

Waterford Township
Dakota County, Minnesota
Ordinance Violation Complaint Policy

1. Purpose

Waterford Township (“Township”) has adopted, and is responsible for administering and enforcing, the Waterford Township Zoning Ordinance (“Ordinance”.) The Ordinance contains the Township’s land-use regulations and has a long legislative history. The Township Clerk does not keep regular office hours, and the Township does not otherwise employ any staff. Instead, it provides inspection services through contracted inspection services and contracts for planning and legal services with outside professional consultants.

As with most small communities without staff or a police force, the Township relies primarily on citizen complaints to identify potential violations of the Ordinance. The purpose of this Ordinance Violation Complaint Policy (“Policy”) is to outline the opportunities for the public to submit complaints, describe how the Township will typically manage the investigation of such complaints, and, if warranted, pursue enforcement actions. This Policy does not guarantee the Township will take any particular enforcement action in response to a complaint. The Township, with the assistance of its Building Inspector and its consultants, will determine if a violation exists and how best to address it on a case-by-case basis.

No policy can address every potential situation, and the Township Board may need to, based on the facts of a particular situation and the advice of the Township Attorney, follow a different path than outlined in this policy to enforce the Ordinance. For example, if the Township Board determines if a violation poses an imminent threat to public safety it would undertake an expedited process to address the violation. However, the Township Board intends this Policy to reflect the usual procedures for receiving and following up on reported Ordinance violations. Nothing in this Policy limits the authority of the Township, the Building Inspector, the Township Planner, or the Township Attorney to take any action they are authorized to take under the Ordinance, any applicable laws or rules, or as directed by the Township Board.

2. Complaint Procedures

Complaints regarding possible violations of the Ordinance must be submitted in accordance with the following:

- (a) Resident complaints need to be submitted in writing to the Township Clerk. A resident is not required to use a particular form to submit a complaint, however the complaint must, at a minimum, identify the property to which it relates and describe the alleged Ordinance violation.
- (b) If a person appears at a Township meeting to make a complaint, the Township Board will allow the person to speak to the complaint if it is presented at the public

input portion of the meeting, but then will direct the person to submit the complaint in writing to the Township Clerk in accordance with this Policy.

- (c) If a resident contacts a Supervisor with a complaint regarding an Ordinance violation, the Supervisor will direct the person to submit the complaint in writing to the Township Clerk in accordance with this Policy.
- (d) If a Supervisor notices a code violation, the Supervisor shall submit a written notice of the observed violation to the Township Clerk, which will be processed in the same manner as a resident complaint.
- (e) The Township Clerk shall inform the Supervisor designated by the Township Board as the Building Inspector Liaison (“Inspector Liaison”) of the complaint. If the Supervisor determines the complaint does relate to a potential violation of the Ordinance, the complaint shall be processed in accordance with the following procedures. The Inspector Liaison shall seek assistance from the Township Attorney if he or she is not certain as to whether the complaint or activity or situation is potentially a violation of the Ordinance.
- (f) Pursuant to Minnesota Statutes, section 13.44, subd 1, the “identities of individuals who register complaints with government entities concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data pursuant to section 13.02, subd 3.” The Township may share the complaint information with its Building Inspector, Township Planner, and Township Attorney as part of processing the complaint, but will redact information related to the identity of the individual making the complaint if the Township receives a request from the public for a copy of the complaint.

3. Investigating Complaints.

- (a) The Inspector Liaison shall forward complaints of potential Ordinance violations to the Building Inspector for further investigation as needed. The Building Inspector may seek assistance from the Township Planner and Township Attorney to help determine the nature and scope of the investigation.
- (b) The Building Inspector shall report his or her findings to the Inspector Liaison, the Township Attorney, and the Township Clerk. The Township Clerk shall forward the report to the Supervisors. The identity of the complainant remains confidential data as indicated above.
- (c) Supervisors are not responsible for investigating complaints. A Supervisor may choose to drive by a property to view it from the road to gain a better understanding of the situation, but a Supervisor is not to go onto private property or to speak with the owner about the complaint unless specifically requested to do so by the Township Board.

4. Enforcement Actions

- (a) If the Building Inspector’s investigation confirms the Ordinance violation, the Building Inspector shall send a first notice of violation to the owner and provide a copy to the Township Clerk and Township Attorney.
 - (1) The notice of violation shall, at a minimum, contain the following:
 - (i) Identify the property;

(ii) Describe the violation;
(iii) Cite to the particular provisions of the Ordinance being violated;
(iv) Specifically identify what the owner must do to bring the property into compliance with the Ordinance; and
(v) Provide a date by which the work to bring the property into compliance must be completed.

(b) If the owner fails to bring the property into compliance in accordance with the first notice of violation, the Building Inspector shall send the owner a second notice of violation and provide a copy to the Township clerk and Township Attorney.

(c) If the owner fails to bring the property into compliance by the date indicated in the second notice of violation, the Township Attorney shall send the owner a final notice of violation and provide a copy to the Township Clerk and the Building Inspector.

(d) If the owner fails to bring the property into compliance with the final notice of violation, the Township Attorney will discuss with the Township Board the options to initiate legal action to enforce the Ordinance either through a civil suit and/or criminal prosecution. No legal action shall be initiated without the approval of the Township Board.

(e) If more immediate action is required, the Inspector Liaison shall work with the Building Inspector and Township Attorney to determine the appropriate enforcement procedures.