Toquerville City Policy: Code Enforcement

1. Purpose

The purpose of this policy is to establish a fair, consistent and transparent approach to enforcing Toquerville City ordinances. The City recognizes that effective code enforcement promotes public health, safety, and general welfare of the community.

Given the City's limited staffing and absence of a dedicated code enforcement officer, this policy establishes a hybrid enforcement approach consisting of complaint-based enforcement and limited, targeted proactive enforcement initiatives directed by the City Council.

This policy is intended to ensure consistent administration, prioritize significant community concerns, and make effective use of available City resources.

2. General Policy

A. Toquerville City shall administer code enforcement in a fair, consistent, reasonable, and impartial manner.
B. The City's primary enforcement approach shall be complaint-based, supplemented by quarterly proactive enforcement initiatives as directed by the City Council.
C. The City recognizes that available staffing and financial resources do not permit continuous or comprehensive inspection of all properties within City limits.
D. Enforcement activities shall generally prioritize compliance and correction of violations rather than punitive action.
E. Nothing in this policy shall require the City to identify, investigate, or pursue every potential violation or limit the City's authority to take appropriate action under applicable law.
F. Enforcement shall not be used to retaliate against individuals, resolve private disputes unrelated to City ordinances, or provide preferential treatment to any person or property.

3. Complaint-Based Enforcement

Submission of Complaints

A. The City shall accept code enforcement complaints from individuals who provide their name and sufficient contact information to permit identification and follow-up.
B. Complaints should include, to the extent reasonably available:
    a. Name and contact information of the complainant;
    b. Address or location of the alleged violation;
    c. Description of the alleged violation; and
    d. Supporting information or documentation, if available.
C. Complaints may be submitted through City-approved communication channels, including written correspondence, email, or other methods designated by City staff.

D. Submission of a complaint does not guarantee that a violation exists or that enforcement action will be initiated.

Anonymous Complaints

A. Anonymous complaints shall be accepted subject to the following provisions:
    a. Anonymous complaints must contain sufficient specific and independently verifiable information to permit staff to evaluate the alleged violation without additional information from the complainant or will otherwise be closed without additional effort.
    b. Anonymous complaints shall receive the lowest enforcement priority, subordinate to both City Council-directed proactive enforcement initiatives and complaints submitted by identified individuals, except when an immediate threat to public health or safety warrants a higher priority.
    c. Staff may review anonymous complaints and initiate enforcement when the alleged violation is reasonably substantiated and staffing and resources permit.
    d. The City shall not be obligated to provide acknowledgment, status updates, or notification of disposition for anonymous complaints.

Public Records and Complainant Identity

A. Code enforcement complaints and associated records maintained by the City are subject to the Utah Government Records Access and Management Act
B. The City shall not guarantee confidentiality or anonymity to complainants.
C. Any request for records shall be evaluated in accordance with GRAMA, including applicable classifications, protections, and disclosure requirements.

Complaint Review and Investigation

A. The City Manager and Planning and Zoning Administrator shall be responsible for administering complaint-based code enforcement, with assistance from other City personnel as appropriate.
B. Upon receipt of a complaint, staff shall determine whether:
    a. The alleged condition falls within the City's enforcement authority;
    b. Sufficient information exists to evaluate the complaint;
    c. The condition appears to constitute a violation of City Code; and
    d. Investigation or enforcement action is warranted based on the circumstances and available resources.
C. Staff may conduct site inspections, review City records, communicate with responsible parties, or undertake other lawful investigative measures.
D. Complaints involving immediate threats to public health or safety may receive priority over routine enforcement matters.
E. Staff may close complaints that are unsupported, outside the City's jurisdiction, duplicative, or otherwise do not warrant further action.

Communication with Complainants

A. Upon receipt of a complaint, City staff shall acknowledge receipt and inform the complainant that the matter will be reviewed in accordance with this policy.
B. Following an initial review, City staff shall notify the complainant of the City's determination, including whether:
    a. The complaint has been accepted for further investigation or enforcement;
    b. The complaint does not constitute an apparent violation of City Code;
    c. The matter falls outside the City's jurisdiction; or
    d. The complaint has been closed without further action.
C. When enforcement action is initiated, the City shall generally provide a final notification to the complainant when the matter has been resolved or closed.
D. The City shall not be obligated to provide ongoing status updates during an active investigation or enforcement proceeding. Staff may provide additional information at their discretion, subject to applicable law and confidentiality requirements.
E. Communications with complainants shall not disclose protected information or guarantee a particular enforcement outcome.

4. Quarterly Proactive Code Enforcement

Purpose and Scope

Recognizing that certain code violations may be widespread within the community, the City shall establish a limited proactive enforcement program focused on one priority issue per quarter.

This approach is intended to address recurring community concerns systematically without requiring the staffing or financial resources necessary for a full-time proactive enforcement program.

By addressing one issue each quarter, the City intends to make measurable progress toward resolving the community's most significant code compliance concerns over time.

City Council Selection of Quarterly Priorities

A. At the first regularly scheduled City Council meeting of each calendar quarter, the City Council shall consider and select one code enforcement priority for that quarter.
B. The quarterly priority shall be selected by a majority vote of the City Council during a properly noticed public meeting.
C. The selected priority shall identify a specific ordinance, category of violations, or clearly defined enforcement issue.
D. The Council may select a previously addressed priority for additional enforcement.
E. The Council's role shall be limited to establishing general enforcement priorities. Investigations, enforcement determinations, and administrative actions shall remain the responsibility of City staff.

Implementation of Quarterly Priorities

A. Following Council selection of a quarterly priority, City Staff shall develop and implement an appropriate enforcement approach.
B. Depending on the nature of the selected priority and available resources, enforcement activities may include:
    a. Public education and notification regarding applicable code requirements;
    b. Targeted inspections or observations from public rights-of-way;
    c. Identification and documentation of apparent violations;
    d. Written notices encouraging voluntary compliance;
    e. Follow-up inspections and communication; and
    f. Formal enforcement actions when necessary.
C. Staff shall strive to apply reasonable and consistent enforcement criteria to similarly situated properties and responsible parties.
D. Quarterly initiatives shall be conducted within available staffing, funding, and operational capacity.
E. The City Manager may adjust the scope, timing, or intensity of proactive enforcement activities to accommodate other essential City responsibilities, emergencies, or significant staffing limitations.
F. Proactive enforcement shall not require entry onto private property without lawful authority or appropriate consent.

Relationship to Complaint-Based Enforcement

A. Selection of a quarterly proactive enforcement priority shall not suspend or otherwise limit the City's authority to investigate complaints involving other code violations.
B. Complaint-based enforcement shall continue throughout each quarter, subject to available resources and administrative discretion.
C. Staff may address violations outside the quarterly priority when necessary to protect public health, safety, or welfare or when otherwise warranted.

Staff Resource Priority

Recognizing the City's limited staffing and resources, code enforcement activities shall generally be prioritized in the following order. The City Manager may exercise discretion to adjust these priorities based on the severity of violations, available resources, and other relevant circumstances.

1. Immediate threats to public health or safety.
2. City Council-directed quarterly proactive enforcement priorities.
3. Complaints submitted by identified individuals.
4. Anonymous complaints.

5. Enforcement Procedures

Voluntary Compliance

A. When a violation is identified, the City shall generally seek compliance before initiating formal enforcement proceedings, except when immediate action is necessary.
B. Staff may provide written or verbal notice identifying the apparent violation, applicable ordinance, requested corrective action, and a reasonable period for compliance.
C. Compliance deadlines may vary based on the severity of the violation, complexity of corrective action, public safety considerations, and other relevant circumstances.
D. Staff may grant reasonable extensions when the responsible party demonstrates good-faith efforts toward compliance.

Escalation of Enforcement

A. When voluntary compliance is unsuccessful, staff may pursue additional enforcement remedies authorized by City Code and applicable law.
B. Such remedies may include formal notices, administrative citations, penalties, or referral for legal action, as applicable.
C. Nothing in this policy shall prevent the City from pursuing immediate enforcement when warranted by the circumstances.

6. Quarterly Reporting and Accountability

Quarterly Enforcement Report

At the first regularly scheduled City Council meeting of each calendar quarter, City staff shall present a report summarizing the results of the preceding quarter's proactive code enforcement initiative.

The report shall include, at a minimum:

A. The enforcement priority selected for the preceding quarter;
B. Total number of apparent violations identified;
C. Total number of violations resolved or brought into compliance;
D. Total number of violations remaining outstanding;
E. Total number of violations referred for formal enforcement action, if any; and
F. A brief summary of enforcement activities, challenges, and recommendations.

Staff may also report on educational outreach, compliance rates, or other relevant performance measures.

7. Administrative Authority and Responsibilities

A. The City Manager shall oversee implementation and administration of this policy.

B. The Planning and Zoning Administrator shall assist with investigations, code interpretation, documentation, compliance monitoring, and other enforcement activities within the scope of assigned responsibilities.
C. The City Manager may assign enforcement-related duties to other qualified City personnel as necessary.
D. City staff shall maintain appropriate records of complaints, inspections, notices, enforcement actions, and case resolutions.
E. The City Council shall establish quarterly proactive enforcement priorities but shall not direct staff to pursue or discontinue enforcement against specific individuals or properties.
F. The City Manager may consult with the City Attorney regarding ordinance interpretation, enforcement procedures, or legal remedies.

8. Recordkeeping and Public Information

A. The City shall maintain reasonable records of code enforcement activities, including complaint-based and proactive enforcement cases.
B. Records should document the nature of the alleged violation, relevant dates, actions taken, and final disposition when applicable.
C. Enforcement records shall be retained in accordance with applicable records retention requirements.
D. Public access to enforcement records shall be governed by GRAMA and other applicable laws.
E. The City may publish information concerning quarterly enforcement priorities to promote public awareness, encourage voluntary compliance, and improve community understanding of City ordinances.

9. Limitations

A. This policy is intended to guide the City's allocation of enforcement resources and administrative procedures.
B. Nothing in this policy shall create a private right of action, guarantee enforcement of a particular ordinance, or establish an entitlement to a particular enforcement outcome.
C. This policy does not supersede the Toquerville City Code, applicable Utah law, or legally required enforcement procedures.
D. In the event of a conflict between this policy and applicable law or City ordinance, the controlling law or ordinance shall govern.
E. The City Council may amend this policy as necessary to address changing community needs, staffing levels, available resources, or legal requirements.