

**CITY OF PORT HURON
CODE ENFORCEMENT UNIT
RULES AND PROCEDURES**



Issued: January 23, 2014

CODE ENFORCEMENT UNIT PROCEDURES

- A. Property Owner/Tenant is issued a blight violation notice (“Ticket”) (“fix-it” or not) upon the initial inspection where the inspector determines there is a blight violation, assuming the blight is not immediately corrected in the presence of the inspector. The issuance of the Ticket may be by mail or in person.
1. The Ticket identifies 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 Ticket and what needs to be done to correct or remove the violation.
 2. The Ticket 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 Ticket may appear if they desire to challenge the Ticket.
 3. The Ticket includes a fix-it-date in all but the most extreme cases or where there is a history of repeat violations, as determined in the discretion of the Code Enforcement Unit. The fix-it-date sentence should include a request that the subject of the Ticket remove or fix the blight condition (“removal notice”) by a specific date where, if completed, the Ticket 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.
 4. The Ticket should inform the subject that they may contact the inspector if they desire more time or need assistance in removing or fixing the blight violation.

INSPECTOR FOLLOW-UP ACTIVITY

- A. If the subject of the blight violation notice contacts the inspector and requests more time or assistance, and the inspector, in the discretion of the inspector, agrees to provide more time, the inspector shall print off a new ticket indicating the new deadline date and the new hearing date. The inspector will send the new fix-it ticket 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 Ticket and fine will be dismissed, and the hearing date cancelled.

- B. On a date shortly after the fix-it-date provided by the Fix-It Ticket, or letter providing a new fix-it-date referenced above, the inspector will re-inspect the property to determine whether the blight has been removed or corrected.
 - 1. If the blight has been removed or corrected, the inspector may send a letter to the subject of the violation thanking them for taking care of the issue, informing the subject that their Ticket has been dismissed and their hearing date cancelled.
 - 2. If the blight has only partially been corrected, and the inspector has not provided more time for the correction, the inspector 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

- A. Prior to the scheduled hearing date, the Code Enforcement Unit may re-schedule a hearing date for any other valid reason. In such a case, the inspector or secretary will send a letter to the subject of the blight violation notice informing them of the new hearing date.
- B. 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 Ticket.
- C. The Code Enforcement Supervisor may cancel any Ticket and fine at any time prior to the hearing. The Code Enforcement Supervisor 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.
- D. In cases where an Administrative Hearings Officer issues a remedial order that requires that blight be corrected or removed by a specified date, the inspector will inspect the property shortly after the expiration of the date specified in the remedial order.
 - 1. If the order is complied with, the inspector will make proper notations in the case file.
 - 2. 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 secretary to the subject of the Ticket/order.

ADMINISTRATIVE HEARINGS BUREAU (AHB) PROCEDURES

CASE LIST/DOCKET FOR SCHEDULED HEARING DATE

- A. The secretary 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.
- B. The list will identify the subject of the blight violation notice, a brief description of the alleged violation, and the name of the inspector.
- C. The list will be provided to the Administrative Hearings Officer, and the secretary will email a .PDF file of the Code Enforcement File of each pending case to the Administrative Hearings Officer on the Monday prior to the hearing.
- D. 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.
- E. As to matters scheduled for the same date and time, the secretary 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 secretary or the Administrative Hearings Officer for the efficient handling of the docket.
- F. 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)

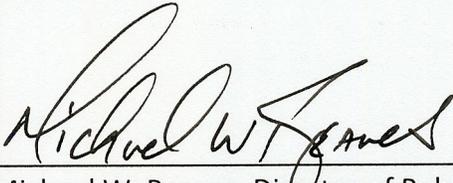
- A. At the time of the hearing, and as directed by the Administrative Hearings Officer, the inspector will call each case.
- B. At the time each case is called, a tape recorder will be turned on by the secretary, and the name of the property owner or tenant that is the subject of the Ticket, the Ticket number, and the address of the property will be identified on the record.

- C. If the subject of the Ticket, or counsel, is not present, the Administrative Hearings Officer may enter a default provided the Ticket was sworn.
- D. If subject of the Ticket 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.
- E. Each Inspector will usually be responsible for presenting evidence as to the blight violation notices they 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.
- F. The subject of the Ticket or counsel will be allowed to cross examine the inspector or any other witnesses and present evidence of their own.
- G. Blight Violation Notices, letters, pictures taken by the inspector, and/or documents provided by either party may be stored on the secretary's laptop and 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.
- H. 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.
- I. At the conclusion of each hearing, or all hearings, the tape recording will be turned off after the Administrative Hearings Officers states that the matter or all matters are concluded, the Court is adjourned, and directs that the tape be turned off.
- J. Corporation 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, Corporation Counsel for the City will be contacted and the Administrative Hearings Officer may adjourn the hearing to permit Corporation Counsel to appear to respond where the Administrative Hearings Officer determines that such input is appropriate and necessary.

OTHER ADMINSTRATIVE DUTIES

- A. The secretary will be responsible for maintaining all records of the hearing and the ruling, including the audio tape or files made at the hearing.
- B. Upon request by either party, and at the standard cost for such transcript to be paid by the requesting party, a written transcript of the hearing will be made available. The secretary will be responsible for arranging for a transcript to be made with police records personnel or a court reporter if required.
- C. After each hearing and at the expiration of the appellate period, all fine information will be provided by the secretary to the Treasurer's office.
- D. The secretary will be responsible for scheduling and arranging a hearing room, and for assuring that all the necessary supplies are available and equipment functioning to conduct the hearing.

ISSUED BY:



Michael W. Reaves, Director of Public Safety
Chief of Police & Fire Departments

APPROVED BY:



Bruce Brown, City Manager

DATE: January 23, 2014