



# Bountiful City Code Enforcement Best Practices Manual

May 2008

## Procedure for Enforcing the Code

The Bountiful City Department of Planning and Economic Development is the primary organization for enforcing the provisions of the Land Use Ordinance, however, other departments such as Engineering, Legal, and Police, are frequently involved as well. The City utilizes a complaint-based system, which in simpler terms means we do not go out looking for problems, but we also don't ignore obvious issues just because no one has reported them yet. Our objective is to use our limited resources as effectively as possible, with life/safety issues being the highest priority. The City Planner, in conjunction with the City Prosecutor, is responsible for determining which issues will be pursued and to what degree. The following is an outline of the Code Enforcement process. A more detailed explanation is on the following pages.

### *Procedural Overview*

1. A citizen will call in and report an issue.
2. You fill out a Code Enforcement Complaint Form, which includes:
  - a. Property Address
  - b. Complaint
  - c. Complainants name and phone number if they want you to stay informed with the progress made, but it is not required. They can be anonymous if they want to be.
3. You inspect the property
  - a. Take pictures
  - b. Get the actual address of the property
  - c. Assess how the property is violating Code
4. You add the property identification number, property owner information, and whether or not they are a repeat violator to the Complaint Form
5. You notify the property owner that the property is in violation of the Code. This can be done through either:
  - a. Verbal contact, or
  - b. Sending a certified letter
6. When the compliance date has come, you inspect the property again:
  - a. Take pictures
  - b. If the property has reached compliance:
    - i. Send the property owner a thank-you letter
  - c. If the property is still in non-compliance either:
    - i. Send them another letter
    - ii. Send a notice of violation to a property management company
    - iii. Contact the City Prosecutor

## ***Dealing with an angry citizen***

Many times when people call in they are very unhappy about something, and they will share their unhappiness with you. It is important for you to stay cool. The following are several pointers that will help you to stay on top of things. Remember, no matter how well you deal with a citizen, there still may be times when you cannot get the citizen to calm down and be happy. Don't worry about it, they are not angry with you personally, they just don't know how else to deal with the problem.

### **Do**

- Remain Calm
- Listen- acknowledge what they are saying and feeling
- Let the citizen know you understand the situation
- Let them know the timeline for the process and the procedure required
- If they want to be kept up-to-date on the issue, keep them informed and contact them regularly
- Thank them for calling in and for letting you know about the problem. Assure them that it will be addressed

### **Do Not**

- Ignore what they are saying and feeling
- Become argumentative
- Promise things that won't happen

## ***Complaint Form***

See attached complaint form.

### **Property Identification Number**

In order to find the property identification number, go to:

[http://www.co.davis.ut.us/recorder/property\\_search/property\\_search.cfm](http://www.co.davis.ut.us/recorder/property_search/property_search.cfm)

This website will help you find the serial number for the particular property. You can search either by serial number or address. In order to search by the address type in the house number and click on Bountiful, then click on search. This will bring up a list of the properties. Select the one you are interested in. The serial number, which is the same as the identification number, is on the far left side of the address.

### **Property Owner Information**

To find the property owner information all you need is the address of the property in question.

To find the owners mailing address and phone numbers go up to the cashier's computer at the front desk and open AS400. Enter "5" on the Utility Billing Inquiry line. Next, type in the address of the property. To find the correct property, use the "page up" and "page down" keys.

Then enter "5" next to the property address. Hold down "shift" and press "F5" then enter "5" to get the owners mailing address.

To print this information click on “File” and then “Print Screen”, it will print out on the printer next to the Planning Secretary’s desk.

\*\*Letter: If you have trouble working with this program, the employees over in Utilities are great at helping you find the information that you need.

### **Repeat Violator**

In order to check if a property is a repeat violator, simply open the code enforcement log, and click on the previous years. In each of the years you can hold down the “Ctrl” button and “F” in order to do a search. Type in the address and see if it is found. Try just the house number in case the previous person typed in the address slightly differently. Perform this search in each of the past years.

If you do find that a property has been in violation before you should be able to see what their previous violation was. Depending on the violation, you will need to determine what the next step will be. You can either contact the property owner and go through the usual process, or you can automatically send the case to the City Prosecutor, depending on the severity of the violation. If you choose to send it directly to the City Prosecutor, let the Planning Director review it first.

### ***Notifying the Property Owner***

It is important to notify the property owner as soon as possible. For the initial courtesy notification you can either do it verbally or in writing. Most people prefer a personal conversation rather than a “cold” letter.

### **Verbal Contact**

For a verbal contact you can either talk to them right at the property, if you feel comfortable with that, or you can call them on the phone. Just let them know what property you are speaking about, what the problem is, what the code says, and when they need to have the property brought into compliance. Remember to listen and to not argue.

### **Certified Letter**

If the property is not brought into compliance after the first notice, you will need to send a certified letter. Sending a certified letter is basically a way of officially telling them what you said before. An example letter is attached, but basically you will need to give them their file #, the complaint, cite the code, and a final compliance date.

To send a certified letter you will need to go to the UPS Store at 90 West 500 South. Tell them you want to send a certified letter and have a receipt. They will show you how to fill out the green card and the receipt. Charge the costs to the Bountiful City account. When the letter is delivered they will mail the green card back to you. Keep this with the file! Without it, you cannot prove that they ever received the letter. Sometimes the letter will not have been picked up, or the address could be wrong; be sure to keep this also. If they give you a forwarding address the Utilities Department appreciates getting the new address.

## ***Compliance***

When the deadline for the property to be in compliance arrives, you will need to drive to the property and see if it is in order. If it has come into compliance, then you will send a thank you letter to the property owner.

### **Sending a Thank-you Letter**

See the attached thank you letter. This will be sent if the property has been brought into compliance.

## ***Non-Compliance***

If the property still has not come into compliance you will have a few options. You will need to determine whether to give them another warning, send a notice of violation to a property management company, or to send the case to the City Prosecutor.

### **Another Warning**

If you send another warning you will have to repeat each of these steps. Just be sure that the property owner knows what the problem is.

### **Sending a Notice to a Property Management Company**

If the property in question has not been brought into compliance, you can call a property management company to come in and clean up the property. Be sure to document all of the calls and the costs, and the costs will be affixed to the property owner's property tax bill.

### **Working with the City Prosecutor**

When working with the City Prosecutor, be sure to have open communication. You will need to take over the files, but make copies for yourself first. Talk with the Prosecutor and tell him what the issue is. The Prosecutor will then have you check the property one final time in order to make sure it is still in non-compliance. Let the Prosecutor know about the status of the property, and he will either drop the case or set a trial date.

Don't forget about the cases that have been sent over to the Prosecutor. Check back and see if you can help with anything. The Prosecutor will ask you to periodically check the property for progress.

## Common Complaints

There are many complaints that are seen over and over again. Here are some of the most common complaints and where they can be addressed in the 2008 Land Use Ordinance or 2005 City Code.

### *Illegal Duplex*

#### **14-1-106 CERTIFICATE OF OCCUPANCY AND USE COMPLIANCE**

- E. **Illegal Use.** The occupancy or use of any property or structure for a purpose not permitted by this Title shall be deemed an illegal use and may be prosecuted to the extent allowed by law.
- F. **Illegal Change of Use.** Any person, individual, corporation, or other party that changes the use of a structure or property to a use not permitted by current City ordinances, without first obtaining required re-zoning, variance or other use approvals from the City, is guilty of a class C misdemeanor.
- G. **False Representation.** Any person, individual, corporation, or other party that, for purpose of selling or leasing real property, represents either orally or in writing that a property or structure has a lawful use when in fact that use is unlawful under current City ordinances, is guilty of a Class C misdemeanor. This includes real estate agents and any other persons engaged in the marketing of a property.
- H. **Zoning Disclosure Required.** Any seller, lessor, or any person representing a seller or lessor of real property, shall disclose in a prominent location on any listing or other promotional material (not including signs), the zoning designation of the subject property given on the current official zoning map of the City. This disclosure shall include both the zone map classification and the zone name, i.e., R-4, Single Family Residential.

### *Illegal Business*

#### **14-17-103 LICENSE REQUIRED**

A Bountiful City Business License is required for any entity engaged in a seasonal or home occupation use, and for some temporary uses as set forth in this Title. In addition, certain uses may also require a conditional use permit. The Planning Director shall review the application and may approve the license or forward it to the Administrative Committee or the Planning Commission for review and approval, as required by this Title. Any application for Residential Day Care or Group Instruction facilities with more than seven (7) people shall first make application for and receive a Conditional Use Permit before applying for a Home Occupation License.

**14-17-105 HOME OCCUPATION REQUIREMENTS**

A proposed home occupation use shall meet the following criteria to qualify for a Home Occupation Business License:

- A. The use shall be clearly incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition thereof. There shall be no displays, advertisements, stock in trade, or signs related to the business except those required by State Law and which meet the provisions of this Title.
- B. It shall be conducted entirely within a dwelling, except for work performed offsite. Only members of the family related by blood, marriage, or adoption, and who reside in the dwelling, may work onsite. The only exception is that one (1) additional person may be employed as a secretary, apprentice, or assistant where there are no more than five (5) family members actively engaged in the home occupation. Employees who are not family members and/or who do not reside at the dwelling shall not meet, park, or otherwise congregate at the home or in the general vicinity.
- C. It shall not involve more than one (1) room in the dwelling and cannot exceed twenty percent (20%) of the ground floor area.
- D. It shall not involve the attached garage or carport section of the dwelling nor any accessory building or yard space or activity outside of the main building.
- E. It shall not involve the sale of commodities on the premises. Commodities may be produced on the premises and sold through other business outlets not on the premises.
- F. It shall not create noise, dust, odors, noxious fumes, glare or other nuisances, including interruption of radio and/or television reception, which are discernable beyond the premises.
- G. It shall not create a hazard by using or storing flammable material or explosives or other dangerous materials.
- H. It shall not involve the use of mechanical or electrical apparatus, equipment or tools not commonly associated with a residential use or as are customary to home crafts.
- I. It shall not generate traffic in greater volumes than would normally be expected in a residential neighborhood nor involve the use of commercial vehicles other than standard delivery vehicles for delivery of materials to or from the premises.
- J. It shall not involve the use or parking of equipment or motor vehicles having a gross weight of twelve thousand (12,000) pounds or more directly at the residence.
- K. It shall be in compliance with all applicable fire, building, plumbing, electrical and life safety and health codes of the State of Utah, Davis County, and the City of Bountiful.

- L. The residence may be inspected from time to time to determine continued compliance with the provisions of this Ordinance and other applicable codes.
- M. Only one (1) Home Occupation Business License per dwelling shall be allowed.

### ***Illegal Sign***

See Chapter 19 of the Bountiful City Land Use Ordinance

### ***Illegal Park Strip***

#### **14-16-107 GENERAL PROVISIONS**

The following shall apply to all property within the City of Bountiful:

- B. Each property owner and/or occupant shall provide and continuously maintain landscaping within park strip areas (between the curb and sidewalk), except for approved driveways, walkways, and utility service areas. Asphalt or concrete paving in place of landscaping between the sidewalk and curb is prohibited.

### ***Snow Removal (November- March)***

#### **6-2-115 Removal of Snow from Sidewalks**

(a) It is unlawful for any person owning, having charge or control of or occupying any property, building, lot, part of lot, land or real estate abutting on any street to fail, refuse or neglect to remove promptly and effectually every snowfall from the sidewalk in front of such property. In any event, all such snow shall be removed within 24 hours of its falling.

(b) In case of failure, refusal, or neglect, the Superintendent may cause the removal of the snow and charge the cost thereof to the property owner.

(c) It is unlawful to place snow removed from private property in a public street or right of way. It is unlawful to place snow removed from a sidewalk or other public place in a manner so as to cause a hazard to vehicular or pedestrian traffic.

### ***Unregistered/ Abandoned Vehicle***

#### **14-14-109 ABANDONED, WRECKED, OR JUNKED VEHICLES**

- A. Definitions: As used in this Chapter:
  - 1. “Unregistered vehicle” means any motor vehicle not currently registered and licensed in accordance with Utah State law.



2. “Inoperative vehicle” means any motor vehicle that cannot be moved under its own power.
  3. “Dismantled vehicle” means any motor vehicle partially or wholly disassembled.
  4. “Wrecked vehicle” means any motor vehicle damaged to such an extent that it cannot be lawfully operated upon a highway.
  5. “Abandoned vehicle” means any motor vehicle left on public property or private property in such an inoperative, dismantled, wrecked or neglected condition that the owner’s intention to relinquish all further rights or interests in it may be reasonably concluded. A reasonable conclusion that any motor vehicle is “abandoned” includes, but is not limited to, consideration of the amount of time the motor vehicle has been resting in the same place; the state of the motor vehicle’s mechanical condition; the state of the motor vehicle’s registration and licensing; information provided by the owner of the motor vehicle; and, information provided by surrounding property owners.
  6. “Vehicle part(s)” means any items that can be attached to or included as part of or within any motor vehicle.
- B. Unlawful conduct. It is unlawful and a public nuisance for any owner or tenant to cause or permit any unregistered, inoperative, dismantled, wrecked, or abandoned motor vehicle(s) and/or vehicle part(s) to be parked, stored, or remain on any property or premises, unless within an enclosed garage or in connection with a lawfully situated and licensed business engaged in the repair of motor vehicles. Violations of this section may be prosecuted by criminal prosecution or by abatement provision for public nuisances.
- C. Exception Permit.
1. A permit may be granted by the Planning Director for an exception to Section 14-14-109(2) if the owner of an unregistered, inoperative, dismantled, wrecked, or abandoned motor vehicle(s) and/or vehicle part(s) makes written application to the Bountiful Planning Director providing:
    - a. Proof that the applicant is the owner of the motor vehicle(s);
    - b. Proof that the applicant is the owner of or has permission of the owner of the property upon which the motor vehicle(s) will be parked, stored, or remain;
    - c. A description of the condition of the motor vehicle(s), i.e., that the motor vehicle(s) is/are unregistered, inoperative, dismantled, wrecked, or abandoned;

2. A description of the plan(s) by which the condition of the motor vehicle(s) will be changed, i.e., the date upon which the vehicle will be registered, repaired, removed from the property, etc.;
  3. The address at which the motor vehicle(s) will be parked, stored, or remain while its/their condition is being changed;
  4. The location upon the property, at the address set forth in condition c), above, where the motor vehicle(s) will be parked, stored, or remain while its/their condition is being changed; and,
  5. That a nuisance or health hazard will not be created while the motor vehicle(s) are parked, stored, or retained.
- D. A permit is valid for only one (1) vehicle. Only one (1) permit may be issued per year per property, and for a period not to exceed six (6) months. At the end of the six (6) months, the vehicle shall either be repaired and lawfully registered or removed from the property.
- E. Any vehicle maintained on a property under an exception permit shall be otherwise kept in compliance with all applicable laws, shall not be parked or kept in the public right-of-way or on landscaped areas, shall not constitute a hazard in any way, and shall not constitute a public nuisance. A permit may be revoked by the Planning Director for failure to comply with these terms, and a permit may be denied for failure to comply with these terms for earlier vehicles. The denial or revocation of a permit may be appealed as set forth in the Administration and Procedures chapter of this Title.
- F. Penalty. Any violation of this section is hereby declared to be a public nuisance and a class B misdemeanor.

### ***Obstruction of Public Right-of-Way***

#### **6-2-106 Obstructions**

(a) It is unlawful to place or permit, or cause to be placed or permitted, anywhere upon a public street or sidewalk:

- (1) Any broken ware, glass, filth, rubbish or refuse matter, on the half of the street next to such premises;
- (2) Any wagons, old automobiles, lumber, wood, boxes, fencing, building material, merchandise or other things which shall obstruct such public streets or sidewalks, or any part thereof, or the free use and enjoyment thereof, or the free passage over and upon the same, or any part thereof, without the permission of the governing body.

(3) Any goods, wares, or merchandise, for sale or show or otherwise, beyond three feet of the front line of the lot where such goods, wares or merchandise may be exposed.

(4) Trees, bushes or other growth, or the branches, fruit or leaves thereof, which encroach directly upon the street or sidewalk, or within eleven feet above the street or seven feet above the sidewalk.

(b) No person receiving or delivering goods, wares or merchandise in the City shall place or keep upon, or cause to be placed or kept upon, any sidewalk in the city any goods, wares or merchandise which he may be receiving or delivering, for a longer period than two hours. It is unlawful for any merchant, auctioneer or other individual to sell or exhibit for sale any kind of property on or near to any street so as to cause people to gather in crowds on the sidewalk or to obstruct free passage thereon, provided that the governing body may authorize, after proper application, a merchant or group of merchants to conduct a "sidewalk sale".

### ***Deleterious Items (Junk, Solid Waste)***

#### **14-4-113 STORAGE OF TRASH, DEBRIS, AND COMMERCIAL ITEMS**

- A. No trash, garbage, refuse, or unsightly or deleterious objects shall be allowed or permitted upon any lot or parcel.
- B. The storage of commercial goods, commercial materials, or construction related items is expressly prohibited. No property in the (R) zone may be used to display or proffer items for sale except for personal items belonging to the residents of the property, and which meet the criteria for a "garage and yard sale" as set forth in the Temporary Use section of this Title.

### ***Weeds (April- October)***

#### **8-6-102. Noxious Weeds, Unsightly or Deleterious Objects**

It is unlawful for any owner or tenant of real property to permit, cause or to allow:

- (a) Weeds to be upon the premises in excess of 6 inches in height:
- (b) Garbage, refuse, unsightly or deleterious objects, or structures to be upon the property except in an enclosed building.

### ***Living in a Mobile Home, Recreational Vehicle, or Trailer***

#### **14-14-108 USE OF MOBILE HOMES, RECREATIONAL VEHICLES, AND CAMPER TRAILERS**

- A. It is unlawful for any person to place, keep, occupy or maintain a mobile home upon any lot or parcel of land within the City except in a mobile home park or mobile home subdivision. Mobile offices that are part of a construction site or development project may be permitted as a temporary use as provided in this Title.
  
- B. It is unlawful for any person to reside in or otherwise utilize a recreational vehicle, camper trailer, or similar device, whether temporarily or permanently, except in an approved recreational vehicle park.