

NUISANCE COMPLAINTS – GUIDELINES FOR INVESTIGATION & ENFORCEMENT

Prepared September 29, 2016

General Guidelines for Nuisance Enforcement:

1. Identifying the Problem: Nuisance issues are fundamentally human issues. They are often the product of mental health or physical challenges of the property owners or residents. We are not medical or psychological professionals, so it is important to turn to health care providers for assistance or advice when you encounter such challenges. Communication is always a first step: make an effort to talk to the individual if it is safe to do so, and seek an informal plan of resolution. Follow up any informal plan with a written acknowledgement and timeline when appropriate. Be positive, compassionate and invite dialog.
2. Rule of Law: Nuisance Enforcement is a balancing act between respecting the rights of individuals and the use of police power for the public welfare. The *Rule of Law* is fundamental to our work as City employees. We have only the power and authority granted to us by our legislators; local, state, and federal. As government officials, we should take action on a nuisance complaint only when the condition violates an existing regulation, code, ordinance, etc.
3. Staff Observations: If you see something that is obviously an issue (such as a building being built without a permit, or a homeowner's blackberry bushes overgrowing the sidewalk) please bring it to the attention of the appropriate City employee who will go talk to that person to ask them to correct the issue. I do not expect City employees to go out of their way to inspect the City for violations, but if you see an obvious issue we should address it.
4. Neighbor to Neighbor issues: It is often difficult to distinguish between nuisance complaints that the City should take action on and neighbor to neighbor issues that the City should not normally get involved in. In general, the City will investigate a nuisance complaint when a specific rule (Ordinance, Zoning Code, Building Code, etc.) is being violated, or when the general welfare of City residents is being adversely affected.

Specific Guidelines:

1. All Nuisance complaints from citizens are required to be in writing. The complaint may be submitted anonymously, but it must be in writing. Please use the City's Nuisance Complaint form for this purpose. You should assist individuals who for personal reasons are unable to complete the City's form. Inquire what resolution the complainant is seeking. Avoid promising results or offering timelines for resolution.
2. I updated the "Nuisance Complaint Log" Excel file in H:\Nuisance. When a new Nuisance Complaint comes in, front office staff log it into the Nuisance Complaint Log (assign it the next Nuisance Complaint Number from the log), write the Nuisance Complaint number on the complaint form, make a copy of the complaint form for the notebook, and then give the complaint to me for assignment.

3. I will assign the complaint to a staff member for investigation and resolution. Please process any nuisance complaints I assign to you as follows:
 - a. Please make your initial contact with the complainant within a few days to let him or her know that we received their complaint and you are looking into it.
 - b. Your method of first contact with the reported offender is up to you. Depending on the circumstances, you might choose to call them, visit them personally, or send them a letter. The legal process for nuisance enforcement by City staff is spelled out in SMC 8.45. If the alleged violator indicates you are not welcome on his or her property, respect that request and do not enter the property without first securing a warrant. We will involve the City Attorney in that event.
 - c. Voluntary Correction Agreement: SMC 8.45.030 includes the use of a Voluntary Correction Agreement. The Voluntary Correction Agreement should be used at your discretion when its use might encourage compliance. If the offender is working with you and making progress on complying, the use of a Voluntary Correction Agreement is not necessary. A copy of the agreement is available on the H: Drive.
 - d. Communication: The City Attorney advises extensive communication with the offender. If we end up prosecuting the offender in court, the judge is going to ask how extensively we tried to communicate with the offender to encourage compliance. Always document your communication with the offender and other witnesses, including the witnesses' name, and the date, time and substance of the communication. Do not tape record conversations without first securing the individual's permission to do so on the tape recording.
 - e. When you are done with your investigation and resolution, please contact the complainant to let them know what action we took (unless the complaint form was submitted anonymously).
 - f. I added columns in the Nuisance Complaint Log for "Current Status" and "Brief Summary of Actions Taken". Please update these columns as you proceed. You can enter additional detail as an Excel comment in the log, or keep your own separate document for more details if desired.

In general, I will assign zoning related nuisance complaints to the Planning Director; building, building code, and occupancy related complaints to the Building Inspector; and public works related issues to the Public Works Director. I will assign generic complaints (such as "trash covered premises") to staff members on a rotating basis.

Please contact me if you have questions on this guidance, or as issues arise during investigation / enforcement that you would like advice on.

Nick Hogan
City Administrator