

RESOLUTION ENDORSING CODE ENFORCEMENT PROSECUTION POLICY

WHEREAS, the Rapid City Code Enforcement Office is responsible for enforcing the provisions of the Rapid City Municipal Code regulating the condition of property within the City; and

WHEREAS, some property owners within the City fail to meet the standards for the maintenance of their property established by the City Code and allow nuisance conditions to proliferate to the detriment of their neighborhoods; and

WHEREAS, some owners have multiple substandard properties; and

WHEREAS, the City of Rapid City has the authority to criminally prosecute violations of the Rapid City Municipal Code; and

WHEREAS, the Common Council of the City of Rapid City finds that criminally prosecuting property owners who repeatedly fail to maintain their property or who own multiple substandard properties will reduce the number of repeat violators; and

WHEREAS, the Common Council of the City of Rapid City has determined that it is in the City's best interests to endorse a policy that establishes a general guideline for the prosecution of repeat violators.

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that the following Code Enforcement prosecution policy be adopted:

1. If a code enforcement action is initiated against a property whose owner has already had three code enforcement actions within the preceding 12 month period, the owner of the property shall be criminally prosecuted. The City Attorney's Office shall send a letter to any owner of property within the City after their third enforcement action informing them that any subsequent enforcement action, against any property owned by them, will result in a criminal prosecution and further informing them of the potential consequences for a conviction of a violation.
2. If a code enforcement action is initiated against a property whose owner has already had four code enforcement actions within the preceding 24 month period, the owner of the property shall be criminally prosecuted. The City Attorney's Office shall send a letter to any owner of property within the City after their fourth enforcement action informing them that any subsequent enforcement action, against any property owned by them, will result in a criminal prosecution and further informing them of the potential consequences for a conviction of a violation.
3. If an owner of property in the City has had two abatements on any property owned by them in the preceding 12 months, a criminal prosecution will be initiated after the second abatement.

4. In determining the number of enforcement actions or abatements, any and all property that was owned by that person or by a corporation or other similar entity that they are an owner or partner in at the time of any previous enforcement action will be considered.
5. A list will be maintained of code violations verified by Code Enforcement which will be indexed by property address and property owner.
6. It is understood by the Council that the City Attorney's Office has ultimate discretion to decide when a criminal prosecution is appropriate and that based on extenuating circumstances or in the interests of justice the City Attorney's Office may on occasion be required to deviate from the strict application of this policy. The City Attorney's Office may deviate from this policy whenever extenuating circumstances or the interests of justice so require.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)