



VIII.

Agenda Item

County of Hanover

Board Meeting: October 8, 2014

Subject: Presentation – Revisions to Code Compliance Policies

**Summary of
Agenda Item:**

Staff has prepared modified Code Compliance Policies. The existing policy has evolved through the years as a result of ordinance changes and changes in enforcement responsibilities amongst the various County departments and agencies. The Planning Department is not only responsible for Zoning compliance as articulated in the current policy, but is also responsible for the enforcement of the Subdivision Ordinance, and shares responsibility for the enforcement of the Noise Ordinance.

Like the current policy, the draft policies clearly establish priorities for following through with enforcement efforts. A significant change is the enforcement procedures that are outlined in the existing policy are removed from the proposed policy currently being considered. The type and nature of enforcement activities necessitates that staff has some discretion as to how to best address alleged violations with the goal of achieving compliance as expeditiously as possible. Unlike the current policy however, the draft also references provisions for enforcement of the Subdivision and Noise Ordinances. The policy clearly identifies the components of the Noise Ordinance with which it has specific enforcement responsibility which include the following disturbances:

- Noise associated with industrial activities;
- Noise associated with land uses such as the operation of construction equipment and the collection of trash; and
- Shared enforcement of Noise Ordinance provisions associated with barking dogs

**County
Administrator's
Recommended
Board Motion:**

Adopt Revised Code Compliance Policies as presented

Draft: Planning Department Code Compliance Policies

The Director of Planning (the “Director”) is responsible for the enforcement of Chapter 26 Zoning Ordinance and certain provisions of Chapter 16 Noise of the Hanover County Code. The specific provisions of Chapter 16 shall relate to noise violations associated with noise complaints arising from the operation of construction equipment, repair of motorized vehicles and equipment, the collection of trash and refuse, loading or unloading of commercial motor vehicle, and creating noise in connection with construction or building maintenance, lawn, garden, or tree maintenance in violation of Section 16-8 of the Hanover County Code. Further, the Director shall be responsible for enforcing violations of Section 16-10 of the Hanover County Code, as well as assisting the Hanover County Sheriff in the enforcement of Section 16.8.(10) related barking dogs. The Director may delegate the day to day code compliance responsibilities to a member of the Planning Department Staff; however, ultimate enforcement responsibility remains with the Director.

Code Compliance Priorities

Code Compliance and enforcement priorities shall be focused on the following violations and complaints:

- Violations which immediately affect the health, safety and welfare of the public (examples: fire hazards, explosive or dangerous material storage, and serious sanitary problems);
- Violation of any discretionary or administrative zoning action granted by the Board of Supervisors, Planning Commission, or Board of Zoning Appeals;
- Zoning or noise complaints filed by residents, business, or property owners who also provide their name and address at the time the complaint is filed; and,

Other complaints filed anonymous shall be investigated in a timely manner, but shall not take precedence over the aforementioned priorities.

Response

It shall be the policy of the Board of Supervisors that zoning complaints be investigated by the Director or his/her designee in a timely manner. When a violation is confirmed or when there appears to be a preponderance of evidence that a violation exists following the investigation, the property owner shall be issued a formal Notice of Violation. Such notice shall advise the responsible party, usually the property owner, of the right to appeal the notice in accordance with applicable state and local statutes and ordinances.

In instances of noise complaints, it shall be the policy of the Board of Supervisors that such complaints shall be investigated in a timely manner, and where necessary and feasible, the Director shall cause appropriate sound studies be performed to confirm a noise violation does exist. If the investigation

produces a preponderance of evidence that suggests a violation of Section 16 of the county code does exist, or where a violation has recently occurred, the Director shall cause a notice be sent to the property owner or responsible party in accordance with the procedures prescribed in Section 16.

Resolution and Abatement

The primary objective of code compliance and enforcement efforts shall be to seek compliance with applicable ordinances. Only in instances in which the property owner fails to comply with the provisions in a timely manner shall further enforcement efforts proceed. Such efforts may include seeking civil or criminal penalties as prescribed in Chapters 16 and 26 of the County Code, and in extreme cases where the public health, safety, and general welfare is in immediate danger, the Director, in consultation with and assistance from the County Attorney, may seek to enjoin the violation through the Circuit Court.

Should enforcement efforts result in prosecution through the court system, it is the policy of the Board of Supervisors to allow the case to be adjudicated, regardless of the status of the violation at the time of trial. The Director, in consultation with the County Attorney, shall have the authority to discontinue prosecution in those instances in which both the public interest and interest of the property owner are best served.

Signs

The Hanover County Zoning Ordinance recognizes the important role signs serve with regard to local commerce and public safety. It is well documented that the placement of unregulated signs poses a significant and immediate threat to the health, safety, and general welfare of Hanover's residents. As such, it is the policy of the Board of Supervisors that enforcement of the sign ordinance be implemented on an on-going basis. Enforcement of "Division 7. Sign Regulations" of the Hanover County Zoning Ordinance shall be prioritized as follows:

- (1) Illegally placed signs within public rights of way;
- (2) Illegally placed off-site signs located on private property; and
- (3) Other violations of Division 7

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