

No Virginia municipality may undertake any form of enforcement unless it is specifically permitted by the State Code. This is called the “Dillon Rule” named after the 19th century judge who proposed it. Code Enforcement’s activities should be derived from the Code of Virginia:

1) OFFICIAL COMPLAINT FORM (must be filed to start the process)

Anyone may submit a signed complaint about activities and/or structures on a piece of property. All complaints are confidential outside Town Council and Planning Commission members and may require closed sessions to resolve. The complainant’s name is not revealed to the violator unless ordered later by the Court.

Complaints are received in person and in which the complainant fills out and signs a sworn affidavit of complaint will be investigated. The complainant will be updated on steps on a regular basis and will be notified when the case is resolved.

Anonymous complaints **will not be investigated.**

When you submit a complaint, be prepared to provide the following information:

- The specific type of complaint or nuisance.
- Your name, address, and telephone number.
- Provide the exact location of the problem. We will need the house number and street name. If there is no address, then provide as much information regarding the location. I.e. northwest corner of Main Street and First Avenue.
- Provide a brief description of the violation or complaint.
 - If your complaint is regarding a vehicle, then provide the license plate number, make and model, and color of the vehicle. State if the vehicle is on the street or private property.
 - If your complaint is regarding debris, then provide a brief description of the type of debris. Example of debris is: car parts, building materials, old tires, garbage, and the location where these items are stored on the property.
 - If your complaint is regarding an on-going activity rather than a physical violation, then provide us with a description of the activity, when it is occurring and the day and times it occurs.

If after an investigation of the problem, the Code Enforcement Officer finds that a violation has occurred or exists, further action will be taken to resolve the problem.

2) COURTESY CALL and NOTE

A Courtesy Notice of a call to the property owner of the alleged violation followed immediately by a written letter sent to the property owner. This notice in a non-accusatory tone outlines the code brought up as violation and encourages all involved parties to resolve suspected violations within thirty (30) days, before they become formally recognized and additional steps are taken. Inaction if in violation will also be notated.

Note: IF PRE-DETERMINED ENFORCEMENT TO SPECIFIC ORDINANCE EXISTS, following the call and note from Zoning Administrator that timeline shall supersede next steps and actions.

IF NO PRE-DETERMINED ENFORCEMENT TO ORDINANCE

3) **ZA SITE VISIT**

If no pre-determined enforcement specific to ordinance in question exists, thirty (30) days **after** the Courtesy Notice has been mailed or posted, the Zoning Administrator will investigate and conduct a site visit. If the violation has never existed or been abated voluntarily, no further action is taken.

4) **NOTICE OF VIOLATION**

If the Zoning Administrator confirms that a violation of the Town's Zoning Ordinance or Building Code exists and the property owner or tenant has failed to correct it or moving toward correction, a Notice of Violation will be sent to the property owner. Simultaneously, if applicable a Notice of Impending Penalties is issued. The Zoning Administrator will then work with the owner of the property to bring about compliance in a timely manner pursuant to the violation and consultation with the Planning Commission.

5) **CONTINUED VIOLATION**

If compliance is not achieved after the time given by the Zoning Administrator and Planning Commission has expired, a fine will be assessed against the individual in violation pursuant to existing codes and the fine will continue until compliance is achieved. Once a fine has continued to accumulate for a period of 90 days, the case is then referred to the Town Attorney.

Proposal based on Enforcement proceedings from the following local government bodies:

- Roanoke, VA
- Ventura, CA
- Nassau County, FL
- Buda, Texas
- Butler, IN

NOTES:

- The message here is resolution not going after neighbors. Our codes are not easily accessible or understood by many residents. Additionally, Irvington has many secondary homes where residents are not available onsite daily. So, the point is to correct and abate when needed and enforce when ignored.
- Voluntary compliance = no penalty this is an important aspect. If we are reasonable the feedback will be reasonable.
- Removal of anonymous complaints has shown up in several counties and presented now as law in states such as FL to decrease petty notices/hearsay and undue usage of public servants. Allowing them to focus on potentially malicious violations.
- Suggested next steps:
 - Flesh out is going over the ordinances covered by this with the Attorney and the general draft works.
 - Drafting outline of what the 30-day Courtesy letter says. We want official but not escalating. This is our 'Neighborly Letter'. We have been made aware language

(not cease and desist) and what steps will happen in 30 days if true/without resolution.

- Bring new versions and clearances to the November meeting for review/vote