



## TOWN OF NEW BALTIMORE

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### **CODE ENFORCEMENT COMPLAINT POLICY TOWN OF NEW BALTIMORE PLANNING AND ZONING DEPARTMENT**

#### **PURPOSE**

The Town of New Baltimore Planning and Zoning Department (the “Department”) receives many code enforcement complaints each year. Each complaint must be handled in a fair, consistent and timely manner. In order to accomplish this, it is in the Department’s intent to follow established procedure whereby:

- A complaint properly received is thoroughly investigated;
- A dispute is resolved with as few parties involved as is necessary; and
- A complaint is conducted fairly and in as simple a manner as is practical.

There are two sources through which code enforcement is initiated: Complainants and Town-initiated enforcement action. This Policy addresses complainant-initiated codes enforcement.

#### **PROCEDURE**

A complaint shall be documented by the Department on an appropriate form along with pertinent information and signed by the complainant. Promptly upon receipt of a complaint, the Planning and Zoning staff will initially assess whether it is a complaint over which the Department has jurisdiction. If not, the complainant will be so notified and will be referred to an office or agency when appropriate. At the earliest possible time, the Planning and Zoning staff will assign the complaint to a Code Enforcement Officer (CEO) for investigation – recognizing the seriousness and immediacy of the complaint and the availability of Departmental resources.

Appropriate investigation will be undertaken; material documentation will be gathered; and notes will be taken of observations, discussions, and statements. At the disposition of the case, the CEO will provide a synopsis, direction or steps that each party has agreed to take to moderate or otherwise resolve issues. These shall be carefully documented and a copy shall be placed in the Permanent Complaint File.

The Town will not take action with respect of an anonymous complaint because it cannot assure confidentiality. One exception is when an alleged violation involves immediate threat to public health or safety.

#### **MEDIATION**

The Department in appropriate cases, may recommend mediation between disputants. Mediation may be conducted by a mediation service.

### **APPEALS**

Appeal from a determination of a Code Enforcement Officer shall be first made in accordance with the New York State Town Law.

### **PROSECUTION**

If a complaint cannot be satisfactorily resolved by the Department and there is reason to believe that code violation(s) exist then the Department shall report same to the Town Board and Attorney for the Town who shall attempt to appropriately resolve the complaint prior to commencement of enforcement proceedings. Prosecution of enforcement proceedings shall not occur until same is approved by motion of the Town Board except in those situations involving involves immediate threat to public health or safety.

### **APPLICABILITY**

This policy applies to all codes administered by the Department and its agents for complainant-initiated enforcement. The procedures and forms of this Policy shall supersede any conflicting Town policy and procedure.

### **EFFECTIVE DATE**

Immediately

Adopted By Town Board 11/23/15

**TOWN OF NEW BALTIMORE  
COMPLAINT FORM**

Case # \_\_\_\_\_  
Year-Complaint Number

Name of Complainant: \_\_\_\_\_

Address of Complainant: \_\_\_\_\_

Location of Complainant: \_\_\_\_\_

Property Owner of Complaint Location: \_\_\_\_\_

Description of Complaint (Be Specific): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Complainant: \_\_\_\_\_

Office Use Only		
Complaint Received By: _____	Date: _____	Via: _____
Complaint Forwarded To: _____	Date: _____	Via: _____
<b>Investigation</b>		
Finding: _____		
_____		
_____		
_____		
_____		
_____		
<b>Remedy Required:</b> _____		
_____		
_____		
_____		
_____		