

IMMEDIATE TICKETING

There are several violations where an immediate ticket can be issued. While each has its own distinct set of necessary steps that must precede a ticket, the ticket's actual issuance is the same in every situation. A Municipal Code Ticket can be served two ways, in person or by certified mail. When issuing a ticket in person, you must have an ID from the individual being ticketed to get his/her personal information. When issuing a ticket by certified mail, you must always post a photocopy of the ticket at the property in violation and attach an affidavit of posting to the ticket package for MCVB. The procedures listed below must be strictly followed to ensure the ticket will be enforceable. Example tickets for each type are included and sorted by example number for future reference.

The following is a list of things that must be completed for every ticket, no matter how it's issued or what the violation is:

- 1) The defendant's information must be filled out.
- 2) The place of occurrence must be listed.
- 3) The date and time of the offense must be listed.
- 4) The offense must be listed.
- 5) The Code section in violation must be listed.
- 6) You should list in the factual part what preceded the ticket.
- 7) Always check Municipal Code Violations Bureau.
- 8) Always schedule the hearing for a Wednesday.
- 9) Always give at least 30 days from the ticket date and never schedule during the last two weeks of the calendar year as MCVB shuts down during that period.
- 10) If the ticket time is before noon, the hearing time is 9 am if the ticket time is afternoon, the hearing time is 1 pm.
- 11) Always circle or write in the fine schedule.
- 12) Always list what offense number it is, first, second, third.
- 13) Always put yourself as the complainant and include the date.
- 14) Always list your ID#, which can be either your IBM# or your Inspector#.
- 15) For this section, list your NSC Area or the Code Enforcement Bureau.

The tickets should always be distributed as follows:

- 1) White copy goes to MCVB through interdepartmental mail.
- 2) The yellow copy is extra and can be kept or discarded.
- 3) The pink copy goes to the person being ticketed.
- 4) The gold copy is your copy.

The following is a list of specific procedures that must be followed for each type of ticket:

Violations of Chapter 20

For sections (20-10) - (20-39) use fine schedule A, (20-40) -(20-49) use fine schedule (B)

- 1) **§20-11c (No refuse service)**
 - a) A pink refuse N&O must be issued, giving the owner at least five days to prove that they have legal refuse service.
 - b) The hard copy of the N&O must be left at the property in violation.
 - c) One of the pink copies needs to be sent to the property owner by first class mail.
- 2) **§20-14 (Loose debris around dumpster) - (owner or tenant)**
 - a) Verbal warning must be given with a specific time for expected compliance.
 - b) A photo should accompany the ticket.
- 3) **§20-15k (Toters out on the wrong day)**
 - ~~a) An orange door hanger must be left at the property.~~
 - ~~b) A toter warning letter should be sent to the property owner for the first two incidents.~~
 - ~~c) A photo should accompany the ticket.~~
- 4) **§20-16 (Illegal dumping) - Fine schedule Refuse or F**
 - a) An affidavit from the witness should be included, if applicable.
 - b) A photo of the debris should be included.
- 5) **§20-41 (Unlicensed Refuse Hauler)**
 - a) Verification through DES (Refuse) that contractor is not currently licensed.
 - b) Photograph of refuse container, if possible.
- 6) **§20-43a (Private refuse pick up before 6:30 am in a predominately residential area)**
 - a) A warning letter should be sent to the refuse company.
 - b) An affidavit from the complainant should be included.
- 7) **§20-44b (Loose debris around dumpster) - (contractor)**
 - a) Verbal warning should be given with a specific time for expected compliance.
 - b) A photo should accompany the ticket.
- 8) **Violation of Chapter §39 - 211 (Disobeying a stop-work order) – Fine schedule E**
 - a) The violation should be cited on an N&O.
 - b) A stop-work order must be filled out and posted at the property in violation.
 - c) The order must state the conditions under which the work may resume.
 - d) If the order is not personally served, a copy should be mailed to the property owner.
 - e) The stub part of the order needs to be scanned into the case file within one day of the posting.
 - f) Use fine schedule (E)

Violations of Chapter 40 – Fine schedule D

- 9) **§40-6 (Performing Plumbing work without a license)**
 - a) Evidence must be established, either by a personal witness, by obtaining a copy of the work contract from the property owner, or by some other means.
 - b) Use fine schedule D and write in (High Level) on the ticket.
- 10) **§40-7 (False representation of a licensed plumber)**
 - a) Evidence must be established, either by a personal witness, by obtaining a copy of the work contract from the property owner, or by some other means.
 - b) Use fine schedule D and write in (High Level) on the ticket.

Violations of Chapter 49 – Fine schedule D

- 11) **§49-3 (Performing electrical work without the required license)**
 - a) Evidence must be established, either by a personal witness, by obtaining a copy of the work contract from the property owner, or by some other means.
 - b) Use fine schedule D and write in (High Level) on the ticket.
- 12) **§49-10 (False representation of a licensed electrician)**
 - a) Evidence must be established, either by a personal witness, by obtaining a copy of the work contract from the property owner, or by some other means.
 - b) Use fine schedule D and write in (High Level) on the ticket.

Violations of Chapter 69 - Fine schedule A

- 13) **§69-3c (Sweeping litter from the sidewalk into the street) - (store operator)**
 - a) A verbal warning should be given to the operator with a specific period to correct.
- 14) **§69-3d (Litter on the sidewalk) - (store operator)**
 - a) A verbal warning should be given to the operator with a specific period to correct.

Violations of Chapter 90 – Fine schedule D

- 15) **§90-33 (No Business Permit)**
 - a) Use fine schedule D and write in (High Level) on the ticket.
- 16) **§90-37d (Business Permit not posted)**
 - a) A verbal warning should be given for a first occurrence and documented on the ticket.
 - b) Use fine schedule D and write in (High level) on the ticket.

Violations of Chapter 104 - Fine schedule A

- 17) **§104-11c (Snow blocking the sidewalk) - (owner or first-floor occupant)**
a) A snow N&O should be issued, giving 12hrs to correct.
b) If you're going to ticket the property owner, he/she must be notified of the violation.
c) In addition to the ticket, the expired N&O should be sent to DES for removal, if necessary.
- 18) **§104-11d (Snow deposited on the sidewalk, street, or against a fire hydrant)**
a) A warning snow N&O or door hanger should be used unless it's chronic or hazardous.
b) Ticket should be issued to the responsible party. (Owner, occupant or contractor)

Violations of Chapter 120 – Fine schedule D (Zoning)

- 19) **§120-35k (Operating beyond the allowable hours without a special use permit)**
This situation involves a Store in a C1 district; this is an approved use but has limited hours of 6 am to 11 pm unless they obtain a special use permit. If they have not received a special use permit and are operating beyond these restricted hours, they violate 120-35k. Again this ticket can be issued to the listed business owner or if they do not have a Business Permit who ever is operating the establishment. Fine schedule - (Closing hours)
- 20) **§120-152 (Auto Repair Activities Unapproved) – Must list specific sub-section**
This situation involves an approved auto repair facility not complying with the zoning code with respect to the way they are conducting their business, such as repairing vehicles outside of the building.
- 21) **§120-163A (4) (Auto Repair in a Residential District)**
This situation involves someone repairing a vehicle that they do not own in violation of the Zoning Code.
- 22) **§120-173F-1c or 120-173F-1d (Front yard parking) use document #6 as a guide**
a) The vehicle cannot be parked in a driveway that extends to the rear yard or a garage.
b) The vehicle must have a current registration & matching plates.
c) Use the category other, list the applicable code, FYP, and write (All times).
d) Leave a hard copy on the vehicle, the white copy goes to MCVB, and the pink copy is yours.
- 23) **§120-189D (Operating without a CZC)**
This situation can involve violations such as but not limited to, Unapproved Auto Sales and Unauthorized Vending at festivals.
- 24) **§120-199-E3 (Expanding a non-conforming use) - Fine schedule - (closing hours)**
This violation applies to situations involving a non-conforming use, which could be a Bar/Restaurant in a C1 district or a Bar/Restaurant or Store in an R district. These uses are not permitted. Businesses having been previously approved and not having lost their rights are allowed to operate within the granted hours. If they operate beyond those approved hours, they are in violation of expanding a non-conforming use §120-199-E3. This ticket can be issued to the business owner of record or, if they do not have a Business Permit, whoever is operating the establishment.