

Code Enforcement:

A tale of two systems.

Sandy City Council
September 5, 2017

Code Enforcement Goals

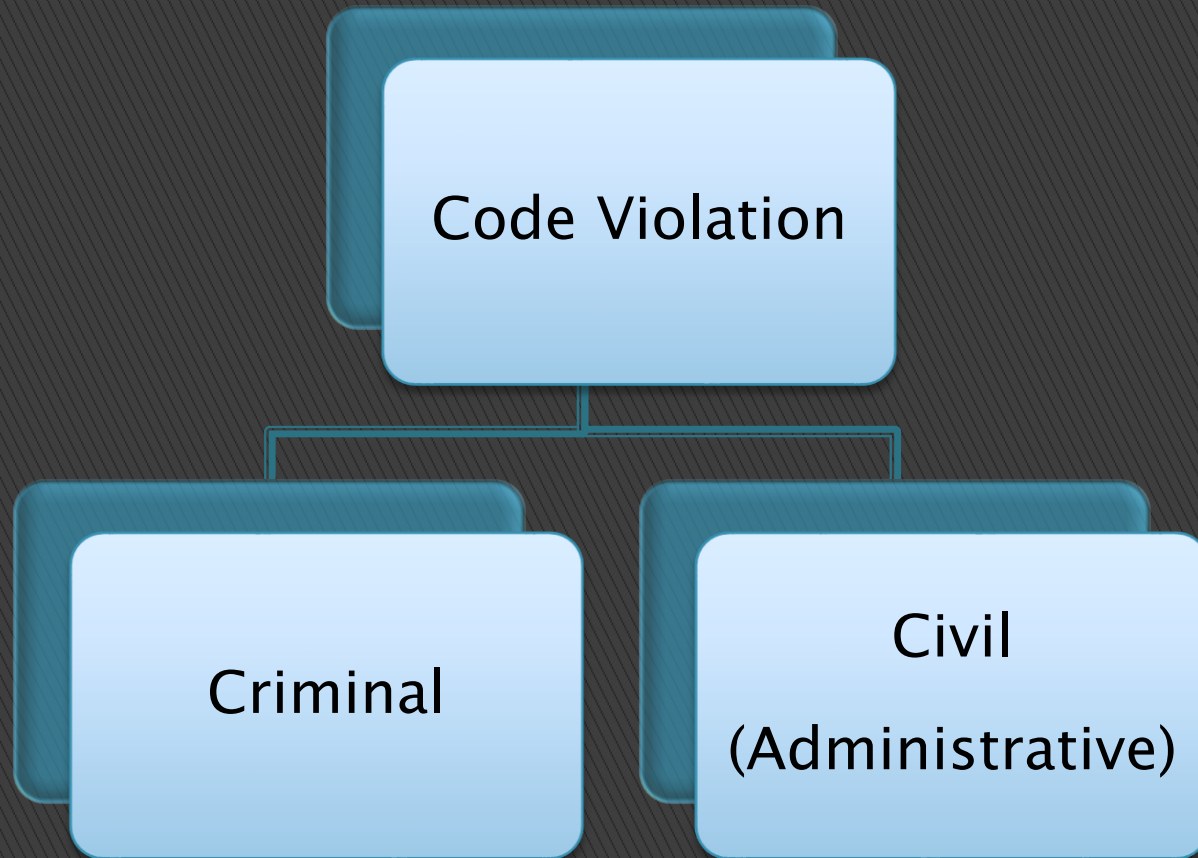
1. Compliance

- Fix the problem

2. Education

- Prevent reoccurrence

Different systems to pursue violations



Criminal Code Enforcement

▶ Sandy City Municipal Code, Title 9, Property Maintenance:

- “Any violation of the provisions of this title shall be deemed a Class B misdemeanor and shall be punished as provided under State statute.”
 - State statute:
 - Up to six months in jail (UCA 76-3-204)
 - Up to \$1,000 fine (UCA 76-3-301)

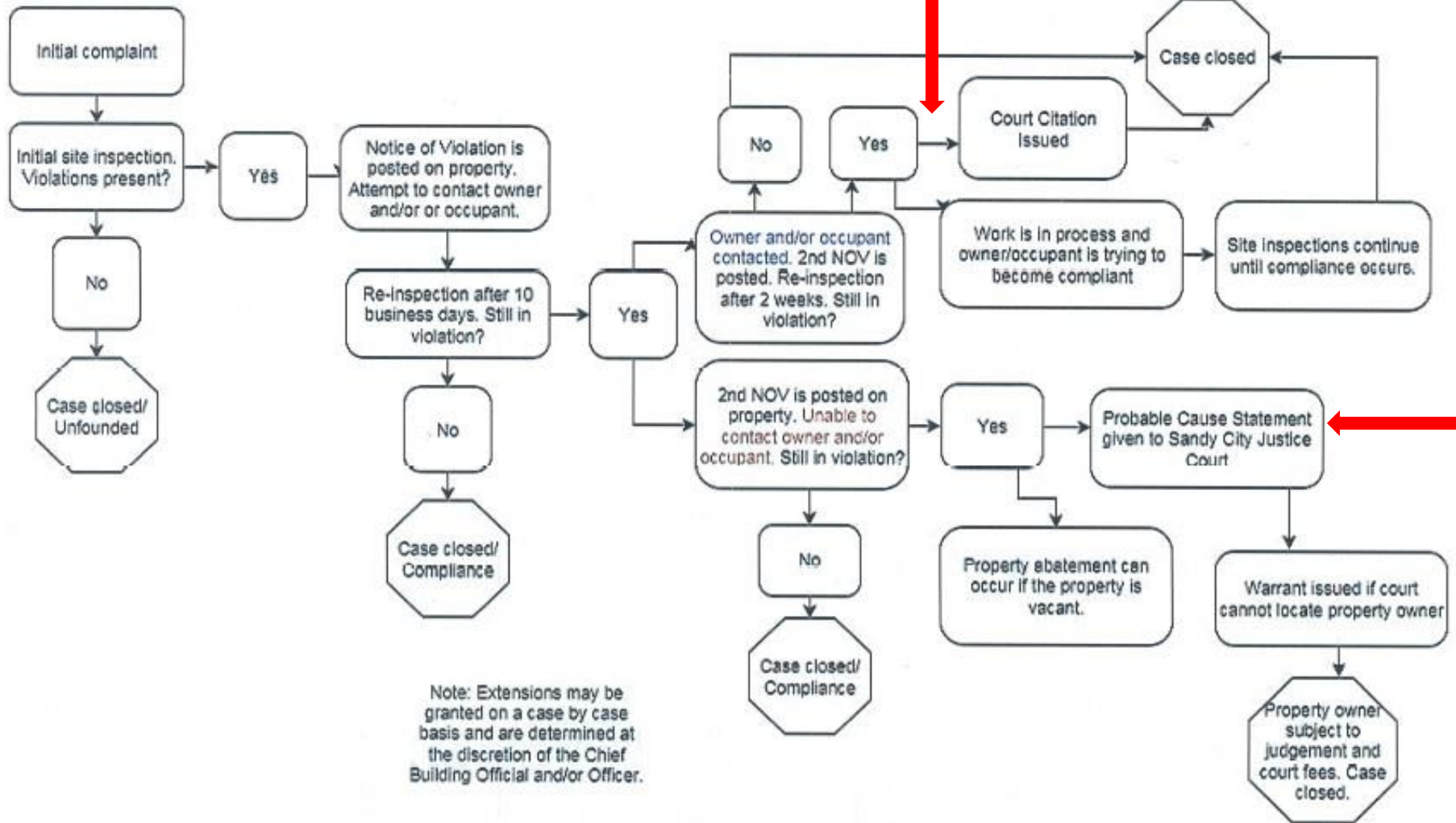
▶ Burden of Proof

- Beyond a reasonable doubt

Criminal Code Enforcement Process



Criminal Code Enforcement Process



Court Statistics

FY 2016 Court Statistics

■ Criminal Case Filings:	1382
■ Small Claims Case Filings:	746
■ Traffic Case Filings:	16207
Total:	18,335

Criminal Citation Dispositions

- ▶ 1,382 Criminal Filings
 - Includes only 22 charges* for “Planning/Zoning/Fire and Health.”
 - 4 guilty pleas
 - 15 dismissed (possibly due to compliance)
 - 6 warrants for arrest

* Charges entered in a fiscal year do not necessarily match charge dispositions.

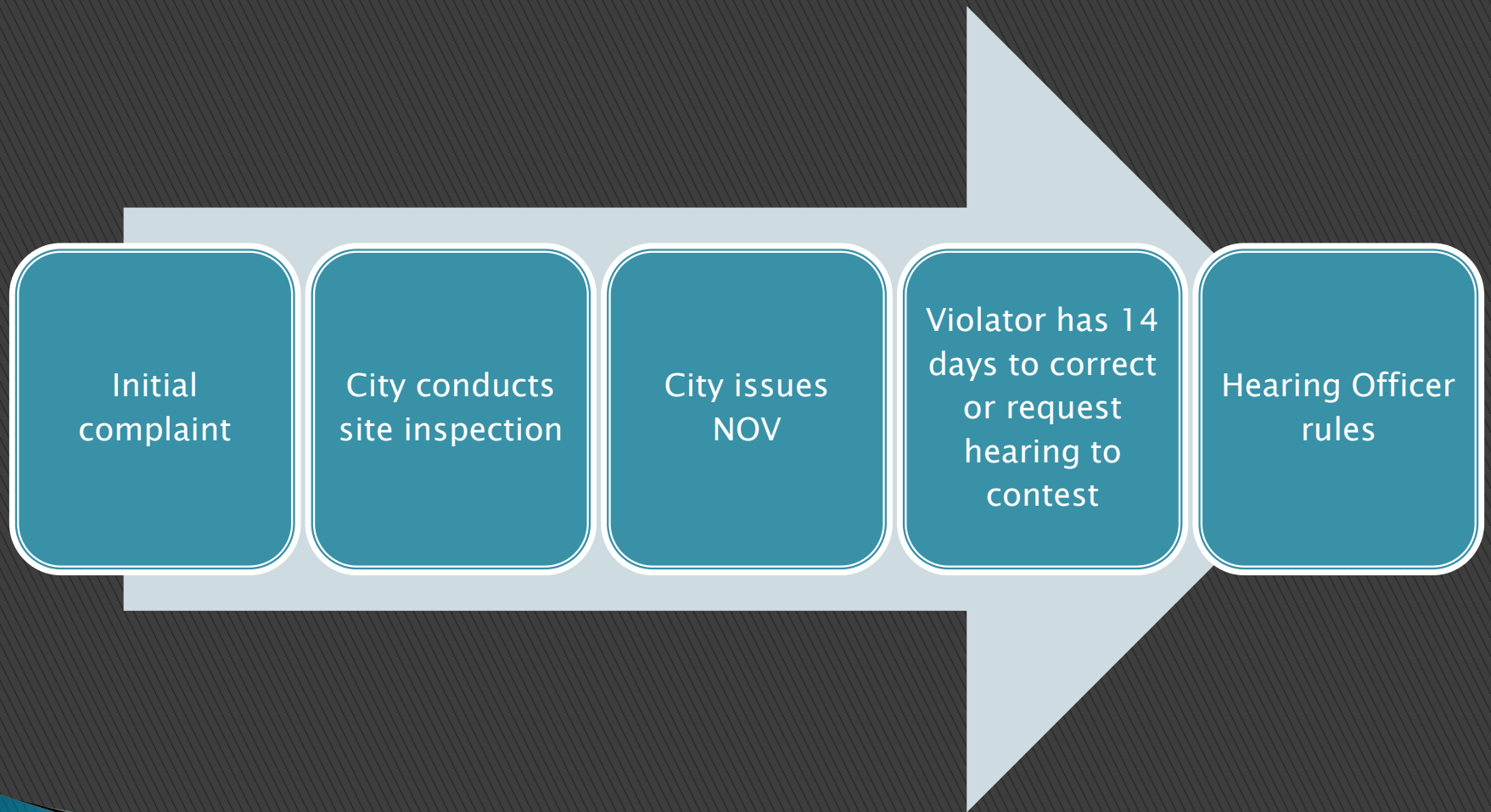
Criminal Citations

	2016	2015	2014	2013
Initial Case Inspections	1,261	1,229	1,636	1,891
Follow Up Site Inspections	1,907	2,072	3,824	3,498
Illegal Signs	3,241	2,405	2,399	1,509
Total	6,409	5,706	7,859	6,898
Abatements	3	8	18	12
Citations	3	9	10	6
Probable Cause Statements	5	3	2	1

Criminal Citation Outcomes

- ▶ Compliance with problem and/or repeat offenders is difficult
 - Burden on City to follow up with violator
 - City must prove beyond a reasonable doubt that a violation exists
 - Lengthy process
 - Minimal fines incentivize repeat offenders

Civil (administrative) Code Enforcement



Civil (administrative) Code Enforcement

- ▶ Administrative penalties compel violator response
- ▶ If no response, City can request Default Judgement from Hearing Officer
- ▶ Violator can appeal to District Court
- ▶ Officer discretion to extend compliance date
- ▶ Ability for Hearing Officer and/or to Code Enforcement Chief to abate/discount fees when compliance achieved
- ▶ Fees go into an abatement fund that City uses to abate future violations

Administrative Penalties examples

City	Fee
West Jordan	\$50 per day, per violation. If no compliance in 14 days, then \$100 per day per violation
South Salt Lake	\$40 per day, per violation.
West Valley	1 st offense: \$100/violation 2 nd offense: \$200/violation 3 rd offense: \$400/violation

Administrative Code Enforcement Outcomes

- ▶ Burden on violator to respond
- ▶ Still provides ample due process
- ▶ Efficient
 - West Jordan has 1,500 cases YTD with 2 officers
 - 89–92% clearance rate
- ▶ Fast
 - Violations can be resolved in as little as 39 days

Next Steps

- ▶ Continue researching administrative models
- ▶ Identify elements of our current program we want to maintain:
 - Personal service
 - Officer discretion to extend compliance dates
- ▶ Draft administrative enforcement ordinance for Council review