

618. ADMINISTRATIVE COMPLAINTS

618.010. GENERALLY. A violation of any provision of the Municipal Code of the City of Birchwood Village may be subject to sanctions. It is in the best interest of all residents of the City to try to resolve all problems regarding nuisances and other violations of the city code by polite personal contact between residents. If such personal contact does not satisfactorily correct a particular situation or there may be reasons that a resident does not desire to use that approach, then the following steps may be followed.

618.020. COMPLAINT. Any person may file a complaint with the City on a form provided by the City. The complaint shall identify with specificity the conduct complained about, the persons and/or properties involved, and, if known, the specific ordinance provision that is allegedly being violated. Anonymous complaints and incomplete written complaints and oral complaints may be accepted at the discretion of City staff. The name of the complainant who complains about the use of real property will be classified as confidential data at all times pursuant to the provisions of Minnesota Statutes Section 13.44.

618.025. COMPLAINT LOG BOOK. The City shall maintain a log of all written complaints that are received, anonymous or not, and all oral complaints that are investigated. City staff shall enter in the log book the resolution of each complaint upon completion of the matter. The names of complainants shall not be identified in the log book.

618.030. INVESTIGATION. Upon receipt of a written complaint or upon acceptance of an oral or anonymous complaint, or upon its own volition, or upon direction of the City Council, City staff shall conduct an investigation of the matter to determine if a violation exists. The staff may request assistance of law enforcement personnel, the City of White Bear Lake Planning and Zoning Department, the Birchwood Planning Commission, or City Council members in conducting an investigation into a complaint. The person(s) investigating the matter, or City staff, shall summarize the results of the investigation in a written report. All written reports shall be placed on file and shall be public documents but no confidential or non-public data shall be disclosed.

618.040. NOTICE OF VIOLATION. If after investigation, it is determined by the investigators that a violation has occurred or is occurring, City Staff and any other investigators shall attempt to work with the alleged violator and complainant to informally and expeditiously remedy the situation by achieving compliance with the code. If such informal resolution is unsuccessful or not timely, the City staff or other investigators may document the alleged violation in writing in a Notice of Violation and serve the Notice on the alleged violator by mail or other method. Said Notice of Violation shall set forth the nature, date, and time of the violation, the name of the official issuing the Notice, the action the alleged violator shall take to comply with the ordinance provision or provisions that are being violated, and a specific deadline for taking the compliance action that is no longer than sixty days from the date of the Notice. The Notice shall also advise the alleged violator that if compliance is not attained by the deadline, the matter will be brought to the City Council for consideration of additional sanctions. The Notice shall advise the alleged violator that he or she may file a written request for a public hearing within ten days of receipt of the Notice. Upon receipt of a timely request for a public hearing, the Council shall conduct such hearing as may be required by law.

618.050. COUNCIL CONSIDERATION. City staff may at any time bring the matter to the attention of the City Council. If a Notice of Violation is issued pursuant to Section 618.040 and the alleged violator does not undertake the specified actions within the established deadline, City staff shall bring the matter to the attention of the City Council. The alleged violator and the complainant (if there is one) shall be given notice of the Council meeting at which the matter will be considered.

618.060. COUNCIL ACTION. Upon consideration of an alleged violation, if the Council determines that a violation has occurred or is occurring, the City may take any enforcement action deemed appropriate to address the situation, including directing the alleged violator to take certain action within a specified time period, seeking criminal or civil penalties or an injunction, or, if authorized by law, taking abatement action itself to remedy the violation, or pursuing any other enforcement action available to the City. The City may document its action in a Notice of Violation or other order or written document. Upon request of the alleged violator, the City shall hold a public hearing on the matter as required by law. If the Council determines that no violation has occurred, it shall advise the complainant and the alleged violator of such determination.

618.070. FINAL RESOLUTION. The City shall document in the log book the final resolution of each complaint that is registered.

****Adopted December 13, 2012****