

MCBCS Policy/Procedure Enforcement

The following procedure will be applicable to enforcement action. These remedies are not exclusive. Other remedies may be deemed appropriate if determined by the Building Official or Division Attorney.

It is the general policy of this division that inspectors will not personally confront individuals for compliance purposes, thereby putting themselves in potential danger. Correspondence will be via mail, whenever possible. If personal confrontation is required and there is any indication of potential danger, the inspector will request accompaniment by law enforcement personnel. Under no circumstances will an inspector confront an individual alone. At the very minimum, two inspectors will be on the jobsite if an individual is to be confronted.

The violator includes either or both, the owner and contractor. If a licensed contractor doing the work has been confirmed, the violator will be the contractor. If no licensed contractor can be confirmed, the owner will be considered the violator. In some instances, the violator may include both the owner and contractor. At the minimum, the owner will be copied on all correspondence.

- 1) Licensing
 - a) If inspector personally witnesses work being done and confirms that person doing work is unlicensed;
 - i) If violation falls within the 12 criteria listed on BCD's "Citation for License or Registration Violation", fill out the citation and forward to BCD for enforcement.
 - b) If licensing violation has been documented, but not witnessed by the inspector:
 - i) Complete BCD's "Complaint Report", form #2509, and forward to BCD for enforcement.
 - c) If realistic allegation has been made which our office cannot document, contact BCD Compliance Division for their investigation.
- 2) Work without required permit
 - a) Inspector to determine work done, whether permit is required etc.
 - b) If appropriate, inspector will contact violator via phone to advise of the violation and request voluntary compliance.
 - c) Inspector or Building Official to send initial compliance letter to violator, requesting voluntary compliance within a specific time period, not to exceed 30 days and not less than 10 days. Letter to be sent via certified mail and regular mail.
 - d) If violation is considered an imminent threat to health, safety or public welfare, the minimum time periods are waived and compliance will be required immediately.

- e) If no response to initial compliance letter, the building official will issue an order to correct a violation to the appropriate violator. The time permitted for correction shall be not less than five calendar days.
 - f) If no response to notice to correct a violation, building official to send Notice of Civil Violation, imposing civil penalty. The notice to contain all information required by State Law.
 - g) If violation is a repeat of similar violations, the initial letter and order to correct a violation may be waived at the discretion of the building official.
 - h) Notice of Civil Penalty to include a statement that payment of the civil penalty does not preclude the violator from requirement of code compliance.
 - i) Appeal of Notice of Civil Penalty to be in accordance with State Law. Request to appeal to be accompanied by a fee of \$100.00.
 - j) Notice of Civil Penalty to be enforced by whatever means available by law.
- 3) Other violations:
- a) Violations, other than permitting or licensing will be enforced by procedures similar to the above, as appropriate for the specific violation.