

## **VILLAGE OF SALEM LAKES, KENOSHA COUNTY CODE ENFORCEMENT POLICY AND PROCEDURE**

### **PURPOSE**

The Village of Salem Lakes has many codes, such as zoning codes, building codes, fire codes and other health and safety codes, that are designed to maintain a healthy, safe and clean environment, carry out land use policy and preserve the quality-of-life standards that residents and businesses enjoy in our community.

Code enforcement is a responsibility shared by everyone in our community, not just Village departments. To be effective and efficient, code enforcement needs the cooperation of residents and businesses.

The purpose of this policy is to provide guidance to the Village Board, Administrator, Village Staff and citizens of the Village of Salem Lakes for processing and filing code enforcement complaints. The Village strives to maintain quality of services and to improve relationships by and between Village residents, Village Board members, and Village staff.

### **POLICY**

It is the policy of the Village to accept and investigate written complaints as described in this policy and to assure compliance in accordance with Village Code of Ordinances and Wisconsin law. Compliance with the law serves the Village of Salem Lake's compelling interest to promote, protect and improve the health, safety and welfare of the citizens and businesses of the Village.

This policy applies to all Village of Salem Lakes departments, divisions, offices, boards, commissions, committees, Village employees and Village citizens.

### **FILING A COMPLAINT, THE COMPLAINT FORM AND COMPLAINANT**

1. It is necessary for the complainant to fill out a Complaint Form, which is available on the Village's website or may be provided by any Village staff member. Complaints will not be considered if the form is not completed and signed. Unsubstantiated complaints such as anonymous phone calls or e-mails will warrant no action by the Administrator, Property Maintenance Officer, Village Board or staff.
2. All complaints must be done in writing, and contain the complainant's name, telephone number, email and physical street address. The complaint form must also include a description of the complaint and be signed and dated by the individual filing the complaint.
3. If the complaint is submitted electronically through the Village website, an electronic acknowledgement will be sent from the Village to the email address of the complainant.

4. Once a complaint is received, the Village Administrator or his or her designee, or the Property Maintenance Officer must also sign and date the complaint form as received. The original completed complaint form will be filed at the Village Hall.
5. If a response to the complaint is requested by the complainant, the Village will provide that response via email or written response via US mail.
6. Complaints may only be made by residents, property owners, and/or business owners within the Village of Salem Lakes, and must be within 750' feet of the property with the alleged violation(s).
7. Complaints may also be made by a Village Board Trustee or County Supervisor. Trustee or Supervisor initiated complaints shall be treated the same as residents and must follow the same procedure for submittal and can be on any property within the Village of Salem Lakes and are not subject to the 750' feet limitation.
8. Village staff are not to encourage complaints, help fill out complaint forms, or to collaborate, assist, or guide complainants through the complaint process. Staff may only provide the complaint form and a copy of the Code Enforcement Policy and Procedure.
9. Complaints must be reasonable, specific, and not unduly broad. It is important to recognize the difference between a complaint and a suggestion, observation, question, neighbor dispute, or simply a call pointing out a hazard or safety issue. Complaints as used in this policy refer to a complainant reporting a Village code is being violated that warrants inspection and warrants action from the Village including, but not limited to, requests to cure the violation, issuance of fines and forfeitures or other penalties, and pursuing legal proceedings in court.
10. The complaint form must provide the instructions on where to find the Village Code of Ordinances. This shall be in bold font.
11. Complainant's must be made aware that all written complaints are subject to Wisconsin's Public Records Law and are open to public inspection. This shall be in bold font and highlighted in yellow on the complaint form.
12. If a complainant needs special assistance to file a complaint, they may call Village Hall and request reasonable accommodation. If any special assistance is given, this will be noted on the monthly report provided to the Village Board and will list the type of assistance given.

### **COMPLAINT INVESTIGATION AND RESPONSE PROCESS**

1. All properly made complaints that allege violations of the Salem Lakes Property Maintenance Code or Zoning Code shall be considered and investigated by the Village for validity and resolution, and, when investigated, shall be limited only to the items and issues listed on the complaint.

2. Additional violations not listed in the original complaint may only be added if the Village's Fire Chief determines they pose a danger to life, health or property.
3. The complaint is investigated by the Property Maintenance Officer. The first step involves an inspection conducted by the Property Maintenance Officer to verify a violation(s) exists. Such inspection will take place in a reasonable amount of time, no later than 30 days from receipt of the Complaint.
4. Any violations that are observed are photo documented and contact with the responsible party is attempted via in person contact or by phone. Such photo documentation will be taken from ground level from the street or other public grounds. The use of drones is not allowed unless written consent is given by the property owner in violation, or an inspection warrant has been granted by a court.
5. Matters not found to be substantiated as a violation of Village Code will be dismissed without further action. If contact information was provided, complainants will be notified of the Village's decision not to pursue a complaint and for what reason.
6. If a complaint is substantiated, a property maintenance notice is issued in the form of a letter (hereafter, "notice") to the responsible party stating that a complaint was received and the description of the complaint or the nature of the issue. The notice shall cite the ordinance(s) at issue and consequences to the party for noncompliance. The notice shall give the timeframe to abate, fix or cure the violation not less than 30 days after receipt of the notice (receipt is 3 days after mailing), unless the Code provides a different deadline to abate, fix or cure the violation. A suggested resolution is also included on the notice stating what must be done to become compliant with Village Code. A copy of the Code Enforcement Policy and Procedure and the Complaint Investigation and Response Process will also be included with the notice.
7. All communications will be documented and correspondence from the Village to a property owner, business owner, or resident will be in the form of a written letter sent via regular mail with an affidavit of service. If the notice is returned as undeliverable, reasonable efforts will be made to locate the responsible party. These efforts may include the notice being hand delivered by a Law Enforcement Officer or process server or posted at the property.
8. When the initial property maintenance notice expires, a follow up inspection is performed to check the status of compliance. If there has not been full compliance but there is improvement in the property and the responsible party is working toward compliance, an extension of the enforcement is issued by way of a second property maintenance notice. If the responsible party is uncooperative or has made no effort to comply, a Final Notice is issued.
9. If the responsible party continues to make substantial progress upon the follow-up inspection, an extension may be given, unless the item(s) involve(s) issue(s) posing a danger to life, health or property, as determined by the Fire Chief, as a discretionary

extension by the Village Board pursuant to the following procedure: a property owner may seek an additional extension not to exceed 60-days, unless extenuating circumstances exist for a longer extension, by appearing before the Village Board, and the Village Board may grant the same, upon the property owner showing evidence of substantial progress which reflects a good-faith effort to address the asserted violations and upon the Fire Chief providing their recommendation. As noted, this procedure for seeking a discretionary extension will not be applied to issues posing a danger to life, health or property.

10. If upon inspection during any extension it is found that progress has stopped, a Final Notice is issued that the code violations must be cured within the remaining time period granted with an explanation of the consequences for noncompliance including issuance of citations for prosecution in Municipal Court or commencement of civil enforcement action and the Village's right to seek all costs, fines, forfeitures and other remedies as may be available by law.
11. When a Final Notice expires, an inspection is conducted. If violations remain, they are again photo documented. A Violation Summary Report is created, and a first offense citation is issued for all ordinances that remain in violation as noted on the final notice. The report includes a summary of efforts to obtain compliance and cites the ordinances that are in violation along with the suggested fines, forfeitures and bond amounts that may be sought from the Municipal Court or Circuit Court.
12. The appropriate municipal violation citations may be issued for each occurrence thereafter as allowed by law.
13. A Kenosha County Sheriff's Deputy is requested to pick up the Violation Summary Report to issue the citations. The Deputy will write out and deliver the citations to the responsible party.
14. Compliance status updates are provided by the Property Maintenance Officer to the Village Attorney ahead of the issued court date. The Village Attorney will also attempt to gain compliance with the responsible party.
15. If the violations remain, the enforcement will be set for trial and the Property Maintenance Officer serves as the Village's witness to the violations by providing testimony and evidence of the cited violations.
16. A follow-up inspection will be conducted after the trial if the responsible party was found guilty of the cited violations. A Notice of Continued Non-Compliance is issued to the responsible party if violations remain.
17. If the violations remain after the Notice of Continued Non-Compliance expires, another Kenosha County Sheriff's Department Violation Summary Report is created and the citation process repeats.

18. In lieu of the aforementioned proceedings in municipal court, the violations may be referred by the Village Attorney directly to the Village Board for consideration whether to commence a civil enforcement action in Circuit Court seeking all available remedies at law including equitable relief in the form of injunctions.
19. Once a citation is issued or civil enforcement action is commenced, the matter is deemed to be in court and will only be addressed by and between the Village Attorney and the involved party and/or the party's legal representative. The Village Attorney will provide periodic updates to the Village Board as may be necessary.
20. If, within 12 months of the property coming into compliance, the property owner or resident of an adjoining or adjacent property, or Trustee or Supervisor, submits a complaint that the property once again exhibits the same exact violation(s), and upon the Village's inspection finding the property in violation, the procedural steps above start over. A repeat offender notice is issued, and the Village may seek all remedies as available by law, including but not limited to, double fines.

### **MONTHLY REPORT**

The Village Board will be provided a monthly report by the Village Administrator, Property Maintenance Officer and/or Village Clerk with the status of open non-compliance violations. Any accommodations given during the complaint process will be clearly noted.

### **RESERVATION OF RIGHTS**

This complaint policy is intended to create orderly guidelines for processing complaint issues.

Nothing in this policy is meant to waive or forfeit the Village's rights to seek code enforcement; to impose fines, fees or forfeitures for violations; or to otherwise seek full relief including equitable relief in court.

The Village reserves the right to proceed differently than described in this policy if the Village Board believes different action is appropriate under the circumstances. Among the possible alternative actions, without limitation, may be the following: refer matters to other jurisdictions, such as to the Kenosha County Sheriff's Department or the Kenosha County District Attorney, or immediately seeking relief from a court of law.

### **CONFLICTS**

Where this policy conflicts with applicable federal, State or Village Laws, codes, ordinances or other lawful regulations, such applicable Laws shall control.