

# City of Essex

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Essex, IA 51638

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## Citizen Complaint Form

Please complete the following information so that the City can investigate your complaint. If the City finds that your complaint is appropriate the information contained on this form will be used to properly fill out an abatement notice or a court citation. If an abatement notice is necessary it will be sent to the property owner upon which the nuisance is located. If a court citation is the appropriate it will be sent to the Page County Magistrate. Please print clearly.

Date \_\_\_\_\_ Name \_\_\_\_\_

Address \_\_\_\_\_ Phone Number \_\_\_\_\_

If requested will you attend a City Council meeting to explain your complaint?

Yes \_\_\_\_\_ No \_\_\_\_\_

Nature of Complaint: (include the date, time, place, and facts of your complaint)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Explain how you feel the complaint should be resolved:

\_\_\_\_\_  
\_\_\_\_\_

Should a citation be issued, you will be required to testify to the above complaint in a Court of Law. Do you agree to so testify? Yes \_\_\_\_\_ No \_\_\_\_\_ (The City is unlikely to prevail in court without witnesses. If you check "No" it is unlikely the Mayor and City Attorney will approve issuing a citation to enforce the code.)

Signature \_\_\_\_\_ Date \_\_\_\_\_

All complaints must be signed and dated to be considered valid.

<b>City Hall Office Use Only:</b>	
Received by: _____	Date _____
Mayor's Signature: _____	Date _____
Comments: _____	
_____	

**Complaint Procedure**

**All Civil Claims, Complaints, or Ordinance Violations: All traffic and criminal issues will be referred to the Essex Police Department. The City Clerk will direct each complaint to the appropriate city official or department for investigation and disposition.**

1. Citizen addresses complaint to Mayor, Council Member or Staff.

A. Mayor, Council Member or staff member will inform citizen to file a formal complaint at City Hall and the procedure for doing so.

2. Citizen fills out complaint form at City Hall during normal office hours. Complaints will be considered unsubstantiated if a formal complaint form is not completed and signed. Unsubstantiated complaints will warrant no action by the Mayor, Council or Staff.

3. Complaint and complaint form will be reviewed by Mayor, Council and/or Attorney. Complaint will be investigated for validity and resolution.

A. If found valid:

1. AND this is the first complaint received, an abatement notice will be delivered or sent to the offender specifying the complaint and action required to be in compliance with the Ordinances of the City of Essex. Notice will also include a reasonable time frame for abatement.

2. Steps will be taken on non-violation issues to be resolved by the appropriate body. Example: matters involving street repairs will be referred to City Maintenance Department and the Mayor. The matter will be directed to the City Council in the event that simple resolution is not possible and the Council will be kept apprised of issues in progress.

B. In the event that the abatement has not occurred in the time frame allowed or in the event of a second complaint, after the first abatement period has expired, a first offense citation will be issued. The appropriate municipal infraction citations will be issued for each occurrence thereafter.

C. Matters found not valid will be dismissed without action. You will be notified of the City's decision not to pursue your complaint and why it is not being pursued.

4. Should citations be issued, the recipient must come to City Hall to pay fines associated with municipal infraction citations, or pay the Page County Treasurer's Office in the case of fines that have been certified as liens against property.

5. Should the recipient dispute any portion of the citation and refuse payment, the citation will be forwarded to the appropriate court for action.

6. Offenders will have the right to hearing before the Mayor and Council. When concurrence on the matter can not be reached, the offender will have the right to hearing before the City Council as specified in the Code of Ordinance of the City of Essex. All actions of the City Council will be final. Any matter remaining in dispute will be referred to the appropriate court for action.

7. Continued failure to abate the nuisance after the City Council has made its decision, shall constitute a new occurrence of the nuisance subject to notice of citation for a second or subsequent offense.

8. In all cases referred to the appropriate court the property owner will be required to pay the court costs incurred by the city if the property owner is found to be in violation or if the property owner abates the nuisance before the court hearing and the hearing is canceled at the request of the City Attorney.