

City of Elkins
Code Enforcement Protocol
Adopted by Council: July 21, 2016

The initial enforcement of building and related code violations shall be performed by the city's code enforcement officer. This document describes the process that shall be followed by the code enforcement officer and other relevant city personnel upon the discovery of a code violation.

1. Warnings

Many instances of code violations can be addressed by providing offenders with information or warning them that they are in violation of city laws. Therefore, if the code enforcement officer deems it appropriate, he may issue a warning in lieu of a citation for a first offense.

1.1. Warnings Procedure

To issue a warning, the code enforcement officer shall:

- Record the required information in his warning book
- Provide the violator with a copy of the warning
- Inform the violator of a date by which the noted violation must be corrected
- Enter the warning information (including violator's name, address, phone number, and description of violation) into a spreadsheet

At the time he issues a warning, the code enforcement officer should also compile evidence of the violation, such as photographs, diagrams, notes, etc.

In the case of out-of-state and/or corporate property owners, properties that are part of an estate, or similar cases, the action taken in this section may include a letter generated by the city attorney.

1.2. Correction in Response to Warning

After issuing a warning, the code enforcement officer shall, within an appropriate amount of time (but no more than fourteen business days), verify that the condition warned about has been corrected. If it has not been corrected, the following enforcement actions are available.

2. Enforcement Actions

When a warning is insufficient or has been ignored, or if issuing a warning is inappropriate, the code enforcement officer may issue a citation.

2.1. Fines

The first enforcement action is for the code enforcement officer to issue a citation imposing the fine established by Elkins Common Council. If he has not done so already, the code enforcement officer should also now compile evidence of the violation, such as photographs, diagrams, notes, etc.

In general, each day that a violation exists may be considered a separate offense and multiple fines imposed accordingly. If a warning has been issued but has not been corrected by the imposed deadline, the offense may be considered to have occurred on each day since the warning was issued.

2.1.1. Fines Procedure

To issue a citation, the code enforcement officer shall include the following:

- a. The date the citation is issued;
- b. The name and address of the person(s) charged with the violation;
- c. The section of the ordinance that has been violated;
- d. The nature of the violation;
- e. The place and time the violation occurred;
- f. The date the notice of violation was given;
- g. The amount of the fine imposed for the violation;

- h. The name, address, and telephone number of the enforcement official issuing the citation; and
- i. The name, address and telephone number of the office of the municipal court clerk, where fines are to be paid, and of the municipal court, where citations may be appealed.

2.1.2. Payment of Fines

Cited offenders may pay their fines by mail to or in person at the Municipal Court. That office will forward a copy of the receipt to the code enforcement officer.

All procedures to be implemented by the Code Enforcement Officer through this protocol shall be in compliance with Ordinance 216 and any other code sections or ordinances adopted by Council with regard to Code Enforcement.