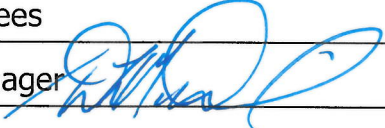




**CITY OF DUBLIN  
ADMINISTRATIVE ORDERS  
OF THE CITY MANAGER**

<b>ADMINISTRATIVE ORDER 8.5</b>
<b>TO:</b> All City of Dublin Employees
<b>FROM:</b> Dana McDaniel, City Manager 
<b>SUBJECT:</b> Code Compliance Procedure
<b>DATE:</b> June 24, 2022
<i>Supersedes and replaces Administrative Order 8.5, dated August 9, 2016, regarding same subject.</i>
<b>PROPONENT:</b> Division of Planning and Zoning

**1. PURPOSE**

The purpose of this Administrative Order is to establish a policy identifying authority, procedures and any work-related processes associated with Code Enforcement. It is the intent to establish and communicate reasonable standards designed to protect the City from unwarranted civil or legal actions. This policy will provide a structure in which code compliance can be most effectively accomplished and maintain consistency in compliance activities. Questions regarding this Administrative Order should be directed to the Division of Planning/Code Enforcement.

**2. DEFINITION**

A. It is the responsibility of City staff to be aware of all aspects of this policy. Updates will be communicated through all of the normal City communication methods.

B. This Administrative Order shall be applicable to all City employees (full-time, part-time, temporary, and seasonal).

C. Employees are hereby advised that failure to comply with this Administrative Order may result in disciplinary action, including suspension and/or dismissal.

**3. POLICY**

**A. Enforcement Authority**

The Planning Director and Code Enforcement Staff are empowered to enforce the provisions, regulations, and intent of City of Dublin Codified Ordinance.

**B. Reporting of Violations**

Violations may be reported by the public or observed by City staff. Reports of violations will be investigated by Code Enforcement Staff and action may or may not be taken, depending upon findings of the investigation.

### **C. Inspection of Property**

Investigation will be conducted by Code Enforcement Staff either from City right-of-way without permission of the property owner, adjacent property (with permission), or from the property suspected of a violation once the investigator has presented sufficient evidence of his/her authorization and described the purpose of the inspection to the property owner, tenant, or authorized representative. In the event the investigator is denied entry and providing there is suspicion of a violation of this code, Code Enforcement Staff may conduct a search of the exterior/interior of a property if there is an emergency, (e.g. imminent threat to public health and safety). If entry is denied to the property by the owner, tenant, or designated agent, the Planning Director or Code Enforcement Supervisor may seek an administrative search warrant.

### **D. Responsibility for Violations**

The property owner, tenant, or designated agent of any property, building, or part thereof shall be responsible for violations. If fault is not clearly found in whole or part in persons other than the property owner, the owner shall be held responsible in whole or part as warranted by the Planning Director or Code Enforcement Supervisor.

### **E. Procedure for Addressing Violations**

(1) Upon reasonable cause to believe a violation has occurred, Code Enforcement may issue a violation notice to the property owner, tenant, or designated agent of the affected property if the violation does not pose an imminent threat to public health, safety or welfare.

(2) The violation notice shall be sent certified mail through the U. S. Postal Service and shall state the following:

- a. A violation has been determined and must be corrected no later than the date of compliance indicated on the notice.
- b. Must identify and state specific violation and code section pertaining to the violation.
- c. Must identify means of remediation or appeal of the violation.

(3) If the violation is corrected by the compliance date indicated on the violation notice, no further action will be taken or penalties imposed. The Planning Director or Code Enforcement Supervisor may extend the time period necessary to correct the violation if the violator is working in good faith to remedy the issue or if natural circumstances prevent the violation from being remedied within the allotted time, (e.g. weather). Any extension of time requested in excess of fourteen (14) days must be in writing and approved by the Planning Director. If the violation is not corrected by the compliance date as indicated on the violation notice, the Code Enforcement Supervisor will determine what course of action will most likely result in correction of the violation. If legal action is required, the violation will be forwarded to the City of Dublin

Prosecutor's Office. It is not mandatory for a violator to be notified multiple times in writing before liens or legal action is taken. For violations that may pose an imminent threat to health, safety and welfare, the violation notice may be delivered by mail or in person and may require the remedy to be effected within a shorter time frame than normally required for correction of routine violations.

#### **F. Public Risk Violations**

Any violation of this Code which presents an imminent risk to the health, safety and welfare of the public may be corrected by the City, or by any person, firm, or organization selected by the City, if the violation has not been corrected within twenty-four (24) hours from the date of notification. The costs of mitigation shall be paid by the property owner within thirty (30) days. If not paid, a lien may be posted to the owner's property taxes.

#### **G. Stop Work Order**

The Planning Director or Code Enforcement Supervisor may issue a violation notice or stop work order for any violation of the Dublin City Code as circumstances dictate. Stop work orders shall be issued by written notice which shall state the violation and that work or the illegal activity must stop immediately or the issue resolved. The stop work order shall be posted in a conspicuous place and delivered/mailed to the property owner, tenant or designated agent of the property owner. Some examples of issuance of stop work orders include but are not limited to:

- (1) Non-compliance with development standards and/or regulations.
- (2) Failure to obtain a certificate of zoning compliance.
- (3) Failure to meet the conditions or commitments of a conditional use, variance or related permit.
- (4) Failure to meet conditions of development commitments, plat approval, detail plans or covenants determined by the Planning and Zoning Commission.
- (5) Failure to obtain a permit necessary for site/property improvement.
- (6) Other violations of City Code as determined by a Code Enforcement Official.

#### **H. Appeals (Administrative)**

Any person receiving a violation notice may appeal directly to the Board of Zoning Appeals or other designated adjudication entity. A statement of the intent to appeal shall be received by the Planning Director's Office in writing by no later than the compliance date indicated on the violation notice. No further enforcement action will be taken in the event the affected party has submitted a written statement of their intention to appeal. The affected party shall have twenty (20) days from the posted date on the written statement of intent to appeal to the Board of Zoning Appeals.

Failure to meet these deadlines will reinstate all fines due to the violation.  
Fines/penalties will be postponed until the Board of Zoning Appeals has made a ruling as to the validity of the violation, determined provisions to bring compliance or a variance has been granted.