

City of Burwell, Nebraska

Policy on Handling Municipal Code and Nuisance Violations (Complaint-Based)

Purpose:

To establish a clear and consistent procedure for addressing violations of the City of Burwell's Municipal Code, including nuisance-related issues, using a complaint-based enforcement approach. This policy ensures fair treatment of all residents and promotes a clean, safe, and healthy community.

1. Complaint-Driven Process

- The City of Burwell enforces municipal code and nuisance violations **only upon receipt of a complaint**.
 - Anonymous complaints may be accepted, but must provide sufficient detail to allow for investigation.
 - Complaints must be submitted to the **City Office** in person, by phone, email, or in writing.
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2. Investigation and Documentation

- Upon receiving a complaint, designated city personnel (e.g., the City Clerk, Code Enforcement Officer, or a City Council designee) will conduct an initial site inspection **within 7 business days**.
 - All findings will be documented, including photographs and a written description of the observed conditions.
 - If no violation is found, the complaint will be closed and documented.
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3. Notice of Violation

- If a violation is verified, the property owner and/or occupant will receive a **formal Notice of Violation**, delivered by mail or hand delivery.
 - The notice will include:
 - A description of the violation.
 - The relevant section(s) of the Municipal Code.
 - Required corrective action(s).
 - A compliance deadline, typically **10 to 30 days**.
 - Instructions on how to request more time or appeal.
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4. Voluntary Compliance Encouraged

- The City encourages voluntary compliance and may work with the property owner to resolve the issue.
 - If the violation is resolved by the deadline, the matter is closed with no further action.
 - Property owners may request a compliance extension in writing if progress is being made.
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5. Non-Compliance and Further Action

If no corrective action is taken by the deadline, the City may take the following steps:

- Issue a second or final warning.
 - Refer the case to the **City Council** for further enforcement.
 - Hire a contractor to abate the nuisance (e.g., mow weeds, remove debris) and **bill the property owner**.
 - File a **special assessment or lien** against the property to recover costs.
 - Take legal action through the **Garfield County Court system** if necessary.
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6. Appeals

- Property owners may **appeal a Notice of Violation** within **10 business days** of receiving it.
 - Appeals must be submitted in writing to the **City Clerk** and will be heard at the next regular or special City Council meeting.
 - The City Council's decision is final unless otherwise allowed by law.
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7. Recordkeeping

- All complaints, inspection reports, notices, and enforcement actions will be documented and maintained at the **City Office** for at least **five years**.
 - Records are subject to Nebraska public records laws.
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8. Public Awareness

- The City will maintain information about common nuisance violations and the complaint process at City Hall and on the City of Burwell's official website.

- Residents are encouraged to communicate directly with neighbors before filing formal complaints when possible.
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9. Future Plans & Enforcement Procedures

- The City of Burwell has entered into an interlocal agreement with Garfield County to combine local law enforcement. With this new arrangement, based on staffing, the police department will be able to enforce municipal code violations as well as nuisance violations.
 - The City of Burwell is currently in the process of updating its municipal codes and nuisance policies. We anticipate to have updated policies by Fall of 2026.
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