



Village of Sparta
Code Enforcement – Ordinance Enforcement Plan

Presented to Village Council: September 12, 2022

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Procedures for the Village of Sparta Code Enforcement

Introduction

The following Standard Operating Procedures are for employee's assigned duties as Code Enforcement Officers for the Village of Sparta. These procedures will be followed by any personnel assigned to conduct code enforcement activities and are effective on February 1, 2017 and update as of September 12, 2022.

The purpose of these Standard Operating Procedures is to have continuity within the Village. They are a supplement to the Village of Sparta's rules and procedures. In the case of any conflicts between any of the aforementioned documents and the Code Enforcement Plan's Standard Operating Procedures, the Village's Rules and Procedures will take precedence.

These Standard Operating Procedures are also a "work in progress." Amendments, corrections and supplements to these procedures may occur from time to time. Any and all of these changes will be discussed at regularly scheduled staff meeting and copies distributed for the employees to update their procedures.

Shay P. Gallagher,
Village Manager

Code Enforcement Mission Statement:

To provide Sparta residents with the highest quality of service and to uphold and enforce codes and standards established to protect the Public Health, Safety and Welfare of all residents, businesses owners and visitors based upon priorities which are consistent with established standards. Courtesy and professionalism will serve as guiding principles which will permeate the character of the Code Enforcement Officer, thereby ensuring that our determination to deter blight within the Village is tempered with sensitivity and compassion. Code enforcement is not only re-active, but also pro-active. Re-active enforcement is complaint based, whereas pro-active enforcement is used as an educational mechanism. Pro-active enforcement is used to educate the public on existing ordinances and ordinances that are frequently violated. The Village actively engages in pro-active enforcement as a way to resolve issues without using punitive measures.

Educational Objective:

- To educate the public about the Village's codes and ordinances and to obtain voluntary compliance.
- Establish and maintain a proactive environment to help solve community problems and stay at the forefront of creative and effective Code Enforcement.

Task:

- Partner with other departments and agencies to reach our common goals through collaborative educational efforts.
- Publish ordinances that are frequently violated in the quarterly newsletter.
- Create a one-page document explaining ordinances or codes that or commonly violated, which will be available at Village Hall, as well as sent with resident's tax bills.
- Create a Frequently Asked Questions (FAQ) section regarding Code Enforcement and make it available on the Village website.
- Post a monthly report on the Village's website detailing any changes to ordinances.

Enforcement Objectives:

- To enforce the Village's ordinances in an effective, fair and consistent manner.
- To ensure the Village's ordinances and codes are upheld so as to protect the residents, property owners and businesses health, safety and wellbeing.

Task:

- Approach all code and ordinance violations with an open mind, regardless of the situation.
- Submit monthly enforcement reports of all activity to the Village Manager and Village Council.
- Seek verbal, non-formal, resolution of ordinance or code violations when at all possible.
- Ensure detailed reports, with supporting evidence, are created for each violation.
- Establish and maintain a proactive environment to help solve community problems and stay at the forefront of creative and effective Code Enforcement.

Key Principles to Code Enforcement:

- **C – Customer Service:** We are committed to providing professional and courteous services to our customers and citizens.
- **R – Respect:** We value the opinions of our customers and citizens.
- **E – Excellence:** We are experts in our field and continuously strive to improve our services.
- **A – Accountability:** We maintain a high level of integrity and accountability.
- **T – Teamwork:** We recognize that we are stronger together than apart and will share knowledge, resources, responsibilities and recognition.
- **E – Empowerment:** Our Code Enforcement Team takes ownership in accomplishing the Village’s goals and objectives.

Employee Safety:

- Confrontations: Employee safety comes first. All employees must act and perform their duties as a professional.
- If an employee finds themselves in a hostile situation, that employee must remove him/herself as quickly and safely as possible, then call for help and/assistance.
- If an employee receives an irate phone call, try to direct the caller to Sgt. Price, Village of Sparta Code Enforcement Officer. Do not engage in name calling, shouting, or profanity; this will only escalate the situation.
- Contact a supervisor if you are involved with any confrontation.
- If any employee is involved in any “use of force” to defend themselves, they must file an incident report with the Village Manager as soon as possible after the incident.

Enforcement Methods:

Code Enforcement Officers can use both Formal and Non-Formal forms of enforcement.

- Non-Formal:
 - o Non-Formal methods are intended to encourage effective communication between the Code Enforcement Officer and the alleged violator, complainant, and all other parties involved and can serve as an educational tool.
 - o Non-Formal methods can include the following:
 - Personal contact;
 - A door hanger detailing the infraction and ways to resolve said infraction;
 - Verbal education;
 - Telephone contact;
 - Use of Village issued business card;
 - Use of fliers, information pamphlets, letters or postcards;
 - Advisories;
 - Any other method that can be used to contact involved parties to encourage voluntary compliance.
 - o Formal methods are required to show proof of due process and are therefore governed by Michigan State Law. These methods include:

- Written Warnings;
- All official notices and citations;
- Adjudication of cases before a judge or magistrate.

The Village may also issue ability to publish a notice in a general circulation newspaper regarding certain enforced ordinances. This publishing allows the Village to take corrective or enforcement actions without prior notification of the offending party or resident. The Grass and Vegetation Ordinance is a prime example of this type of action:

Grass and Vegetation Ordinance: Sec. 78-75 – Notice to Destroy and Remove

- The Village has the right and ability to publish a notice in a general circulation newspaper during the month of March stating that noxious weeds and vegetation that is not maintained, by the property owner, during the growing season, April 15th through October 15th, may be cut by the Village, starting on May 1st and the owner of the property will be billed for the cost.

Enforcement Procedures:

Step 1:

- Violation Observation:
 - When an alleged violation is observed, the Code Enforcement Officer (EO) is to document the following:
 - Location
 - Type of violation
 - Major or urgent violation
 - Record a date stamped image of the alleged violation
 - Code Enforcement Officer is to observe alleged violation for a minimum of three (3) days prior to preparing violation notice.
 - Notate above in Code Enforcement Tracker.

Step 2:

- Address and Owner Verification:
 - Code Enforcement Officer is to verify the address and owner via Village of Sparta Tax Record or Kent County Property Search, this is to be noted in the Code Enforcement Tracker.

Step 3:

- Review observed violations with Village Manager weekly; either case by case or weekly summary.
 - Manager and Code Enforcement Officer will review each case and associated evidence/observation and determine next course of action.

Step 4:

- Code violations for occupied/active businesses:
 - Make contact with business owner or site manager in-person or via phone.
 - Send follow-up letter summarizing conversation, observed violation, compliance steps to owner/manager and building owner if possible and/or needed.
 - Should voluntary compliance not be achieved, review violations with Village Manager.

Step 5:

- Code violations for residential homes – single family.
 - Notification of Violation. First notification.
 - Should a notice of violation need to be sent, Code Enforcement Officer will utilize non-formal contact method, i.e., postcard, for non-major/urgent cases.
 - Should a letter need to be sent, ensure to include office contact information and cite Village Ordinance section and language.
 - All non-major/urgent, informal notices shall be open-ended and without timeline for cure. The goal is voluntary compliance with notice.
- Notification of Violation. Subsequent notifications.
 - Should additional notices need to be sent regarding the same or repeated violation(s) to a single property, business or residential, they shall include a timeline for compliance. Timelines for compliance shall be no less than ten (10) days. This allows for notice delivery via USPS First Class Mail. Should stringent timeline be required, notice is to be sent via Certified Mail.
 - Code Enforcement officer will strive to allow a compliance timeline, generally, of two to four weeks depending on the severity of violation.
 - Violation compliance that is repair of structure will be granted long-term compliance timelines, provided a plan of action is put into place with the Code Enforcement Officer.
 - I.e.: large scale structure repair, issues obtaining materials, cost, and other like factors.

Step 6:

- Enforcement:
 - Should enforcement action be required a final notice with enforcement date shall be sent to the registered owner of the property via USPS First Class Mail or Certified Mail.
 - Should citation be required the Code Enforcement Officer or an officer from the Sparta Police Department shall completed the necessary ticket(s). Tickets shall be posted at the address of the violation by a member of the Sparta Police Department and images shall be taken of the posted ticket.

- In an appropriate case (such as where there have been repeated violations, or where it appears that the notice is unlikely to serve a reasonable purpose, or where notice is otherwise inappropriate) the appropriate citation may be issued by the officer or official immediately upon discovery of the violation.
- A “Stop Work Order” may be issued for projects started or under construction without the proper permits issued by the Village. A meeting should normally be established within 24 hours to show cause as to why the “work” should not be stopped. The reviewing enforcement officer will be required to attend the meeting. If the meeting does not provide a satisfactory resolution (i.e., compliance), the stop work order will remain in effect.
- Employees should make every effort possible to handle similar cases in a uniform and consistent manner.

Confrontation Situation:

If involved with a person in a confrontation situation:

- Use proper language and communication skills at all times – do not use profanity, threats, or abusive language.
- Recognize that if a situation is escalating, remove yourself from the situation.
- Direct irate and/or uncooperative persons to your supervisor or Manager.
- All employees must know that calling for assistance or back up is not a sign of weakness, but an effective Officer Safety tool. Do not think you can handle every situation by yourself, call for help or a witness whenever you think you need it.

Resources:

It is important to remember that the ultimate goal of code enforcement is compliance, which requires options for residents who may not have the means to comply with Village Ordinances. *(This list will be updated as programs are identified)*

- Kent County Home Repair Program
 - A repair program to handle the most urgent and critical repair problems facing a home owner. Available to those who own their home and meet certain income requirements. www.homerepairservices.org

Exhibit A: The following graphic illustrates the Code Enforcement process and the steps involved in this process.

