

# The Enforcement Process

(Revised 9.27.2021)

The County Code Enforcement is complaint driven, as pro-active enforcement requires more resources.

## STEP 1: Receiving Complaint

Complaints about alleged violation(s) are received by Code Enforcement via the [Online Citizens Portal](#). The complaint is given a case number, a digital file is created, and then it is assigned to an Enforcement Officer (or other County personnel) for investigation. Other agencies will be informed as necessary.

## STEP 2: Research

At the beginning of each investigation, the following is established:

- **JURISDICTION:** The property must be land over which the county has enforcement jurisdiction.
- **ZONING:** Determined when applicable.
- **PERMIT STATUS:** Status of Land Use, Building, and/or Engineering Permits for the subject property.
- **PROPERTY OWNERSHIP:** Owners, Contract Purchasers, Lessees, Lien-Holders, and other persons with a recorded legal interest in the subject property are identified.
- **OTHER POTENTIAL RESPONSIBLE PERSONS:** Others who are potentially responsible for alleged code violation(s) are identified such as tenants, construction or landscape contractors, etc.
- **APPLICABLE REGULATIONS:** Staff will review County regulations alleged to have been violated, as well as other applicable regulations.
- **PRIOR COMPLAINT HISTORY:** Staff will review county records to determine existence and status of prior or existing code violations for the subject property or alleged visitor.

When it is decided that the alleged violation(s) meet the criteria, Enforcement Staff will determine the appropriate timeline for investigating the complaint based on:

- The alleged violation(s).
- Priority ranking of the alleged violation(s).
- Current caseload.

## STEP 3: Field Investigation

The assigned Enforcement Officer will conduct a site visit to verify and document code violations. The County shall investigate the complaint within a reasonable amount of time and is subject to County resources and staff availability. The investigation may include collection of evidence, written or oral communication with the complainant, identification of witnesses, and the Responsible Person.

After the Field Investigation, Enforcement staff will prepare a brief report that will:

- Note the date and time of the visit, violation(s) observed, and documentation obtained.
- Any witnesses interviewed.
- Action needed to correct the violation (with a recommended timeline).
- Summary of any discussion with owner or occupant.

**If no code violation was observed, the report will include a brief explanation and the case will be closed.**

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## STEP 4: Warning Letter and/or Voluntary Compliance Agreement

### Written Warning

The County attempts to resolve all code violations through voluntary compliance.

When enforcement staff determines there are reasonable grounds to believe a violation did or does occur, a Written Warning letter is sent to the property owner(s) and each person who is or may be responsible for the violation. This letter will inform the recipient that they have 10 Business days (known as 'Cure Period') to comply with the violation or to sign a Voluntary Compliance Agreement to come into compliance.

### VOLUNTARY COMPLIANCE AGREEMENT:

If the Compliance Officer and the Responsible Person agree to a deadline and terms for correcting the violation, they shall enter into and sign a voluntary Compliance Agreement. The Compliance Agreement is a contract between the County and the Responsible Person in which the Responsible Person agrees to cure the violation within a specified time and according to specified conditions.

## STEP 5: Compliance Follow-up and Other Actions:

After the 10 Business days have passed, the Enforcement Officer will follow-up with the violator(s) to ensure that compliance has been achieved. The Enforcement Officer will designate the violation with one of the following:

- a) **COMPLIANCE:** If it is determined that the required corrections have been made; the date and method of compliance are noted in the enforcement file and the case is considered closed.
- b) **NON-COMPLIANCE:** After the compliance date has passed, if it is determined that the required corrections have not been made and a Voluntary Compliance Agreement has not been signed, staff will begin the next step of the Enforcement Process (step 6).
- c) **COMPLIANCE REQUIRING PERMITS OR OTHER APPROVALS:** In cases where compliance requires applying for and receiving a permit or approval, enforcement continues until all necessary permits or approvals are granted or denied, and compliance is obtained through other means.
- d) **TIME EXTENSIONS:** If the alleged violator admits the violation(s) and requests an extension, the Enforcement Officer may allow it if circumstances warrant and/or if a "good faith" effort has been made to correct the violation(s).
- e) **STOP WORK ORDERS:** Stop Work Orders may be used whenever a confirmed violation is received regarding construction, installation, and/or land use activity is considered unsafe. If the violation continues after the issuance of a Stop Work Order, enforcement staff will cite the alleged violator.
- f) **RESTRICTING ISSUANCE OF DEVELOPMENT PERMITS:** In some cases, persons applying for land use, construction, building, and/or engineering permits for property that has uncorrected county code violations may be denied until violations are corrected.

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- g) PERMIT REVOCATION:** Certain county codes authorize revocation of, holding of, or approval of permits for failure to comply with requirements or conditions. It is the County's policy to use permit revocation in certain cases due to the nature of the violation and/or the deliberateness of the violator to avoid compliance.

## **STEP 6: Notice of Violation (If Compliance is achieved, skip to Step 8):**

### **Notice of Violation**

Upon the County's determination that there has been a violation of any part or provision of the County Ordinances which has not been cured during the Cure Period, the County shall provide to the Responsible Person a written Notice of Violation that identifies:

- i. the relevant County regulation or ordinance at issue;
- ii. the violation of the relevant regulation or ordinance;
- iii. a recitation of Penalties under County law;
- iv. that the Notice of Violation is a Final Decision of the County; and v. the right to appeal within ten (10) days of written notice.

### **Appeal, Request for Administrative Hearing:**

- A person aggrieved by a Notice of Violation or Final Decision may appeal the same within 10 days of service of the decision by written Request for an Administrative Hearing.
- The request is incomplete until the Appellant pays the Appeal of Code Violation fee established by the Grand County Fee Schedule.
- Failure to request an Administrative Hearing as required shall constitute a waiver of the right to an Administrative Hearing and the right to an appeal.

### **All warnings, notices, and orders shall be deemed properly served by the County if a copy thereof is:**

1. Delivered to, posted on, or sent by registered or certified mail to the Responsible Person to the mailing address on file in the Grand County Assessor's Office or, if none, the last known address of the Responsible Person; or
2. Sent by electronic mail to the Responsible Person to the email on file with the County if a response thereto is received by the County.

## **STEP 7: Issuing a Citation**

It is the County's policy to encourage voluntary code compliance by providing the opportunity to comply with little or no penalty. The County believes that voluntary compliance is the best route for all parties involved. However, when voluntary compliance is not obtained within the stated time frame, a citation will be issued.

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**It shall be unlawful for any Person to violate or otherwise fail to comply with the County Ordinances.**

**Criminal Penalties:** Any Person who violates or fails to comply with any part or provision of the County Ordinances within the County shall be guilty of a Class C misdemeanor and, upon conviction, shall be subject to fines and imprisonment set forth in Utah Statute § 76-3-204. Each day that such violation continues shall be considered a separate offense.

**Civil Penalties:** Any Person who violates or fails to comply with any part or provision of the County Ordinances within the County shall be subject to Civil Fines, as defined in Title 1, in the amounts set forth in the [Fee Schedule](#) or the County Ordinances or \$100 per violation, whichever is greater. Each day that such violation continues shall be considered a separate offense.

The Civil and Criminal penalties provided herein shall be cumulative of other remedies provided by state law.

## **STEP 8: File Closure**

An Enforcement case will be closed when the following occurs:

- When no code violation is found after investigation;
- When there is voluntary compliance or agreed resolution;
- When the property owner and/or responsible person has been convicted of an infraction and corrected the violation(s);
- It is determined that the code violation(s) is not likely to be resolved due to factors beyond County control.

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## **CEASE AND DESIST ORDER: Bypasses the Enforcement Process.**

Written Warning/Notice of Violation do not apply where:

1. The violating party is an unlicensed business operating in the County in violation of state or local law;
2. The County has issued a Notice of Violation to the Responsible Party for the same violation within the prior six (6) months; or
3. Health and safety circumstances require the County to act immediately to enjoin the violation, in which event, upon complaint and initial investigation, the County may issue and enforce a Cease and Desist Order to the Responsible Person, which Order shall identify:
  - i. the relevant local or state law at issue;
  - ii. the violation of the local or state law; and DocuSign Envelope
  - iii. the amount of the Civil Fines which the County may assess to the responsible Person, which Fines shall begin to accrue on the date the County serves the Cease and Desist Order.

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## HELPFUL LINKS:

### Grand County Title 1

Chapter 1.16 ADMINISTRATIVE HEARING PROCESS (CODE ENFORCEMENT)

<https://www.grandcountyutah.net/DocumentCenter/View/1047/Title-1---General-Provisions-Revised-9-21-2021>

### Grand County Fee Schedule

<https://www.grandcountyutah.net/180/Fee-Schedule-PDF>

## ONLINE CITIZEN PORTAL

<https://grandcountyut.portal.iworq.net/portalhome/grandcountyut>

## DEFINITIONS (found in GRAND COUNTY TITLE 1):

**“Cure Period”** means a period of time a Responsible Party has to cure an alleged violation, which period shall be ten (10) business days from the date of the Written Warning issued under Chapter 1.16 unless the Responsible Party, in writing, establishes good cause for requesting additional time such as contractor or construction delays.

**“Responsible Person”** shall mean the Person(s) alleged to be responsible for correcting or abating the violation pursuant to this chapter and/or subject to Civil Fines and Criminal penalties under Chapter 1.16. In cases where there is more than one responsible person, the county may proceed against one, some, or all of them.

**“Civil Fine”** means any monetary amount as a result of direct violation of the Grand County Fee Schedule or other amount set forth in County Ordinance.