



ADMINISTRATIVE HEARINGS BUREAU RULES AND PROCEDURES

PROCESS

1. Upon identification of a possible blight violation, code enforcement staff will attempt to contact the property owner to discuss the violation and attempt to establish a timeframe for correction.

It is the stated goal of the city to work with property owners to resolve blight issues prior to issuing a formal violation notice. If resolution of a blight violation is not being reached in a timely manner, or if the city is not able to make contact with a property owner, the city will proceed to issuing a formal violation notice.

2. Property Owner is issued a violation notice with fine. The issuance of the notice may be by mail or in person.

- The notice will identify the section of the ordinance that is violated and how the property is in violation of the ordinance with sufficient information such that a Hearings Officer and the subject of the blight violation are able to discern how the ordinance was violated from the face of the notice and what needs to be done to correct or remove the violation.
- The notice specifies the fine charged for the violation and a hearing date (including a date and time) before the Administrative Hearings Bureau where the subject of the notice may appear if they desire to challenge the notice.
- The notice includes a fix-it-date in all but the most extreme cases or where there is a history of repeat violations. The fix-it-date sentence should include a request that the subject of the notice remove or fix the blight condition by a specific date where, if completed, the notice and the fine will be dismissed. The fix-it-date must be at least 14 days prior to the hearing date before the Administrative Hearings Bureau.
- The notice should inform the subject that they may contact the city if they desire more time or need assistance in removing or fixing the blight violation.

CITY FOLLOW-UP ACTIVITY

1. If the subject of the blight violation notice contacts the city and requests more time or assistance, and the city agrees to provide more time, the city shall print off a new notice indicating the new deadline date and the new hearing date. The inspector will send the new notice to the subject highlighting the new fix-it-date, the new hearing date, and re-emphasizing that if the blight is removed or fixed by the new fix-it date, the notice and fine will be dismissed, and the hearing date cancelled.

- On a date shortly after the fix-it-date provided by the notice, or notice providing a new fix-it-date referenced above, the city will re-inspect the property to determine whether the blight has been removed or corrected.
- If the blight has been removed or corrected, the city may send a letter to the subject of the violation thanking them for taking care of the issue, informing the subject that their notice has been dismissed and their hearing date cancelled.
- If the blight has only partially been corrected, and the city has not provided more time for the correction, the city may send a letter to the subject of the violation informing the subject that upon re-inspection the violation was only partially corrected, that the fine stands and their case will proceed to hearing on the date specified (which should be re-affirmed in the letter).

OTHER CODE ENFORCEMENT PROCEDURES

1. Prior to the scheduled hearing date, the city may re-schedule a hearing date for any other valid reason. In such a case, the city will send a letter to the subject of the blight violation notice informing them of the new hearing date.

2. Upon a re-inspection, if a new blight violation is discovered, a new blight violation notice will be issued as to the new violation with a new report entered in the computer database. If a blight condition has not been corrected, but has simply been moved from one location to another, the original violation will continue under the original notice.

3. The city may cancel any notice and fine at any time prior to the hearing. The city may cancel any fine issued by the Administrative Hearings Officer in the case of a first time offender of an owner occupied home, if the blight is corrected or removed.

4. In cases where an Administrative Hearings Officer issues a remedial order that requires that blight be corrected or removed by a specified date, the city will inspect the property shortly after the expiration of the date specified in the remedial order.

- If the order is complied with, the city will make proper notations in the case file.

- If the order is not complied with, the inspector will schedule a new hearing date before the Administrative Hearings Officer where the subject of the order will be provided an opportunity to show cause why further sanctions and fines should not be issued. A letter to that effect will be mailed by the city to the subject of the notice/order.

ADMINISTRATIVE HEARINGS BUREAU (AHB) PROCEDURES

CASE LIST/DOCKET FOR SCHEDULED HEARING DATE

1. The city will create a list, or docket, of all unresolved blight violation notices, including show cause orders, for the hearing date specified, in order of designated hearing times.
2. The list will identify the subject of the blight violation notice, a brief description of the alleged violation, and the name of assigned staff.
3. The list will be provided to the Administrative Hearings Officer, and the city will email a PDF file of the case file of each pending case to the Administrative Hearings Officer prior to the hearing.
4. On the date of the hearings, the docket will be updated by crossing off adjourned or resolved cases, and the updated list may be posted on the door or wall outside of the hearing room.
5. As to matters scheduled for the same date and time, the city may prepare the list and or call cases in the order requested by the Administrative Hearings Officer, in assigned number order, or any other order determined by the city or the Administrative Hearings Officer for the efficient handling of the docket.
6. Prior to the hearings, the inspector will "check in" or otherwise try to determine who has appeared for the hearing.

HEARING PROCEDURES (In addition to those set by Ordinance or Statute)

1. At the time of the hearing, and as directed by the Administrative Hearings Officer, the city will call each case and the name of the property owner that is the subject of the notice, the notice number, and the address of the property will be identified on the record. There will be an audio recording of each hearing and the city will maintain all records of the hearing for at least 45 days.
2. If the subject of the notice, or counsel, is not present, the Administrative Hearings Officer may enter a default provided the notice was sworn.
3. If subject of the notice or counsel is present, or if the Administrative Hearings Officer determines that evidence is needed to issue a ruling, the hearing will proceed in the fashion determined by the

Administrative Hearings Officer and as consistent with due process, the ordinance, and all applicable laws.

4. The city may be called to present evidence as to the blight violation notices issued. The inspector shall state his/her name for the record, and identify the non-compliance issue and provide the evidence in support of the alleged violation.

The subject of the notice or counsel will be allowed to present evidence of their own.

5. Blight violation notices, letters, photos taken by the city, and/or documents provided by either party will be made available for viewing by all parties at the hearing. Hard copies of any document will be made available upon request, before or after the hearing, or as otherwise directed by the Administrative Hearings Officer.

6. A copy of the Administrative Hearings Officer's ruling will be reduced to writing, stored electronically, and will be provided to the parties by hand or by mail. The written decision will include the subject's duties and will be accompanied by an informational sheet which explains appellate rights and the location to pay any fine issued.

7. Legal counsel for the city will not ordinarily attend the Hearings on behalf of the City. However, if any party presents a challenge to the legality of the ordinance or an applicable statute, legal counsel for the City will be contacted and the Administrative Hearings Officer may adjourn the hearing to permit legal counsel to appear to respond where the Administrative Hearings Officer determines that such input is appropriate and necessary.

8. After each hearing and at the expiration of the appellate period, all fine information will be provided to the City Treasurer's office.