Junk Vehicles”, including other general complaints relating to other City codes; such as structure setback violations. Staff attempts to be consistent in handling cases and always encourages voluntary compliance. Below are the steps a citizen should take in order to report a code violation.

Purpose

The purpose of Thorne Bay’s Code Enforcement Policy and Procedures Manual (hereafter “policy”) is to provide guidelines for:

- Preventing code violations instead of correcting them;
- Ensure that all property owners are treated equally by creating a predictable path to resolution for code violations;
- Investigation of code violation complaints;
- Enforcement of City’s regulations and ordinances through *voluntary compliance*;
- Follow through with the prosecution of code violators who do not comply;

the Enforcement Policy aims to create a process for enforcing code compliance and develops a system for prosecuting those who do not comply. The Policy protects property owners interests and improves the efficiency of Code Enforcement.

Essential Job Functions

The Code Enforcement Officer is designated to the Law Enforcement Department and is under the direct supervision of the Chief Executive Office (Mayor) or his designee. The Code Enforcement Officer works closely with the Village Public Safety Officer (VPSO) and Planning Official, to establish compliance of Municipal ordinances by enforce zoning, litter & parking regulations as set for the in the Thorne Bay Municipal Code.

Job Duties of the Enforcement Officer

- Inspections of single or multi-family family homes, apartment buildings, businesses, vacant lots and other properties; ensures compliance with applicable zoning ordinances and regulations;
 - Determines whether uses are complying
 - Issues notices of violation as required
 - Documents all actions and notices
 - Performs follow-up inspections to ensure compliance
- Responds to alleged zoning and/or land use violations
 - Interviews complainant and witnesses
 - Takes photographs of violations
 - Document activities and update records
- Meets with citizens who are in violation of city codes; explains actions required to comply with ordinances
 - Always maintains a positive customer service relationship.
- Performs research to determine the permitted uses of property that is subject to complaint.
- Researches ownership and takes action to enforce city codes. (City Clerk or Zoning Secretary and/or Planning Official may assist in research)
- Maintains records and reports of inspections and surveillance activities and prepares reports as required. (Clerk or Zoning Secretary will maintain official records)
- Responds to public inquiries in a courteous manner
- Provides information within the area of assignment
- Resolves complaints in an efficient and timely manner
- Assists in preparing case reports for court or administrative proceedings; testifies in court and at administrative proceedings as necessary
- May request assistance from the Village Public Safety Officer if needed
- Adheres to assigned work schedule and provides updates to the City Council and Planning Commission regularly on a monthly basis
- Performs related duties as assigned

Code Enforcement Officer Enforceable Violations of the Thorne Bay Municipal Code

- Enforces animal control ordinances of TBMC Title 6-Animals, Chapters
 - 6.04-Animals Generally
 - 6.05-Dangerous Animals

- Enforces Municipal ATV, Parking, and Abandoned Vehicle Ordinances of TBMC Title 10-Vehicles and Traffic Chapters
 - 10.04-General Provisions
 - 10.08-Citations
 - 10.12-Impounding
 - 10.16-Traffic Control Authority
 - 10.20-Parking, Standing and Stopping

- Enforces provisions of Title 9-Public Peace, Morals and Welfare, Chapters
 - 9.20 – Litter Control
 - 9.22 – Water Hydrants

- Enforce ordinances of Park and Recreation TBMC Title 12-Streets, Sidewalks and Public Places, Chapter
 - 12.06- City Parks and Recreation Areas

- Enforces access and easements of TBMC Title 13-Utilities, Chapters
 - 13.20-Prohibited Acts
 - 13.24-Miscellaneous Provisions
 - 13.60-Fire Hydrants
 - 13.64-Water Service Misc. Provisions
 - 13.68-Service Penalties
 - 13.70-Solid Waste

- Enforces building & construction development code, TBMC, Title 15-Buildings and Construction, Chapters
 - 15.04-Setbacks
 - 15.08-Dangerous Buildings
 - 15.10-Site Control

- **Assists the Planning Official in review and inspection of Subdivision applications, approval, and issuance of citations for violations of Title 16-Subdivisions, Chapters**
 - 16.04-General Provisions
 - 16.28-Design Standards and Improvements
 - 16.32-Monumentation
 - 16.36-Variance-Appeals
 - 16.40-Violations and Penalties

- **Enforces municipal zoning development, use, and violation ordinances of TBMC, Title 17-Zoning, Chapters**
 - 17.04-Planning and Zoning
 - 17.05-Enforcement Authority

FILING A COMPLAINT

Public Complaint Reporting

The City of Thorne Bay Municipal Code provides that a citizen can notify the city that an individual or business may be violating the Parking, Building or Zoning codes. The City will investigate complaints, and if a violation is noted, will begin by contacting the owner of record to provide notice of an impending official inspection.

Common Code Violations

- Dangerous conditions (unused appliances, unsafe fences, abandoned storage tanks, piles of trash/materials);
- Failure to control litter on private property - Illegal trash or rubbish dumps;
- Failure to adhere to zoning requirements including use, development & setbacks; Illegal junkyards;
- Violations of Conditional Use permits
- Subdivision violations
- Parking violations and/or abandoned vehicles
- Animal complaints

To Report a Public Nuisance or Unsafe Structures

To register a complaint, complete the Complaint Form prescribed by the City.

Complaints should be submitted to the City Clerk by any of the means listed below:

- Personal delivery: 120 Freeman Drive,
- US Postal Service: P.O. Box 19110, Thorne Bay, AK 99919, or
- Email: cityclerk@thornebay-ak.gov.

You will be required to give your name and contact information, which will not be made available except by valid court order.

Please provide a detailed description of the location where the problem is occurring. The best way to describe the location is by Subdivision name, lot and block number, Township, Range, Section (TRS) or street address. One way of obtaining this information is by looking up the property through the Alaska Records Office [Search Menu page](#). An accurate description of where the problem is occurring will ensure staff conducts an investigation on the appropriate site. Please complete the complaint form as completely as possible.

The City will then investigate the complaint to determine if a violation exists. Voluntary compliance is the City's primary goal, and alleged violators or property owners will generally be given the opportunity to correct the violation without initiating fines or other enforcement proceedings. Each case will be treated in accordance with the severity of the violation.

RESPONDING TO A COMPLAINT:

In general, the City will follow the guidelines described below when a violation is reported:

- Process the complaint form and research relevant City ordinances,
- Locate the property owner of record and Send a **'Notice of Complaint'** letter informing the property owner that the City has received a complaint and will be inspecting the property at a future date to confirm whether a violation exists.

The code does not require the City to issue a Notice of Complaint letter, it is simply our attempt to resolve problems with the least trouble and public expense possible.

If a violation is discovered at the inspection,

- The City will send a **'Notice of Violation.'** This is a formal warning that an officer has observed a violation of the Thorne Bay Municipal Code and is the beginning of the legal enforcement process.
- The property will be re-inspected in approximately 30 days.

If a violation is discovered at the re-inspection,

- The property owner will be fined by the fine established in the Thorne Bay Municipal Code, Chapter 1.16.035, and
- The property owner will be issued a **'Final Notice of Violation'** providing the property owner one last opportunity to correct the violation without enforcement proceedings,

If the violation is not corrected within the time frame provided in the Final Notice of Violation,

- The City may record a notice of violation with the Alaska Records Office.

ENFORCEMENT OFFICER'S STEP BY STEP COMPLAINT RESPONSE PROCEDURES:

The following steps are to be taken by the Code Enforcement Officer when responding to a Complaint:

1. Officer will contact the property (or other responsible party) by mail, or personally deliver and notify them there has been a complaint filed; and then
 - a. Notify the individual you will be performing a site inspection and set date and time (Not more than 5 days from receipt of Complaint)
 - b. Request any documents that you feel you may need to assist you in completing your investigation... i.e. plat maps, correspondence with Municipality (must pertain directly to the alleged violation)
2. Obtain a copy of the Municipal Code for the requirements of the development zone/use/vehicles reported violation
3. Obtain the following documents from the City Clerk to take with you for the investigation:
 - a. Audio recording device
 - b. Note paper
 - c. Investigation Inspection form
 - d. Warning Notice
 - e. Citation
 - f. Extra copy of Municipal Code pertaining to alleged violation for the respondent
 - g. If Applicable:
 - i. Development Permit Application
 - ii. Zoning Variance Application
 - iii. Conditional Use Permit Application
 - iv. Special Use Permit
 - v. Notice of Intent

DETERMINING IF A VIOLATION EXISTS

Upon completion of inspection the Officer must determine whether the violation exists.

IF A VIOLATION DOES NOT EXIST,

1. No further action will be taken, and a closure notice will be issued.

IF VIOLATION EXISTS:

1. ISSUE WARNING NOTICE OF VIOLATION:

Issue an official *"notice of violation" or "closure notice"* to the responsible party. This may be done by tracked mail, or personal delivery.

a. WARNING NOTICE SHALL CONTAIN:

- i. Responsible party name, address, phone number
- ii. Violation description – detailed and include the Municipal Code section that was violated.
- iii. Solutions for correcting the violation
 - a. SOLUTIONS MAY INCLUDE:
 1. Conditional use permit
 2. Variance for setback issues
 3. requesting the accumulation of junk and trash on the property be reduced
- iv. Time frame in which the violation must be corrected by.
(Timeframe must be reasonable but not more than (30-days) unless a specific timeframe is agreed upon by violator and city.)

2. REINSPECTION & CITATIONS

- a. Upon reinspection of the property, if the officer finds the violations have not been corrected, a citation will be issued.
 1. Citations will contain the Violation and the Fines imposed.
 2. Citations can be contested by following the instructions provided on the back
 3. If the Citation is not contested, a default judgement is entered, and fines must be paid

CODE VIOLATION COMPLAINT FORMS:

- [Complaint Form – General](#) [Download](#)
- [Complaint Form – ROW](#) [Download](#)

CODE COMPLIANCE AND ENFORCEMENT RESOURCES & FORMS

- [Complaint Form – General](#)
- [Complaint Form – ROW](#)
- [Compliance Inspection Form](#)
- [Conditional Use Permit Applications](#)
- [Variance Request Form](#)
- [Notice of Request Form](#)
- [Final Notice of Request Form](#)

DEFINITIONS & DESCRIPTIONS

Status Type	Description
Complaint	When the Department receives a complaint a case will be created and logged into a database
Notice of Violation (N.O.V.)	When a Code Enforcement Officer conducts a site inspection and confirms a violation exists a Notice of Violation (N.O.V.) will be posted on the site and mailed to the property owner and/or responsible party.
Resolution Plan	A majority of non-nuisance cases are resolved through resolution plans, which allow for a reasonable amount of time to bring a property into compliance with the Municipal Code.
Citation	When a property owner does not respond to the NOV, does not comply with the resolution plan or has a repeat violation a citation will be issued.
City Attorney	For certain cases, the advice of the city attorney is required. Other cases require city attorney action because the property owner is not responding to the Code Enforcement Officer or Staff.

<p>Planning Division</p>	<p>Certain cases require that the property owner apply for a development permit through the Planning Official, and some cases require the Planning Commission involvement in order to be resolved.</p>
<p>Planning & Zoning Commission</p>	<p>A majority of non-nuisance related code enforcement cases require the property owner to obtain a Conditional Use Permit or Variance Permit in order to achieve compliance. please note the code enforcement case will not be closed until the conditional use or variance permit has been received, approved by the Planning Commission, and all other aspects of the case are resolved.</p>
<p>Notice Filed</p>	<p>As the tools section indicates, the City may record notices against property with the Alaska Recorders Office. This will allow lenders or potential buyers of the property to be aware of violations on the property. The property owner must correct the violation in order for the notice to be rescinded.</p>
<p>Case Closed – No Merit</p>	<p>For cases where the City receives a complaint and the code enforcement officer cannot verify the violation or finds the violations does not exist.</p>
<p>Case Closed – Resolved</p>	<p>For cases where the property has taken all the necessary steps and the violation no longer exists onsite.</p>