

City of Pontiac Code Enforcement Manual



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Purpose of this Manual

The Code Enforcement Manual is intended for use by City of Pontiac residents, business owners, and City staff to help all understand the code enforcement process in the City. This manual describes the procedures and methods carried out by City staff to enforce the Municipal Code.

Code enforcement tends to be a surprise to people living and working in the City of Pontiac because they do not realize that some of their activities may violate Code provisions. For example, a resident may be unaware that placing a vehicle canopy in the front driveway is not allowed, or a business owner may not realize that the Code prohibits flashing or animated advertising signs. Obviously, the best method of enforcement is to inform the public about the standards that govern Pontiac's neighborhoods, as well as the process to correct any violation. People generally understand the need for safety, health, and welfare regulations. More difficult to understand, however, is how Code regulations work to enhance private property investments, reduce visual clutter, and create successful neighborhoods and business districts.

With this in mind, this guide is designed to provide public education and to help with questions about a citation received or to define how people can address concerns about conditions in their neighborhood. This manual does not summarize all of the laws and regulations included in the Municipal Code.

Code Enforcement Program Goal

The goal of the City of Pontiac's Code Enforcement Program is to obtain voluntary compliance with the regulatory provisions of the Municipal Code. Complying with the Municipal Code assists in maintaining and enhancing the health, safety, and welfare of the community. Code enforcement activities are intended to be carried out fairly, with sensitivity, and in a timely manner.

It Is the City's policy to encourage voluntary Municipal Code compliance by providing residents, business operators, property owners, and tenants the opportunity, with sufficient notice and information, to comply with the Pontiac's Municipal Code and other applicable laws and requirements.

The City believes that voluntary compliance is the preferred method in initiating compliance. With cooperation of residents, business operators, property owners and tenants, this endeavor results in a respectful and satisfactory relationship between the City and the community.

Regardless of this policy, the City acknowledges that by allowing code violators sufficient time and opportunity to correct violations, occasional abuses of time extensions or failures to correct conditions as ordered may occur. In such cases, the City may find it necessary to impose corrections through involuntary means, such as legal action by issuing civil infraction tickets or the Prosecutor's office.

How the Process Works

The Pontiac Municipal Code identifies the property conditions and nuisances that will result in a code violation. These include, but are not limited to, abandoned vehicles, bulky items on the front lawn, illegal canopies, trash and debris; overgrown landscaping, prohibited signs, and building additions or electrical work without appropriate permits (see Figure 2). The following describes a typical code enforcement process (see Figure 1). Upon receipt of a complaint or discovering a violation firsthand, the Code Enforcement Officer reviews the violation, conducts the necessary field inspections, and contacts the responsible party for corrective action once the violation is verified. (The responsible party is the person in charge and control of the premises involved, or the holder of any mortgage, deed, lien of record, or other title for the premises on which violation is located.)

If the violation is considered to be an imminent danger to the public health and safety or the environment, the Code Enforcement Officer, Building Inspector, or other appropriate public official(s) may commence proceedings to immediately abate the violation through either the Public Nuisance or Substandard Building Abatement process and may issue a citation.

If immediate action is not required, the Code Enforcement Officer or Building Inspector will issue an Official Warning Notice to the responsible party. The responsible party will be given a specific and reasonable amount of time to correct the violation. Upon re-inspection, if the violation has not been corrected the Code Enforcement Officer has the discretion to either warn the responsible party or issue a Citation, which requires the payment of a fine on an escalating scale. The Code Enforcement Officer or Building Inspector should make every attempt to make actual contact with the responsible party when initiating enforcement activities.

The Building Official has overall responsibilities for enforcement of the Municipal Code and Building Codes. The Building Official also has the authority to delegate the enforcement of codes to City staff based on workload, staff experience, and other factors such as resources available to the Building Official.



Figure 2: Examples of Code Violations (This is not a comprehensive list of code violations)

- | | |
|---|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> <i>Unoccupied buildings which have been left unsecured from intrusion by persons, animals, or the elements</i> <input type="checkbox"/> <i>Fences or walls which are in a hazardous condition</i> <input type="checkbox"/> <i>Broken windows left in a hazardous condition</i> <input type="checkbox"/> <i>Abandoned or unoccupied buildings causing unsightliness</i> <input type="checkbox"/> <i>Dead, diseased, or hazardous trees</i> <input type="checkbox"/> <i>Weeds and vegetation likely to harbor vermin or nuisances</i> <input type="checkbox"/> <i>Inoperative or disabled vehicles, trailers, or other mobile equipment</i> <input type="checkbox"/> <i>Hazardous pools, ponds, iceboxes, refrigerators, neglected machinery, excavations, or stagnant water</i> <input type="checkbox"/> <i>Debris or trash not stored in trash receptacles</i> <input type="checkbox"/> <i>Sofas, chairs, and other household furniture left outside</i> <input type="checkbox"/> <i>Use of tarps for areas used for storage visible from public streets</i> | <ul style="list-style-type: none"> <input type="checkbox"/> <i>Trash and recycling receptacles stored in front or side yards and visible from public streets</i> <input type="checkbox"/> <i>Deteriorated parking lots containing uneven surfaces</i> <input type="checkbox"/> <i>Uses not permitted or conditionally permitted by the zoning regulations, including garage conversions</i> <input type="checkbox"/> <i>Electrical, plumbing, or mechanical work without permits</i> <input type="checkbox"/> <i>Residential structural work without permits (e.g., addition to a house, construction of a new garage, fences, demolition of a house, etc.)</i> <input type="checkbox"/> <i>Prohibited signs (e.g., rotating, flashing or animated signs, roof-mounted signs)</i> <input type="checkbox"/> <i>Keeping of animals that are prohibited (chickens, roosters, or any poisonous or dangerous animals).</i> <input type="checkbox"/> <i>Exceeding the allowable number of pets</i> |
|---|--|



Receipt and Confidentiality of Complaints

Any resident, neighbor, business, City staff member, or City Council member can file a complaint alleging a violation of the Pontiac's Municipal Code. The names of all persons making a complaint are maintained in confidence by the City and are not released except during litigation or a Public Records Act request, unless there is a compelling reason to not disclose the complainant's identity.

Complaints of Code violations may be received in any form, such as written, telephone, electronic email, or other discernable form, including the Complaint and Investigation Report form available at the Building Safety Department at City Hall (see Attachment 1). Any complaining or reporting party may choose to remain anonymous, and City staff will accept anonymous complaints of Code violations.

City staff may initiate code enforcement actions based on complaints initiated through official channels. Additionally, City staff may proactively initiate code enforcement actions based on observations or reports from the community.

Enforcement Priorities

The enforcement priorities of all violations will be determined by the Building Official and will vary based on the severity of the violation. Violations involving a health, safety, or environmental issue that require immediate attention will take precedence over routine complaints.

Violations that constitute an immediate or readily apparent threat to health, safety, or the environment

(e.g., prohibited discharges) shall be classified as **High Priority**. High priority violations shall be attended to immediately or as soon as feasibly possible. High priority violations that cannot be attended to by the

Code Enforcement Officer should immediately be referred to an appropriate agency with authority to handle such violations.

Violations that do not constitute an immediate or readily apparent threat to health, safety, or the environment, but have the potential to do so if left uncorrected (e.g., unlawful encroachments) shall be classified as **Medium Priority**. Medium priority violations normally require action by the Code Enforcement Officer within two days of receipt of complaint.

All other violations shall be considered **Low Priority** (e.g., signs). Low priority violations require action by the Code Enforcement Officer within three days of receipt of the complaint.

The Building Official, at his or her discretion, may adjust the priority of any particular type of violation based on various factors, such as limited staff resources, staff availability, staff experience, and workload distribution necessities. It is the policy of the City to maintain a zero tolerance to violations of federal and state environmental laws, including unlawful dumping of hazardous materials within the City limits. All such violations will result in immediate enforcement action by City staff.

Field Inspections

Initial Inspection

Once a complaint has been received by the City, the Code Enforcement Officer shall conduct an initial inspection on the property, in accordance with the Enforcement Priorities, to identify the existence of any violation(s). If no violation is found to exist, a second inspection may be done within five calendar days of the first inspection. At the discretion of the assigned Code Enforcement Officer or Building Inspector, circumstances may dictate a second or follow-up inspection, or the inspector may simply close the investigation following the original inspection.

The Code Enforcement Officer shall not enter upon private property to inspect, physically search, or abate a nuisance except as follows:

- Inspections that do not require an inspection warrant, such as consensual inspections, violations in plain view, unenclosed residential yards, and business subject to a use permit or other regulation allowing inspection.

Re-inspection

Within ten working days of the correction date specified by the Code Enforcement Officer, the Officer shall re-inspect the property for compliance. If the violation has been corrected, the file is closed.

If the responsible party is making a good faith effort to comply and substantial progress has been made to correct the violation, the Code Enforcement Officer may grant a reasonable extension of the compliance date. Any such extension of time granted must be in writing, and shall be reported in the file. More than one extension of time may be granted if the Code Enforcement Officer determines that such extensions are warranted based on the responsible party's effort to correct the violation(s).

Any extension of time over 30 days sought to correct code violations must be approved by the Building Official.

If the responsible party has not corrected the violation(s) and the Code Enforcement Officer has determined that the responsible party is not making a good faith effort to correct the violation, the Officer shall undertake the next enforcement action most appropriate, which may include issuance of a Civil Infraction citation, obtaining an abatement order, or seeking civil or criminal enforcement action by the City Prosecutor.

Notices and Citations

In many instances, the person responsible for causing the violation may not be aware of the City regulations, and once the existence of a violation has been brought to his/her attention, he/she will generally make a good-faith voluntary effort to correct the violation.

The way in which a person is initially approached, informed of the possible violation, and notified that corrective action is required is of critical importance. It frequently will determine how the person elects to respond in regards to compliance. Good judgment, tact, and objectivity in performing the enforcement duties are essential.

Based on the circumstances, the Code Enforcement Officer has the discretion to issue either an Official Violation Notice or a Civil Infraction Citation. The Code Enforcement Officer should also make available any information (City regulations) and provide clarification, when necessary.

Official Violation Notice

In most cases, the Code Enforcement Officer shall give the responsible party an Official Written Violation Notice to comply with the applicable regulation or requirement (Attachment 2). The Code Enforcement Officer will inform the responsible party that the City's goal is voluntary compliance. The Code Enforcement Officer shall make it clear to the responsible party that this is his/her opportunity to correct the violation and avoid the need for further City action. All communications from City staff shall be in written form notifying the person responsible about the violation.

The Official Written Violation Notice will notify the responsible party the type of violation and the time frame in which to correct the violation. The time provided to correct the violation will depend on the nature and extent of work required, the nature and circumstances of the violation, and the danger posed to the public. The period is set on a case-by-case basis, but will be reasonable under the circumstances.

Anytime granted over 30 days must be approved by the Building Official.

If the responsible party is not the property owner/property manager, copies of correspondence and notices shall be provided to the property owner/property manager. This gives the property owner/property manager sufficient notice that a violation exists on his/her property. A copy of Official Written Violation Notice shall also be placed in the case file.

Civil Infraction Citation

If the responsible party fails to achieve compliance after issuance of an Official Written Violation Notice, the Code Enforcement Officer may issue a Civil Infraction Citation (see Attachment 3).

Subsequent violations of the same code section in which a Civil Infraction Citation has been issued are eligible for issuance of subsequent citations, with increased fine amounts as directed by City ordinance.

Per Municipal Code, the issuance of a Civil Infraction Citation shall normally occur after an Official Written Violation Notice has been issued, and the violation has not been corrected within a reasonable period of time, usually within 14 days, depending on the circumstances. However, if the violation is particularly egregious or threatens the health and safety of the public, an Administrative Citation may be issued immediately. The issuance of such a Civil Infraction Citation may be in addition to any other civil or criminal action or other legal remedy authorized by law.

Civil Infraction Citations may be issued for violations of the Pontiac Municipal Code, Michigan Building Codes as adopted by the City, state laws, City regulations, permits issued for various uses, conditions of environmental review, or any plan, permit or encroachment authorized, issued or required by the Municipal Code.

When a Civil Infraction Citation is to be issued to the responsible person, as defined within the Municipal Code, it shall contain the information outlined below:

1. The name of the responsible party, with all identifying information, including an address, physical description and other pertinent information available;
2. The date of the violation;
3. The address of the location of the occurrence of the violation;
4. The specific section of the Municipal Code, law, permit or other regulation violated, along with a full description of the violation;
5. The amount of the fine for the violation
6. The name, badge number if applicable and signature of the Code Enforcement Officer

A Code Enforcement Officer issuing a Civil Infraction Citation may serve that citation to a responsible party by: 1) personal service on the responsible person or a representative of the entity if appropriate; 2) mailed service if the Responsible Party is not within the jurisdiction of the City or cannot be located; or 3) posted service on the property in which the responsible party is known to have a legal and possessory interest. The date of such service shall constitute the date of issuance of the citation.

The person receiving a Civil Infraction Citation may file an appeal with the City challenging the validity of the alleged violation cited. Such an appeal must be filed at the 50th District Court located at 70 N Saginaw within 10 days from the date the citation was issued.

The appeal of a Civil Infraction Citation shall be conducted at a hearing in front of a Judge designated by the Court Administrator. The administrative hearing shall be set at the discretion of the court administrator.

The cited person shall be notified of the date, time and place of the administrative hearing at least 10 days prior to the hearing. The cited person must attend the administrative hearing; failure to attend could result in a bench warrant being issued for nonappearance.

Stop Work Notice

When the responsible party commences construction work on a property without first obtaining a building permit to so do, or when current construction work is inconsistent with the underlying building permit or zoning approval, the Code Enforcement Officer or Building Inspector may issue a Stop Work Notice, ordering the construction work to cease immediately (see Attachment 4). All stop work notices must be signed by the Building Official or his/her designee.

Code Enforcement Personnel

- A. the Building Official may designate, in writing, one or more Code Enforcement Officers.
- B. the Building Official may designate, in writing, a Code Enforcement Supervisor.
- C. Only those City officials and employees who are designated as Code Enforcement Officers or Code Enforcement Supervisors (other than sworn police officers) may enforce the provisions of the Municipal Code.
- D. Identification cards and badges for the Code Enforcement Officers shall be issued by the Building Official or his/her designee.
- E. the Building Official may delegate to any qualified City official or employee the duties assigned herein, the delegation shall be in writing.
- F. It is highly advisable that Code Enforcement personnel wear a uniform shirt with official City insignia while on duty and performing official duties in the field. The Code Enforcement Officer represents the enforcement branch of the City, and the uniform-type of shirt will ensure the public know that the individual with whom they are dealing is an official representative of the City of Pontiac.
- G. It is highly advisable that Code Enforcement personnel drive a vehicle with an official city sign or logo and possibly other identifying insignia or enforcement-related equipment (e.g.: amber light bars) while on official City business.

Code of Ethics for Code Enforcement Officers

“As a Code Enforcement Officer, it is our fundamental duty to serve the general public and the citizens of Pontiac in particular by striving to achieve the highest level of quality in all aspects of our work. We will work in partnership with the citizens of our community and do our best, within the law, to solve community problems that affect the welfare and safety of our business and residential communities.

We have been given the honor and privilege of enforcing the law. We must always exercise integrity in the use of the authority that has been given to us by the people we serve. Our personal and professional behavior should be a model for all to follow. We will obey and support the letter and the spirit of the Law.

A Code Enforcement Officer’s enforcement efforts should be in full adherence to the legal rights of a suspected violator, and the Officer must scrupulously avoid any conduct which would make him a violator of the law or bring discredit upon himself or his agency and the City. By demonstrating professional and absolutely impartial service to the community we serve, we will enhance our partnership with the public we serve in the business and residential communities. We believe in treating all people with respect and dignity, and by demonstrating respect for others, we will earn respect for our agency and City.

A Code Enforcement Officer should never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence decisions. We will enforce the laws courteously and appropriately without malice or ill will towards anyone. Ever mindful of the rights of all citizens to justice and equality, we will be exemplary in obeying the laws of the land and the regulations of our department and the City. Whatever you see or hear of a confidential nature or that is confided to you in your official capacity will be kept confidential unless revelation is necessary in the performance of your duties. As most code and law enforcement work is necessarily performed without close supervision, the responsibility for the proper performance of an officer’s duties lies primarily with the officers themselves. An officer discharges that responsibility by the faithful and diligent performance of his or her assigned duties. Anything less violates the trust placed in us by the people, and nothing less qualifies as professional conduct.

The public demands that the integrity of its law enforcement officers be above reproach, and the dishonesty of a single officer may impair public confidence and cast suspicion upon the entire City Department. An officer must scrupulously avoid any conduct which might compromise the integrity of himself, his/her fellow law enforcement officers, or their Department.”

General Procedures and Field Investigation and Reporting for Code Enforcement Officers

Code Enforcement Officers will be assigned to conduct investigations of City code violations by the Building Official or his/her designee. The Building Official may assign the investigations and complaints to Officers or staff according to the nature of the complaint or other related factors. It will be incumbent on the Code Enforcement Officer or investigator assigned each complaint to contact the person responsible for the alleged code violation during the investigation within the time parameters established by the Building Official.

A Code Enforcement Officer, while conducting the initial inspection pursuant to a complaint or report of alleged Municipal Code violations, shall record the results of the inspection in the Code Enforcement Folder, including the date of the inspection. Each subsequent inspection shall also be reported, including the names of any persons contacted at the location. Any documents, records, or other information collected during the investigation should be retained in the Code Enforcement Folder. All photographs of violations, or the lack thereof, are taken, copies of those photographs should be retained in the Code Enforcement Folder along with information as to dates such photographs were taken by the Officer. It is recommended that an officer always take photographs of conditions that are the source of the investigation or complaint, even if photos have been taken on previous occasions.

When a Code Enforcement Officer interviews a witness or alleged violator pursuant to a complaint, the information should be reported and documented in the Code Enforcement Folder, including the date and location of the interview. The Officer should make special note of any "admissions" by a potential violator as to the existence or knowledge of a code violation on their property. If a Code Enforcement Officer experiences a hostile demeanor or a non-cooperative owner or user of property that has been reported in a complaint, such information should be included with the case information. Such information could be determinative of the course of action taken in the future should the violations not cease or be remedied voluntarily.

Code enforcement personnel shall document in the file any contact numbers made available and finish with up with an "as per our conservation letter that will be sent out to the responsible party and included in the Code Enforcement File.

Complaint Investigation Procedures for Code Enforcement Officers

A Code Enforcement Officer shall open a file in the Code Enforcement Folder for each complaint and/or investigation assigned. Data should also be inputted into the computer, where it will assign a case number. The Code Enforcement Folder shall consist of at least the following items, when appropriate:

1. Original or copy of the citizen's complaint form and related information.
2. A chronological case log/progress form. The Officer conducting the investigation shall cause an entry to be made for each activity and/or contact undertaken during the course of the investigation.
3. A Case Status Report form. This form is used to document significant events, including the date of said event.
4. Copies of all related reports and documents developed or created during the investigation.
5. Originals or copies of all correspondence with alleged violators of City codes.
6. Originals or copies of all correspondence with public agencies, when appropriate.
7. Statements of any form from alleged violators of City codes, pertinent witnesses, and other parties contacted during the investigation.
8. Storage section for all photographs taken during the investigation. Photographs should always have date stamps with the full date noted.

A Code Enforcement Officer may include and store additional information and items of evidentiary value obtained during an investigation as needed.

Procedures for Photographic Evidence for Code Enforcement Officers

A Code Enforcement Officer investigating a citizen's complaint about a violation of the municipal code shall cause photographs to be taken depicting the condition(s) constituting a violation whenever practicable. If the Code Enforcement Officer maintains an on-going investigation resulting in a series of investigations of the condition(s), it is always advisable to take additional photographs of the site, even if it is a repeat of the prior photographs taken. This would tend to show the lack of remedial action by a violator and/or provide a pictorial history of an on-going violation or condition.

The fact that photographs were taken at the site of an alleged code violation shall be noted in the investigative notes portion of the case file, including the date of the photograph and the identity of the person taking the pictures.

Copies of any photographs taken during an investigation shall be stored in the Case File for potential use in any future administrative or criminal actions taken by the City or any other official agency.

Attachments

The following attachments are examples of appropriate documents and/or procedures to be utilized by the Code Enforcement Officer. Modifications to these documents and/or procedures or the introduction of additional procedures may be undertaken only with approval from the City Administrator, the Community Development Director, or their designee.

Attachments:

1. Complaint Form
2. Office Violation Notice
3. Civil Infraction Citation
4. Stop Work Notice
5. Car Storage Violation Notice English/Spanish