

## CODE ENFORCEMENT “CAN & CANNOT” QUICK REFERENCE GUIDE

Authority - Code Enforcement has been granted the authority to enforce only the specific sections of the city ordinances below. All other code sections are enforced either by Police or respective city/county departments (Animal Services, Solid Waste, Street Department, etc.)	Code Enforcement Can	Code Enforcement Cannot
<b>In General</b>	<ul style="list-style-type: none"> <li>Address <u>conditions</u> that on exist on property that are harmful to the public in general (not just disputes between neighbors)</li> <li>Hold the <u>property owner</u> responsible for correcting the condition</li> </ul>	<ul style="list-style-type: none"> <li>Address <u>aesthetics</u> or looks alone</li> <li>Address <u>behavior</u> of people, such as loud parties, loud noises, criminal activity, trespassing, illegal dumping</li> <li>Issue criminal citations of any sort</li> <li>Make inspections of conditions not visible from the public right-of-way, without permission</li> </ul>
<b>§ 16-33 Nuisances - Tall weeds/grass</b>	<ul style="list-style-type: none"> <li>Require tall weeds/grass to be kept at 8 inches in height on residential or commercial property</li> <li>Address substantial violations (all or most of yard is overgrown)</li> <li>Can cut grass/weeds if owner does not abate violation and notice was properly served</li> </ul>	<ul style="list-style-type: none"> <li>Require raking of leaves or grass clippings</li> <li>Require trimming of bushes, shrubs, etc.</li> <li>Require cutting of trees or clearing of wooded areas</li> <li>Address minimal violation (a few tall strands of grass, a few weeds in a flower bed, etc.)</li> </ul>
<b>§ 16-33 Nuisances - Trash &amp; Debris</b>	<ul style="list-style-type: none"> <li>Address trash, debris, appliances, indoor items stored outside (usually must meet specific code description)</li> <li>Can remove trash &amp; debris if owner does not abate violation and notice was properly served</li> </ul>	<ul style="list-style-type: none"> <li>Address items customarily kept or designed to be stored outside (lawn furniture, children’s toys, ladders, gas grills, etc.)</li> <li>Remove items if the owner/tenant does not consider them trash or debris</li> </ul>
<b>§ 16-33 Nuisances - Health/Sanitation</b>	<ul style="list-style-type: none"> <li>Address man-made water conditions that pose health hazard, such as stagnant water in swimming pools, buckets, etc.</li> <li>Sewer leaks on private property</li> </ul>	<ul style="list-style-type: none"> <li>Address conditions of natural water sources, such as creeks, streams, ponds, etc.</li> </ul>
<b>§ 4-5 to 4-13 Miscellaneous</b>	<ul style="list-style-type: none"> <li>Address the condition of pens and coops for animals (must be kept sanitary)</li> <li>Require removal of prohibited animals (roosters, chickens without permit, goats, pigs, poultry, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>Address the welfare of domestic animals such as dogs and cats (refer to Animal Services)</li> <li>Address barking dogs (refer to Animal Services)</li> <li>Address wild animals (deer, raccoons, rats, etc.)</li> </ul>
<b>Ch. 22 Minimum Housing</b>	<ul style="list-style-type: none"> <li>Occupied dwellings - Require interior maintenance of certain items, such as heat source, running water, safe electrical, safe plumbing, certain mechanical systems, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>Get involved in landlord/tenant disputes over money (refer tenant to Legal Aid)</li> <li>Require older dwellings to be brought to “current code” as long as no unsafe condition is present</li> </ul>

## CODE ENFORCEMENT “CAN & CANNOT” QUICK REFERENCE GUIDE

	<ul style="list-style-type: none"> <li>• Occupied dwellings - Require exterior maintenance of certain components, such as stairs, railings, weatherproofing, etc.</li> <li>• Vacant dwellings – Require them to be secured against public entry</li> <li>• Vacant/abandoned dwellings – Require repair of items that pose life/safety issue to the public</li> <li>• Vacant/abandoned dwellings - Require demolition (if repair not feasible) after legal due process</li> </ul>	<ul style="list-style-type: none"> <li>• Address aesthetics, such as paint color</li> <li>• Make inspections of interior of dwellings without permission, unless evidence exists to obtain an administrative search warrant</li> <li>• Test for or identify mold (but can try to determine if water leak exists)</li> <li>• Cannot always determine cause/source of pest infestation, such as rats, bedbugs, etc. (but can provide educational materials)</li> </ul>
<b>Ch. 8 Commercial Maintenance</b>	<ul style="list-style-type: none"> <li>• Require interior and exterior maintenance of commercial properties that pose a life/safety hazard to occupants or the public</li> </ul>	<ul style="list-style-type: none"> <li>• Address aesthetic issues, such as paint colors</li> <li>• Require structure to be occupied</li> </ul>
<b>§ 16-61 Vehicles (on private property)</b>	<ul style="list-style-type: none"> <li>• Tow “junked” vehicles (must meet specific definition) except that one junked vehicle may be kept if fully covered</li> <li>• Tow “nuisance” vehicles (must meet specific definition)</li> <li>• Tow “abandoned” vehicles (must meet specific definition)</li> </ul>	<ul style="list-style-type: none"> <li>• Tow vehicles with only an expired or missing tag</li> <li>• Tow vehicles that just “look bad”</li> <li>• Tow vehicles actually used on a regular basis regardless of condition</li> </ul>
<b>§ 36-103 &amp; 36-113 Vehicles (on street, right-of-way or public property)</b>	<ul style="list-style-type: none"> <li>• Tow vehicle parked/displayed on street/ROW for sale, repair/wash, storage, advertising, etc.</li> <li>• Tow detached trailer, truck/trailer over 2 tons, parked in violation of ordinance, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Tow vehicles where jurisdiction is specifically granted to police department</li> <li>• Issue parking tickets</li> </ul>
<b>Zoning (Unified Development Ordinance)</b>	<ul style="list-style-type: none"> <li>• Address business or structures without zoning approval</li> <li>• Address prohibited uses, such as business use on residential property</li> <li>• Pull commercial signs from public right-of-way</li> <li>• Issue violation notices for other prohibited signs</li> <li>• If owner does not voluntarily abate zoning violations, cases must be taken to court (no self-help abatement except for signs in ROW)</li> </ul>	<ul style="list-style-type: none"> <li>• Address valid, non-conforming or “grandfathered” uses or structures</li> <li>• If proof of “business” or use cannot be established, case may not hold up in court</li> </ul>
<b>Other – Code Enforcement commonly gets complaints which we try to refer to the appropriate local or state agency, if any.</b>		<ul style="list-style-type: none"> <li>• Disputes between neighbors over trees, ditches, water run-off, etc.</li> <li>• Land disturbance, erosion &amp; sedimentation issues, etc. (refer to state agency)</li> <li>• Noise complaints (the police department is granted authority for enforcement by city ordinance)</li> <li>• Address illegal dumping on ROW (usually perpetrator is not known)</li> </ul>