

# Enforcement Tactics & Use of Bonds or Escrow to Ensure Compliance

David Rush, Douglas County Land & Resource Director

Jay Squires, Rupp Anderson Squires & Waldspurger, P.A.

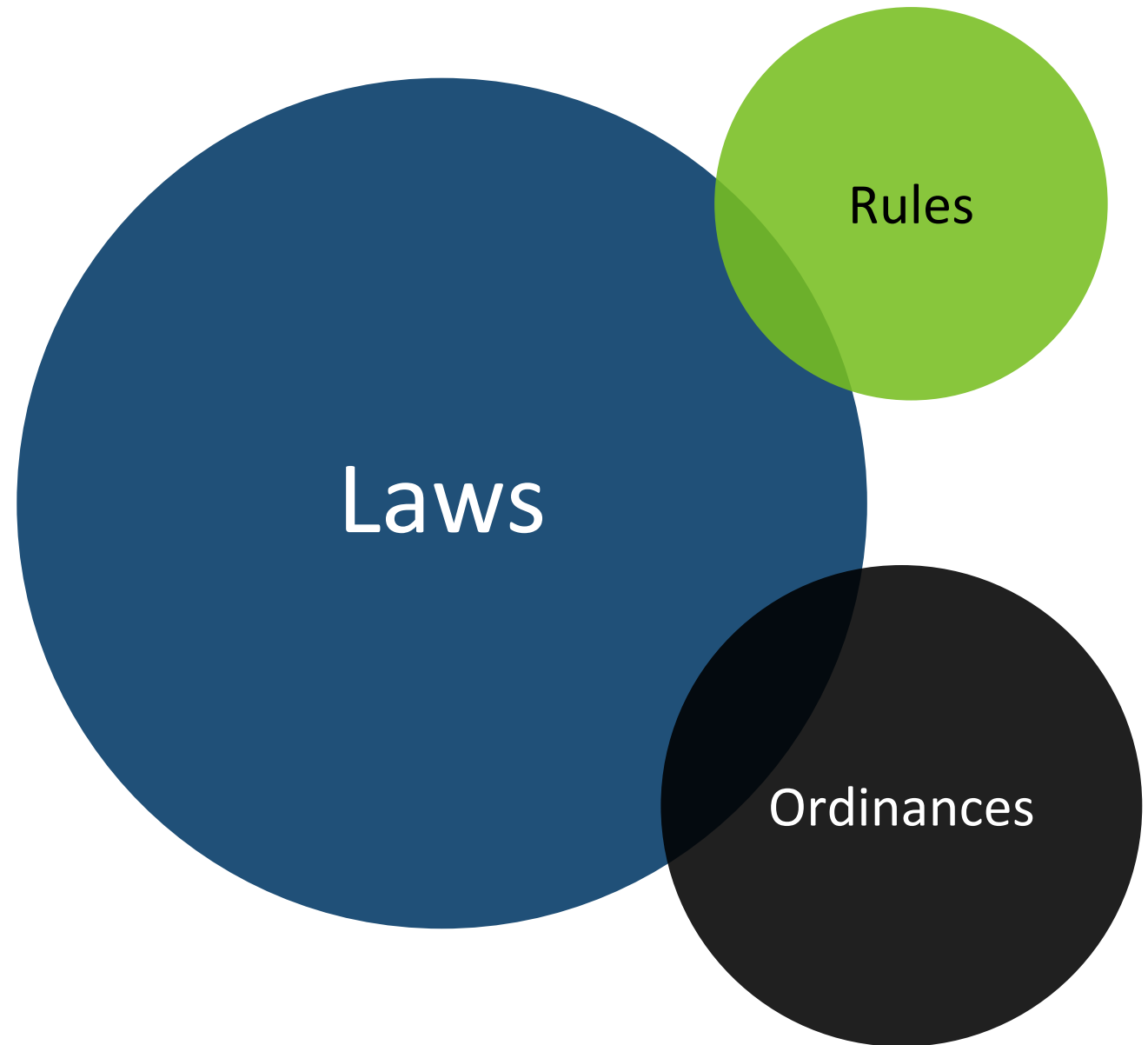
“ Regulations don’t solve things.  
Supervision solves things.”

~Wilbur Ross, U.S. Secretary of Commerce

# MY THREE RULES OF A (SEMI) SANE REGULATOR

- RULE 1: KNOW THE LAW/RULES/ORDINANCE
- RULE 2: KNOW YOUR CUSTOMER
- RULE 3: KNOW YOUR PURPOSE/MISSION

The ability  
to Enforce  
is based  
entirely on:



# Regulatory Authorities

- Different entities are granted different authorities.
- Each has their own enforcement mechanisms



Laws



Rules



Ordinances

# Hierarchy of Regulations

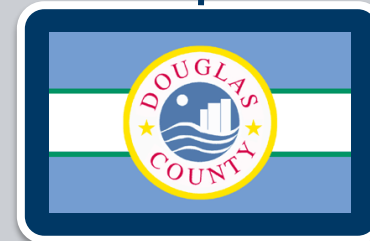
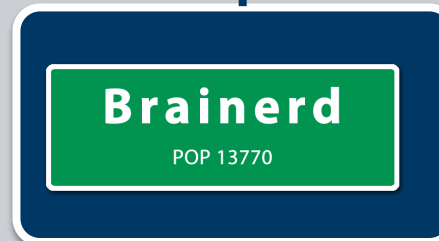
Federal



State



Local



Any person who violates any of the terms and provisions of this Ordinance, including the failure to comply with the stipulations or conditions on a conditional use permit, variance, or plat, shall, after approval by the Douglas County Attorney's office, be charged with a misdemeanor.

Each day that a violation occurs or continues shall constitute a separate offense. All fines paid as a result of violations of this Ordinance shall be paid to the County and shall be credited to the general revenue fund.



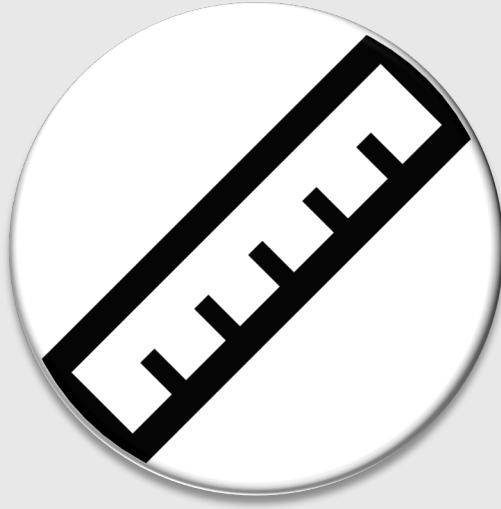
Effective Enforcement Starts with a Good Process!



# Discovery of Violations



Complaints



Inspections



Permit/sale

Determine who is making the complaint and find out how they know what they know. (Anonymous complaints are not worth much)

- Neighbor
- Other contractor
- Lake Association
- Commissioner
- Other agency







Inspect before and after if issuing a permit. Be sure to have accurate documentation of both (drawings, designs, photos).

- Inspection of near complete projects
  - inspect early before project is complete
  - Check back after it's complete for additional unpermitted work.
- Scheduled inspections (CUP, Variance)
- Triggered inspections (SSTS)



# Fortuitous Discovery

When you find a violation on your own or through an action of the property owner/other

- Look around when you're out and about
- Aerial photos and files are useful if you look at them
- Ask questions when something looks out of place.



Successful enforcement starts with a good process and requires persistence.

- Established enforcement methods and protocols
- Varying levels of enforcement actions
- Board/County Attorney support necessary to be successful





Is it a violation?  
How do I know?

# Investigate

- Take pictures (date of picture, angle, what's in the picture, scale)
- Measure (get survey if necessary)
- Ask questions (when was work done, who did it, why not permitted)
- Get specific details (what type of materials, cars, license plates, etc.)
- Check the ordinance/rule to determine violation
- Write everything down!



Be careful how  
you gain access.  
Follow the law!

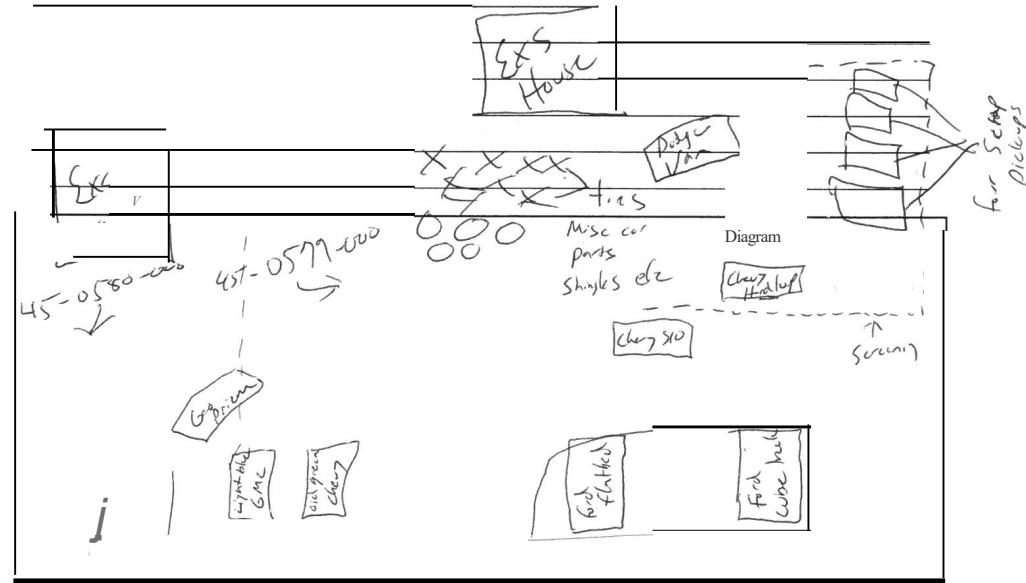


**DOUGLAS COUNTY LAND AND RESOURCE MANAGEMENT  
ONSITE RECOMMENDATIONS**

Date 7-20-15 Parcel # 45-0579-000 Permit# \_\_\_\_\_

<input type="checkbox"/> Building Site (setbacks)	<input type="checkbox"/>	PERMIT REQUIRED
Building Site (walkout)	<input type="checkbox"/>	None
Sewer Site	<input type="checkbox"/>	SAP
<input type="checkbox"/> Shoreland Alteration	<input type="checkbox"/>	CUP
Complaint	<input type="checkbox"/>	Variance
<input type="checkbox"/> Other	<input type="checkbox"/>	Building

Comments: 10 ft regarding unpermitted outdoor storage of  
unregistered vehicles



Technician: \_\_\_\_\_

I verify the above conditions and requirements have been discussed with me and I understand them:

Homeowner: \_ \_ \_ \_ \_

Contractor: \_ \_ \_ \_ \_



# Douglas County, MN -Map



## PIN: 45-0579-000

Taxpayer: MOEN/MARC E & LYNETTE D

Tax Desc.: AC .92

GIS Acres: 0.84

Water Acres: 0.00

ROW Acres: 0.00

Section: 34

Township: 128

Range: 39

Plat Desc.: TIMBER WOLF SHORES

Other Interest:

Disclaimer: Douglas County does not warrant or guarantee the accuracy of the data.  
The data is meant for reference purposes only and should not be used for official decisions.  
If you have questions regarding the data presented in this map, please contact the Douglas County GIS Department.

Map created on Jul 20, 2015 8:13. This information is to be used for reference purposes only.  
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Top-Chevy hard top, and misc material behind diminishing screening. Bot tom - Just to the north of Chevy hard top 4 scrapped/parted older pickups (no motors, licenses, quarter panelsetc)



Top- overall view of items behind diminishing screening, as well as the start of items in plain view (from the quarter panel to the East). Bottom- Boat that was last registered in 2007 (full of wood, debris)





All items scattered around in somewhat of a pile or organized but throughout plain sight from road. (10 older quarter panels, 2 hoods, 2 doors, 1 full front end, 1 tailgate, 3 pushmowers, 2 riding mowers, 15+ bundles of asphalt shingles, 7 bicycles, 29 tires some with rims some without. Pictures continue on next page.



Chevrolet S10 Aug 2012 just in front of screening towards roadway/ Green Chevy June 1983 in ditch between properties



Blue GMC June 1987 in ditch between properties/ White Dodge Van February 2009 visible from roadway



Ford F250 (left) Aug 2012/ Ford super duty cube truck Feb 2013(both parked by Road)



Geo Prizm May 2008 (on property line of 45-0579-000 and 45-0580-000)/ Tan Chevy Hardtop May 1992 behind screening



7-20-15

Parcel 45-0579-000/ 45-0580-000

Overall synopsis of findings on these parcels yielded 8 unregistered/inoperable vehicles, 29 used tires, 10 quarter panels, 2 hoods, 2 doors, 1 front end, 1 tailgate, 2 riding lawnmowers, 3 push mowers, 7 bicycles, 15+ bundles of shingles, 4 scrapped pickups, it should be noted that many of the vehicles were full of debris and refuse. With that in mind nearly 85-90% of these items were on 45-0579-000.

Ford F250 605-CPR Aug 2012

Ford Superduty YA63650 Feb 2013

Old green Chevy LMT 155 June 1983

Light blue GMC MWE 265 June 1987

White Geo Prizm GDR 519 May 2008

Tan Chevy S10 TZN 114 Aug 2012

White Dodge Van RV20901C Feb 2009

Tan Chevy Hardtop 885 CRJ May 1992

Boat 2007 licensed

# Degrees of Enforcement (Ramping Up)



Unsure of violation  
Expected compliance



Certain of violation  
Swift compliance  
necessary



Repeat offender  
Continued non-  
compliance

# Elements of an enforcement letter

- Where is the violation
- What is the violation
  - Describe what the landowner/contractor did (pictures are an excellent tool here)
  - Identify the rule or ordinance that was violated
- How do we know
- What must be done to correct the violation
- When must it be done by and what will happen if it is not done



**LAND AND RESOURCE MANAGEMENT**  
*Environment, Planning, Water, Solid Waste & Zoning*

**LRM Director**  
**Dave Rush**

**305 8<sup>th</sup> Ave. W.**  
**Alexandria, MN 56308**  
**(320) 762-3863**

June 11, 2019

Hal E Burton  
1234 Circle Dr NW  
Alexandria, MN 56308

RE: Violation of Douglas County Zoning Ordinance, Section V, Part L., Subpart 2.a.  
- Intensive vegetation clearing in the shore impact zone  
Parcel # 24-xx-xxx

**First Notice**

Mr. Burton:

Douglas County Land and Resource Management staff visited the property at 1234 Circle Dr NW (parcel # 24-xx-xxx) on June 10, 2019 to review the status of the permitted shoreland alteration project (permit # SA-000061). During this visit, it was noted that an approximately 10' x 70' area of the shore impact zone north of the dock was cleared of native vegetation, including several mature trees. There was an approximately 10' x 35' area of the shore impact zone south of the new patio cleared of native vegetation as well. This work exceeds the allotted 25' of limited shoreline frontage clearing.

*"In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas. This limited clearing cannot exceed twenty five (25) feet or twenty five percent (25%) of the shoreline frontage, whichever is the lesser of the two..."*

- Douglas County Zoning Ordinance, Section V, Part L., Subpart 2.a

The limited clearing of the SIZ shall not exceed 25 ft as measured parallel to the lakeshore to accommodate access to the lake. The SIZ is defined as half of the structure setback from the ordinary high water level which is 37.5 ft on Lake Ida. Outside of the allotted 25 ft clearing, the vegetation in the SIZ north and south of the patio area must be restored to a natural condition using native plant seed or plants. Eight mature trees or shrubs must also be planted north of the patio in the altered area to

replace the ones that were removed. Once restored and vegetation has re-established, this area may not be mowed, destroyed, or altered unless otherwise permitted by the zoning ordinance.

I am establishing the following timeline and specifications for restoration of the area to bring your property into compliance with the ordinance:

**July 10** – Complete restoration plan submitted to the Land and Resource Management office for review with the following specifications:

- Extirpation of any non-native turf grasses planted in the shore impact zone outside of the permitted 25 ft wide area
- Preparation and seeding of the cleared area with MN DOT native seed mix #34-261 or other mix approved by the LRM Director along with a companion crop of oats/annual rye
- Erosion control measures to be used before seed begins to grow
  - Compost logs or straw biologs
  - Futerra erosion control blanket, Category 1 erosion control blanket, or Type 5 hydromulch placed on top of native seed mix

**July 20** – A restoration permit application and applicable fees must be received by the County

**September 20-October 20** – All restoration work must be completed within this timeframe which is the optimal range for fall seeding and planting

The timeline provided and the specifications listed will provide the best opportunity for vegetation to be restored to the area, prevent erosion, and return the area to the previous condition. Seeding and planting done in the summer requires more maintenance and watering to ensure survival which is why we recommend restoration work take place in the fall.

Please contact the Land & Resource Management office within 14 days of this dated later. We need to discuss applicable after-the-fact fees and restoration practices. The after-the-fact fees may escalate if multiple notices are required to resolve this issue.

Thank you for your time. I look forward to hearing from you soon.

Sincerely,

Justin Swart  
Environmental Planning Technician – AIS/Shoreland  
320-762-3864

CC: Dave Rush, Land and Resource Management Director

Enclosures: Site pictures from 10.31.17 and 6.10.19



Figure 1. Site visit showing north view of historical vegetation on the property (10.31.17).



Figure 2 – Site visit showing northwest view of vegetation clearing in shore impact zone (6.10.19)

# Enforcement Letter Examples





**LAND AND RESOURCE MANAGEMENT**  
*Environment, Planning, Water, Solid Waste & Zoning*

**Director**  
**David Rush**

305 8<sup>th</sup> Ave. W.  
Alexandria, MN 56308  
(320) 762-3863

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October 17, 2017

Roger and Ester Bunnie  
9999 Jackrabbit Trail  
Alexandria, MN 56308

RE: Permanent placement of an RV on a parcel with an existing dwelling, unpermitted construction of a patio, unpermitted modification of a septic system, unpermitted sheds.  
Parcel # 24-xxxx-xx

Dear Mr. and Mrs. Bunnie,

It was recently observed by our office that you have permanently placed a park-model RV on your property north of the existing house. In addition, a patio was constructed on the east side of the RV and it appears from aerial photos of the property taken in 2016, that the RV was connected to the existing septic system. Section V.K. of the Zoning Ordinance allows an RV to be setup for use on a property with an existing dwelling for not more than 30 days. The placement of the RV on the property with the attached skirting and patio, and the connection to sewer and water, clearly indicated that is intended to be used for more than 30 days, making permanent. This placement and use is in violation of Section K.

In addition, the construction of a patio requires a land use permit for which we have no record of an application or approval of such a permit. We also noted two storage sheds on the property for which the County has no record of a permit. Lastly, permanently connecting an RV to the existing septic system on the property could cause the system to be considered substandard by the County.

Please contact me within the next 14 days so that we can work together to address these violations. I look forward to your prompt response.

Sincerely,

David B. Rush  
Director

enc.





**LAND AND RESOURCE MANAGEMENT**  
*Environment, Planning, Water, Solid Waste & Zoning*

**Director**  
**David Rush**

305 8<sup>th</sup> Ave. W.  
Alexandria, MN 56308  
(320) 762-3863

October 29, 2013

J. Unker Carr  
420 County Road SE  
Alexandria, MN 56308

RE: Violations of Douglas County Ordinance Sections III.F.4 and 6g and Section VII.C.1; Violation of the Douglas County Solid Waste Ordinance Section II, subsection 4 and Section III, subsection 3; Violations of Conditional Use Permits 2011- #6 and 2011- #7.  
Parcel # 30-xxxx-xxx  
Property Address: 9999 State Hwy 29 South

Dear Mr. Carr:

In August of 2011, Douglas County issued you two conditional use permits for the above described property. Conditional Use Permit (CUP) 2011-#6 (Document # 350622) was for "Permission to allow a truck/equipment recycling (salvage) center on the proposed 7.5 acre Industrial property." This permit was approved by the County Board and included twenty conditions that were required to be met; some prior to operation and some continuously once the use was initiated. CUP 2011-#7 (Document #350634) was for "Permission to allow the retail sales of used vehicles, machinery, and equipment (including recreational) with outdoor storage (display) on the proposed commercial property." This permit was approved with eleven conditions that were to be met either before or continuously while the engaged in the permitted use on the property. I have observed this property while traveling between Alexandria and Glenwood from July of 2012 to October of this year and found conditions to be deteriorating as time has passed. On October 23, 2013, I drove past the east and south sides of the property and identified several violations of the County Zoning and Solid Waste Ordinances as well as multiple violations of the conditions of the CUPs.

The CUP issued for the industrial zoned area of the property was to operate a "truck/equipment recycling (salvage) center". On October 23, 2013, I observed a variety of vehicles on this portion of the property of which a majority were not trucks or equipment, but cars and SUVs. It appears that you are operating an auto repair/salvage yard for which you do not have a permit, thereby violating of Section III.F.4 of the Zoning Ordinance. Section VII.C.1 of the Zoning Ordinance also requires that all inoperative and unlicensed automobiles, trucks, or other machinery "shall be kept in an enclosed building or screened in such a manner as not to be visible from any public road or street or adjacent properties." All of the inoperable vehicles on this property are in violation of

this section of the ordinance. In addition, you have failed to abide by the following conditions of CUP 2011-#6:

- The facility must be licensed by Douglas County as per Section III, subsection 3 of the Solid Waste Ordinance and the County furnished with a bond in the amount of \$25,000 in accordance with Section II, subsection 4 of the Solid Waste Ordinance.
- Visual screening shall be installed and permanently maintained on all sides of the facility to improve the aesthetic appearance of the property. The screening shall consist of a two (2) foot earth berm with an eight (8) foot tall solid privacy fence installed on the top of the berm. A natural visual barrier of conifer trees or shrubs may be installed in front of the fence. The screening shall be installed within six (6) months from the date of the granting of this permit and prior to operation of the facility.
- All materials or items brought or left on the property to be recycled shall be located either within a building or entirely within the screened (fenced) area at all times. If materials or items are left on the premises when the business is not open, the permittee shall have 24 hours to comply with this condition.
- The provisions of the MN Noxious Weed Law must be followed on all areas of the property.

Figures 1 through 4 were photos taken on October 23, 2013 and illustrate the above violations.

The CUP issued for the commercial zoned portion of the property was for the "retail sales of use vehicles, machinery, and equipment". On October 23, 2013, I observed that you were not in compliance with the following conditions:

- Parking shall not be allowed on any public roadway, right-of-way, or easement.
- All items displayed must be setback 50-ft from the road right-of-way or easement and 25-ft from side property boundaries.
- A spacing of 10-ft must be left between items displayed.
- A waste compliance audit from the MPCA must be submitted within 30 days of the approval of this application.
- All vehicles, machinery, equipment and other items displayed in the open must be whole, fully-enclosed if intended to be so at time of original manufacture, and safe such as not to pose a risk to human health and safety.
- Items not meeting the criteria in condition #6 above must be stored within a screened area or within a building, including "repairable" vehicles, machinery, and equipment.
- The provisions of the MN Noxious Weed Law must be followed on all areas of the property.
- Any sign located on the property must meet all requirements of the zoning ordinance and may only advertise the businesses located on the premises.

In addition to these conditions, the inoperable vehicles on this property are not screened as required and therefore are in violation of Section VII.C.1 of the Zoning Ordinance.

Figures 5 through 7 are photos taken on October 23, 2013 and illustrate violations of the above conditions.

On July 13, 2012, I sent a letter reminding you of the conditions that were included in the approval of the permits (2011-#6 and 2011-#7) issued to you by the County (copy enclosed). On July 20, 2012 you responded to my letter by phone and indicated that you were installing the berm, trees and fence by fall of 2012. In the spring of this year, you contacted me and stated that due to other commitments you would not be operating these businesses for much longer and would be liquidating the inventory of vehicles on this property. As of the date of this letter, you have not followed through with any of the above statements.

**The County will allow you 60 days from the date of this letter to bring all violations noted in this letter into compliance with the requirements of the Zoning and Solid Waste Ordinances and with the conditions included in the approval of CUP 2011-#6 and CUP 2011-#7. If you fail to meet the deadline, the County, at its discretion, may take any or all of the following additional enforcement actions:**

- Issue citations for misdemeanor violations of the Zoning and Solid Waste Ordinances and for violations of conditions of CUPs 2011-#6 and 2011-#7
- Initiate the process for revocation of CUPs 2011-#6 and 2011-#7.
- Contact the Minnesota Department of Public Safety and inform them of violations and potential revocation of the CUP which permits the operation of a vehicle dealership.
- Contact the Minnesota Pollution Control Agency and report the operation of an unpermitted automobile recycling facility.

Please be aware that each violation of the County ordinances and conditions of conditional use permits constitutes a separate offence. Additionally, each day these violations continue also constitutes a separate offence. Fines can be levied for each offence and each day that the offence continues.

Please feel free to contact me if you wish to discuss any of the issues raised in this letter or would like to discuss how and when you plan to remedy these violations. I can be reached at the above phone number, by mail, or email at [daveru@co.douglas.mn.us](mailto:daveru@co.douglas.mn.us).

Sincerely,

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

David B. Rush  
Director

enc.

cc: Chad Larson, County Attorney



FIGURE 1. WEST SIDE OF PROPERTY LOOKING NORTH. INOPERABLE/SALVAGE VEHICLES NOT SCREENED.




FIGURE 2. WEST SIDE OF PROPERTY LOOKING NORTH. INOPERABLE/SALVAGE VEHICLES NOT SCREENED, UNPERMITTED USE.



**LAND AND RESOURCE MANAGEMENT**  
*Environment, Planning, Water, Solid Waste & Zoning*

**MEMORANDUM**

TO: [REDACTED] Asst. County Attorney  
FROM: David Rush, Director   
DATE: August 27, 2015  
RE: Continued violation of Douglas County Zoning and Solid Waste Ordinances

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Parcel #: 18-0077-000 Township: Holmes City Zoning: Residential Shoreland  
Address of violation: [REDACTED] CR 4W  
Parcel #: 45-0579-000 Township: Moe Zoning: Residential Shoreland  
Address of violation: [REDACTED] Crooked Lk Ln  
Property Owner: [REDACTED]  
Mailing Address: [REDACTED] Crooked Lk Ln, Farwell, MN 56327  
Phone:

Violations: On both properties, owner continues to have inoperable and unlicensed/unregistered vehicles, vehicle parts, and scrap materials/solid waste.

Alleged violation: Operation of an auto repair/salvage yard (not a permitted use within the zoning district)

Relevant sections of County Ordinances:

**Zoning Ordinance:**

Section III.D: Single family dwellings are only permitted use in residential shoreland zoning district

Section V.B: Outdoor storage of materials, inoperable vehicles, equipment not screened and visible from the public road right of way and neighboring properties.

Section V.C: Inoperable and unlicensed automobile, truck, or machinery must be enclosed or screened from view.

**Solid Waste Ordinance:**

Section III, subsection 3: It is a violation of this ordinance for any person to establish, operate, and maintain a recycling...facility without first obtaining a solid waste management facility license from the County Board. From Section I, subsection 23, "Recycling facility" means a site used to collect, process, and repair recyclable materials and reuse them in their original form or use them in a manufacturing process.

Section III, subsection 4. A: The storage, collection, or recycling of more than ten (10) used tires on a residential lot is prohibited.

Section III, subsection 4.E: Used tires shall not be stored within 1000 ft of...lakes, including shoreland and floodplain areas;

Section IV, subpart A: All property owners or persons who have control over property within the County shall keep the property free, and unless kept in an enclosed building or screened, of waste accumulations of solid waste except as otherwise authorized by this ordinance.

Action sought: Citation for misdemeanor violations of the Zoning and Solid Waste Ordinances.

Corrective action: Remove all automobiles, items, tires, equipment, machinery and other materials so as to be compliant with the above sections of the Zoning and Solid Waste Ordinances within 30 days of the issuance of the citation.

Attached are reports made by LRM technician after visiting the properties on July 20, 2015.



## Dodge County Environmental Services

721 N. Main St. • Dept. 123 • Mantorville, MN 55955-2230  
Phone: 507-635-6283 • Fax: 507-635-6193  
In-County Toll Free: 888-600-5169

**DODGE COUNTY**  
Historic. Vibrant. Rural.

September 2<sup>nd</sup>, 2019

Mr. J. Salvage  
12345 Circle Land  
West Concord, MN 55985

Dear Mr. Salvage:

RE: LETTER OF WARNING (LOW)- JUNK VEHICLES/MOTOR VEHICLE STORAGE  
XX.XXX.XXXX  
Concord Township

The Department has received a complaint regarding the accumulation of junk vehicles on the above referenced property located in the Agricultural Zoning District.

Please be advised that Section 17.19.8 (Motor Vehicle Storage), letter B of the Dodge County Zoning Ordinance it states:

Agricultural District. In areas zoned "A", the storage of more than four (4) unlicensed and/or inoperable motor vehicles shall be prohibited. No more than six (6) vehicles, whether licensed or unlicensed shall be stored in the open.

Based upon review of the site on September P', 2019, twenty-seven unlicensed vehicles were observed, all of which were stored in the open, which is in violation of the Dodge County Zoning Ordinance. Please be advised that the property must be brought into compliance by September 14<sup>th</sup>, 2019, or the Department will pursue enforcement action.

If there are any questions about this information or if additional information is needed, please contact this office at (xxx) xxx-xxxx.

Thank you for your attention to this matter,

Melissa DeVetter  
Dodge Zoning Administrator

Cc: Environmental Services Director  
County Commissioner  
Township Official  
File



## Dodge County Environmental Services

721 N. Main St. • Dept. 123 • Mantorville, MN 55955-2230  
Phone: 507-635-6283 • Fax: 507-635-6193  
In-County Toll Free: 888-600-5169

**DODGE COUNTY**  
Historic. Vibrant. Rural.

September 15<sup>th</sup>, 2019

Mr. J. Salvage  
12345 Circle Land  
West Concord, MN 55985

Dear Mr. Salvage:

RE: **NOTICE OF VIOLATION (NOV)- JUNK VEHICLES /MOTOR VEHICLE  
STORAGE  
XX.XXX.XXXX  
Concord Township**

On September 1<sup>st</sup>, 2019, a Letter of Warning (LOW) was issued regarding the accumulation of unlicensed and/or inoperable vehicles on the above referenced property. The property is zoned "A" or "Agricultural" under Dodge County Zoning provisions. The LOW required the site to be brought into compliance with Dodge County Zoning Ordinance provisions for Motor Vehicle Storage by September 14<sup>th</sup>, 2019.

Under Section 17.19.8 (Motor Vehicle Storage), letter B of the Dodge County Zoning Ordinance it states:

Agricultural District. In areas zoned "A", the storage of more than four (4) unlicensed and/or inoperable motor vehicles shall be prohibited. No more than six (6) vehicles, whether licensed or unlicensed shall be stored in the open.

On September 15<sup>th</sup>, 2019, the site was again reviewed and it was observed that that an additional two vehicles have since been brought to the site, which



remains noncompliant. As a result, a NOTICE OF VIOLATION (NOV) of Section 8. (Motor Vehicles Storage) is being issued for the property.

In order to comply with the Dodge County Zoning Ordinance, the following must be completed before October 1st, 2019:

- 1) Remove all stored vehicles until there is no more than 4 unlicensed or inoperable vehicles on site and no more than six (6) vehicles are stored in the open on the property.

Failure to comply with the measures outlined above within the specified time frame will be subject to enforcement actions. A violation of the ordinance constitutes a misdemeanor or infraction, as provided by state law subject to a maximum fine of \$1000 and imprisonment of up to 90 days in jail.

If you wish to appeal the Department's determination you may do so by submitting a written request to the Dodge County Board of Adjustment within 30 days of the date of this NOV. Please include all information required under Section 18.8 (Appeals) of the Dodge County Zoning Ordinance.

The Department hopes that this issue can be resolved before any further action is needed. Please feel free to contact this office at 507-635-6283 if you have any questions or need additional information.

Thank you for your attention to this matter,

Melissa DeVetter  
Dodge County Zoning Administrator

Cc: Environmental Services Director  
County Attorney  
County Commissioner  
Township Clerk  
File



# Property owner rights

- Has a right to question your facts, data, interpretation of the ordinance
- Facts may require proof
  - Pictures
  - Survey (at County's expense)
- Can meet standards in ordinance, but may not be what you ask for
  - Inoperable vehicles can be made operable and get current tabs
- Can challenge your administrative decision
  - BOA must decide and you become the prosecution (property owner is defendant)

# Property owner rights

- Has the right to apply for a variance or conditional use to keep the violation
- Sometimes the best solution for a violation is a permit!
  - Can be used to establish how the use will occur
  - Sets clear limits on numbers, area, time, etc
  - Establishes specific and clear timelines for compliance
  - Involves board action (makes board aware of situation)
  - Informs neighbors of how the issue will be resolved



The background is a vibrant green with intricate, white, hand-drawn line art patterns. These patterns include various geometric shapes like triangles and polygons, as well as organic, flowing lines that resemble stylized leaves or abstract figures. A solid dark blue rectangle is positioned in the center of the image, serving as a backdrop for the text.

Questions?