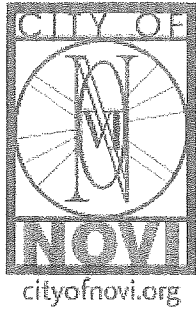


MEMORANDUM



TO: CLAY PEARSON, CITY MANAGER
FROM: JASON S. MANGUM, DIRECTOR *JSM*
PARKS, RECREATION & CULTURAL SERVICES
SUBJECT: DEFENSE AGAINST ENCROACHMENT STANDARD
OPERATING PROCEDURE
DATE: FEBRUARY 25, 2013

The PRCS Department has recently developed a Standard Operating Procedure related to the defense against encroachment. The procedure includes definitions, authorization, staff responsibilities and procedures for eliminating the encroachment.

The document will be presented to the Park Commission for review and input before being adopted by the department.



NOVI PRCS STANDARD OPERATING PROCEDURE: ENCROACHMENT

I. Purpose

As provided in Section 25-16 of the City Code of Ordinances, the Parks, Recreation and Cultural Services Department ("Department") was created to operate the City's system of parks and recreation under the administration of the Director of that Department. The purpose of this Procedure is to document how the Director has determined the Department will address encroachments on or in a park or facility being operated by the Department ("Park").

II. Encroachment Defined

Encroachment is the unauthorized use of any part of a Park for placement, erection, or maintenance of any personal property, material, or structure such as fences, equipment, patios, yard clippings, storage sheds, swimming pools; the destruction or manipulation of topography which includes the disturbance of soil, vegetation, and drainage patterns; or any activity that is not allowed under the City Code of Ordinances or any Rules and Regulations for the Park.

III. Ordinance Authority Statement

City regulations for Parks and the Department's authority to enforce those regulations are codified in Chapter 25 of the City Code of Ordinances and may also be provided for in Rules and Regulations adopted by the City Council.

In addition, as provided in Section 31-1 of the City Code of Ordinances, certain construction and maintenance activities within, over, or below a parkway or park are unlawful unless a written permit is first obtained from the City Engineer.

IV. Department Priority

Of major importance and priority to the Department is the identification, removal, cessation, and prevention of encroachments and restoration of Park areas damaged or disrupted by an encroachment.

V. Roles and Responsibilities

Parks staff is responsible for identifying encroachments within parks and reporting such encroachments and readily available information regarding persons or properties that

may be responsible for or benefitting from the encroachment to the Director. After such investigation as is necessary and appropriate, the Director or Director's designee is responsible for initiating contact with the property owner or other persons responsible for the encroachment to secure its removal or cessation, prevention of reoccurrence, and restoration of Park areas damaged or disturbed by the encroachment or reimbursement of the Department's costs and expenses incurred in such removal and restoration.

VI. Procedure

The following procedure will be followed when an encroachment occurs.

1. Department staff will field-verify that an encroachment has occurred, document the occurrence in some written form, and provide the Director with available information on if and how the encroachment is interfering with lawful Park activity.
2. When an encroachment has been verified, the Director or designee shall send a written notice by first class mail to the property owner and/or persons determined to have responsibility for the encroachment, specifying the corrective actions required for removal or cessation of the encroachment, any required restoration of Park areas damaged or disturbed by the encroachment, and the time allowed for such actions which shall not be more than 30 days from the date of the notice. For encroachments that have been removed and restoration that has been performed by the Department to eliminate conditions that were interfering with lawful Park activity, the notice shall specify the amount of costs and expenses that are to be paid to the Department within 30 days of the notice prior to such
3. Additional time of up to 30 days may be granted in writing to the property owner/responsible person by the Director, upon a written demonstration of a hardship.
4. If the property owner/responsible person fails to comply with the original or extended deadlines, all such persons shall be jointly and severally liable for all costs and expenses incurred by the Department in removing the encroachment and restoring the Park.
5. Persons determined to be responsible for an encroachment shall be sent an invoice by first class mail for the Department's costs and expenses incurred as a result of the encroachment, which shall be payable in full within 30 days of the date of the invoice.
6. If payment is not received from the property owner within the specified deadline, the City Attorney's office will be notified in writing by the Department of such failure for review and recommendation on the procedures and remedies available for collection.