

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA**

DEVELOPMENT CODE COMPLAINT AND ENFORCEMENT POLICY

1. Purpose

Denmark Township (“**Town**”) has adopted, and is responsible for administering and enforcing, the Denmark Township Development Code (“**Code**”). The Code contains the Town’s land use regulations and has a long legislative history. The Town Clerk holds regular office hours, but the Town does not otherwise employ any staff. Instead, it provides inspection services by agreement with the City of Cottage Grove (“**Building Inspector**”) and contracts for planning and legal services with outside professional consultants.

As with most small communities without staff or a police force, the Town relies primarily on citizen complaints to identify potential violations of the Code. The purpose of this Development Code Complaint and Enforcement Policy (“**Policy**”) is to outline the opportunities for the public to submit complaints, describe how the Town will typically manage the investigation of such complaints, and, if warranted, pursue enforcement actions. This Policy does not guarantee the Town will take any particular enforcement action in response to a complaint. The Town, with the assistance of its Building Inspector and its consultants, will determine if a violation exists and how best to address it on a case-by-case basis.

No policy can address every potential situation and the Town Board may need to, based on the facts of a particular situation and the advice of the Town Attorney, follow a different path than outlined in this policy to enforce the Code. For example, if the Town Board determines a violation poses an imminent threat to public safety it would undertake an expedited process to address the violation. However, the Town Board intends this Policy to reflect the usual procedures for receiving and following up on reported Code violations. Nothing in this Policy limits the authority of the Town, the Building Inspector, the Town Planner, or the Town Attorney to take any action they are authorized to take under the Code, any applicable laws or rules, or as directed by the Town Board.

2. Complaint Procedures

Complaints regarding possible violations of the Code must be submitted in accordance with the following:

- (a) Resident complaints need to be submitted in writing to the Town Clerk at the Town Hall. A resident is not required to use a particular form to submit a complaint. However, the complaint must, at a minimum, identify the property to which it relates and describe the alleged Code violation.
- (b) If a person appears at a Town Board meeting to make a complaint, the Town Board will allow the person to speak to the complaint if it is presented at the public input portion of

the meeting, but then will direct the person to submit the complaint in writing to the Town Clerk in accordance with this Policy.

- (c) If a resident contacts a Supervisor with a complaint regarding a Code violation, the Supervisor will direct the person to submit the complaint in writing to the Town Clerk in accordance with this Policy.
- (d) If a Supervisor notices a code violation, the Supervisor shall submit a written notice of the observed violation to the Town Clerk, which will be processed in the same manner as a resident complaint.
- (e) The Town Clerk shall inform the Supervisor designated by the Town Board as the Building Inspector Liaison (“**Inspector Liaison**”) of the complaint. If the Supervisor determines the complaint does relate to a potential violation of the Code, the complaint shall be processed in accordance with the following procedures. The Inspector Liaison shall seek assistance from the Town Attorney if he or she is not certain as to whether the complained of activity or situation is potentially a violation of the Code.
- (f) Pursuant to Minnesota Statutes, section 13.44, subdivision 1, the “identities of individuals who register complaints with government entities concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data pursuant to section 13.02, subdivision 3.” The Town may share the complaint information with its Building Inspector, Town Planner, and Town Attorney as part of processing the complaint, but will redact information related to the identity of the individual making the complaint if the Town receives a request from the public for a copy of the complaint.

3. Investigating Complaints

- (a) The Inspector Liaison shall forward complaints of potential Code violations to the Building Inspector for further investigation as needed. The Building Inspector may seek the assistance of the Town Planner and Town Attorney to help determine the nature and scope of the investigation.
- (b) The Building Inspector shall report his or her findings to the Inspector Liaison, the Town Attorney, and the Town Clerk. The Town Clerk shall forward the report to the Supervisors. The identity of the complainant remains confidential data as indicated above.
- (c) Supervisors are not responsible for investigating complaints. A Supervisor may choose to drive by a property to view it from the road to gain a better understanding of the situation, but a Supervisor is not to go onto private property or to speak with the owner about the complaint unless specifically requested to do so by the Town Board.

4. Enforcement Actions

- (a) If the Building Inspector's investigation confirms the Code violation, the Building Inspector shall send a first notice of violation to the owner and provide a copy to the Town Clerk and Town Attorney.
- (1) The notice of violation shall, at a minimum, contain the following:
- (i) Identify the property;
 - (ii) Describe the violation;
 - (iii) Cite to the particular provisions of the Code being violated;
 - (iv) Specifically identify what the owner must do to bring the property into compliance with the Code; and
 - (v) Provide a date by which the work to bring the property into compliance must be completed.
- (b) If the owner fails to bring the property into compliance in accordance with the first notice of violation, the Building Inspector shall send the owner a second notice of violation and provide a copy to the Town Clerk and Town Attorney.
- (c) If the owner fails to bring the property into compliance by the date indicated in the second notice of violation, the Town Attorney shall send the owner a final notice of violation and provide a copy to the Town Clerk and the Building Inspector.
- (d) If the owner fails to bring the property into compliance with the final notice of violation, the Town Attorney will discuss with the Town Board the options to initiate a legal action to enforce the Code either through a civil suit and/or criminal prosecution. No legal action shall be initiated without the approval of the Town Board.
- (e) If more immediate action is required, the Inspector Liaison shall work with the Building Inspector and Town Attorney to determine the appropriate enforcement procedures.

Adopted this 1st day of July 2019.

BY THE TOWN BOARD


Kathleen A. Higgins, Chairperson

Attest: 
Becky Herman, Clerk-Treasurer