

**RESOLUTION NO. 16-030**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA  
ESTABLISHING THE CITY OF SARATOGA CODE COMPLIANCE POLICY**

**WHEREAS**, the City of Saratoga works to ensure the health and safety of the community and maintain a high quality of life; and

**WHEREAS**, enforcement of the City Code is one mechanism by which the City of Saratoga helps is able to maintain standards of health, safety, and high quality of life within Saratoga; and

**WHEREAS**, the City Council of the City of Saratoga has adopted several resolutions to establish priorities and standards relating to code enforcement in the City of Saratoga, including Resolutions 92-082 and 04-018; and

**WHEREAS**, the City Council desires a comprehensive policy that establishes guiding principles and priorities for the City of Saratoga Code Compliance Program; and

**WHEREAS**, this resolution and content of the attached Code Compliance Policy shall supersede all prior resolutions, policies, and understandings relating to code enforcement in the City and the City of Saratoga Code Compliance Program except in connection with the Santa Clara County Sheriff's Office, San Jose Animal Services, or other local government agencies that have the authority and responsibility to enforce the City Code through contract with the City of Saratoga or other means.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Saratoga hereby adopts the attached City of Saratoga Code Compliance Policy.

The above and foregoing resolution was passed and adopted at a regular meeting of the Saratoga City Council held on the 4<sup>th</sup> day of May 2016 by the following vote:

AYES: Mayor E. Manny Cappello, Vice Mayor Emily Lo, Council Member Mary-Lynne Bernald, Howard A. Miller, Rishi Kumar

NOES:

ABSENT:

ABSTAIN:

  
E. Manny Cappello, Mayor

ATTEST:

  
Crystal Bothelio, City Clerk

DATE: 5/5/2016

**CITY OF SARATOGA CODE COMPLIANCE POLICY**  
**Adopted May 4, 2016**

**I. Purpose**

The Code Compliance Program is one of the City of Saratoga's methods for promoting the health, safety, and quality of life of the residents of Saratoga. This policy outlines the City Council's priorities for enforcement of City Code and is intended to provide guidance for the implementation of City Code compliance strategies in Saratoga. This policy shall apply to the Code compliance officials designated by the City Manager. It shall not apply to the Santa Clara County Sheriff's Office, San Jose Animal Services, or other local government agencies that have the authority and responsibility to enforce the City Code through contract with the City of Saratoga or other means.

**II. General Provisions**

- A. Prioritization of Violations. Violations that present an imminent threat to public health and safety shall receive first priority in the enforcement of the City Code. Complaints concerning alleged violations of limited duration that are in process, present a clear violation of the City Code, and can be resolved through immediate action shall receive second priority. Other violations shall be pursued as time permits.
- B. Complaint-Driven Enforcement. The Code Compliance Program shall operate on a complaint basis and compliance officers shall not actively seek enforcement of violations without a prior complaint filed, subject to the following exceptions:
1. Violations that present an imminent threat to public health and safety may be proactively enforced without receiving a prior complaint.
  2. During the course of investigating a complaint, compliance officers may proactively enforce violations found within the vicinity of the alleged violation.
  3. City permits, conditions of approval, and parking regulations may be enforced without a complaint filed in connection with inspections and compliance monitoring.
  4. The City Council may by resolution direct proactive enforcement of certain types of violations.
- C. Voluntary Compliance. Compliance officers shall strive to achieve voluntary compliance with the City Code before formal enforcement action is taken. Furthermore, the City understands that in some cases, enforcement of the City Code may not fully address the circumstances that may have led to the filing of a complaint. Given the City's limited Code compliance resources and interest in fostering lasting solutions to community concerns, compliance officers shall encourage neighbors to informally work together to reach resolution of violation complaints before resorting to formal procedures. In the event that complaints reveal rifts among neighbors that may not be fully resolved through the Code

compliance process, the City shall encourage residents to participate in conflict mediation by coordinating or referring residents to available mediation services.

- D. Anonymous Complaints Not Guaranteed. Any person may make a complaint to the City regarding alleged code violations. With the exception of complaints regarding clear and imminent threats to public health and safety, the City shall not accept anonymous complaints. The City recognizes that some complainants may not want their names disclosed for fear of retaliation. The City makes no assurances that the identity of the complaining party will remain confidential. For example, it may be necessary for the complaint for the complaining party to testify at an administrative hearing or in a court of law in order to effectively resolve the violation. Furthermore, it may be necessary for the City to disclose the identity or contact information of the complainant in order to respond to and comply with Public Records Act requests.
  
- E. Weekend Enforcement. The City of Saratoga recognizes the need for Code compliance staff to be available on weekends. Weekend hours shall be a priority when establishing the work schedule for Code compliance staff.