



Photos by Lydia Daniller

How to Partner with Government to Enforce Laws in Your Community

Advocates and other community leaders can help create healthier environments for children by working with local government to ensure that laws are effectively enforced. This fact sheet outlines the steps involved in reporting violations.

Advocates can work with local government to create healthier environments for children by reporting instances when municipal ordinances (local laws) are not being observed. Some communities, for example, have adopted menu-labeling laws requiring fast food and chain restaurants to disclose nutrition information about the foods they sell—but advocates may find that not all restaurants comply. The National Policy & Legal Analysis Network to Prevent Childhood Obesity (NPLAN) developed this fact sheet to help advocates and other community leaders report local ordinance violations.

An ordinance is a law passed by a city’s governing board that takes effect within the city limits. Many ordinances prohibit certain actions or behaviors the city has determined are contrary to the public’s health, safety, or welfare. Municipal ordinances address critical quality-of-life issues (e.g., public health, zoning and other land use restrictions, animal control, and waste management), specifying conduct that is compelled or prohibited and establishing the provision for enforcing the law. Violators may be subject to criminal, civil, or administrative penalties. (For more about these types of penalties, see “Effective Implementation and Enforcement Clauses in Ordinances,” another fact sheet from NPLAN, available at www.nplanonline.org.)



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NATIONAL POLICY & LEGAL ANALYSIS NETWORK
TO PREVENT CHILDHOOD OBESITY

How to Report an Ordinance Violation

Scenario: You live in Healthyville, USA, which recently adopted a menu-labeling ordinance. One afternoon you enter a Super-Munch chain restaurant in your neighborhood with your five-year-old son and notice the restaurant has not posted the calorie content of its food items on menu boards inside the restaurant, as the law requires. How can you make sure the restaurant corrects the problem so you and your son can make informed, healthy food purchases in the future?

Once you have determined a law is not being enforced, first try to work with the business or property owner, occupant, or public agency responsible for violating the ordinance. In the Super-Munch example, you would begin by talking politely to the restaurant manager about the noncompliance. If your “good neighbor” effort fails, you may wish to take the following steps.

1. Determine the person to contact, and pursue your complaint as soon as possible.

Check your city’s website or call your city clerk’s office to determine whether a formal complaint process exists and to whom you should direct your complaint. You may need to report your complaint to the city department responsible for enforcing the ordinance. Some cities provide complaint forms and allow you to submit your complaint electronically. In other cases, you may need to call the city official(s), write an email or letter, or set up an appointment to meet with the appropriate person(s).

To begin, you visit the Healthyville website and discover there is a Code Enforcement Hotline where people are encouraged to report ordinance violations or dangerous conditions that may compromise public safety or health.

2. Contact city personnel about the ordinance violation.

If you are reporting a violation in writing, type your complaint or make sure your handwriting is legible. You should include:

- Your name, address, and telephone number so the city can clarify or follow up on the status of the complaint
- The name (if applicable) and exact address of the property where you believe a violation exists (if there is no address, provide as much information as possible regarding the location, e.g., “Northwest corner of Main and First”)
- A brief description about what the law requires
- A description of the violation, whether it is visible from the street/sidewalk/alleyway, and any other necessary details
- Photocopies of all documents relevant to your complaint, including receipts, contracts, bills, letters, and advertisements
- Your suggestion to remedy the situation

You may wish to send copies to your elected official to motivate city personnel to respond.

Sample Letter

Office of the City Attorney/Code Enforcement Department
City Hall, Room 123
Healthyville, USA 98104

August 13, 2008

Citizen Name
1223 H Street
Healthyville, USA 98104
(111) 123-4567

To Whom It May Concern:

I am writing to inform you of a violation of Municipal Ordinance No. 00-01 at the Super-Munch restaurant in my neighborhood of Healthyville.

Municipal Ordinance No. 00-01 requires that calories for standard menu items be displayed on menu boards and food tags, and that calories, saturated fat, carbohydrates, and sodium be displayed on menus in chain restaurants with 20 or more units in the state. Super-Munch is one such chain restaurant.

I noticed on August 1, 2008, that the Super-Munch restaurant at 163 Main Street in Healthyville failed to make nutritional information of its menu items publicly available, as required by municipal law. I brought this matter to the attention of the restaurant manager, but it has not been resolved.

Please ensure the Super-Munch restaurant complies with the city’s menu-labeling laws as soon as possible. Do not hesitate to contact me at (111) 123-4567 for additional information.

Sincerely,

Citizen Name

cc: Mr. John Elected, Councilmember, Healthyville, District 9

3. Keep a complete record of your complaint.

Retain copies of any correspondence you send or receive, and record the names of the individuals with whom you speak in pursuing your complaint.

In the menu labeling scenario, you would keep a record of your interactions with the Super-Munch restaurant manager, copies of letters or emails you sent to or received from city officials, and a log of all phone conversations related to your complaint.

4. Monitor the status of your complaint.

You may be able to view the status of your concern online. If not, you can call the office responsible for enforcing the ordinance after a reasonable period of time to inquire about the initial findings and to ascertain the status of the investigation.

Two or three weeks after your initial complaint, you enter the same Super-Munch restaurant and notice the nutritional information is still absent from its menu board. You call the city attorney's office to check on your claim, and the clerk informs you that your case has been opened by the chief deputy. An inspector has visited the site, confirmed the violation, and requested compliance with the city's menu labeling laws. You are advised to follow up in two weeks' time.

5. Work up the chain of command.

If the violation still has not been corrected after a reasonable time, determine the person's supervisor and make the complaint in writing to that individual. Be sure to explain the area of noncompliance (as described earlier), as well as the history of your contacts with the supervisee and what response, if any, you received from the individual. Attach a copy of your prior correspondence. Be sure to follow up with a phone call, if necessary.

After two weeks, you call the city attorney's office to check on the status of your complaint, as you were instructed to do. You learn that a second site investigation has been conducted, but no further action has been taken. You decide to write a letter to the city attorney supervising the chief deputy, asking for prompt resolution and that someone notify you when your complaint has been resolved.

6. Contact your elected official.

Call or write your local elected representative if these efforts fail to correct the violation. Your city councilmember's contact information may be available at www.usa.gov/Agencies/Local_Government/Cities.shtml. You may find it useful to create a coalition of allies before contacting your local official.

Super-Munch still has not posted the nutrition information for its menu items. You decide to contact the city councilmember for your district, where the Super-Munch restaurant is located.

7. Attend a city council meeting and enter your complaint into the legislative record.

If the violation is still not addressed satisfactorily, speak before your city council. Council meetings are open to the public, and there is usually an opportunity to address the council concerning issues not on the agenda. Prepare your remarks in advance, as the time to speak is usually quite limited. Focus your remarks on what the law requires, how the target of your complaint is failing to adhere to that law, and your suggestions for action. Alternatively, you may be able to write the city council prior to the meeting and have your letter read into the record and copies provided to each councilmember. Generally, the council will not have specific information available during the



meeting to provide a complete reply. If the item requires a public hearing, the only action the council will normally take at this point is to set the date for a public hearing.

At the next city council meeting, you read a prepared statement about Super-Munch's noncompliance with the Healthyville menu-labeling ordinance and provide a brief history of your attempts to resolve the matter with the help of city employees. You provide much of the same information included in your initial letter to the city attorney's office. The city council thanks you for your remarks and sets a date for a public hearing.

8. Thank the individuals responsible for correcting the violation.

Noncompliance is often due to a lack of understanding of the issues rather than willful disregard for the law. In any case, it is helpful to write a brief thank-you note to the individual(s) responsible for correcting the violation, sending a copy the individual's supervisor. Expressing appreciation for the correction may help if future problems arise.

Several weeks later, you receive a call from the city attorney's office informing you that the ordinance violation has been corrected and the case has been closed. After your phone conversation, you send an email to the city attorney's office and John Elected to thank the city for its help resolving the matter.

If you unfortunately cannot resolve the issue through the steps outlined in this fact sheet, you may wish to contact an attorney and pursue legal action.

¹ Since each jurisdiction will differ with respect to its enforcement procedure, complainants are advised to contact their local government for information specific to their community.

² Municipal ordinances refer to local laws of both cities and counties. References to *cities* are used interchangeably with *counties* in this factsheet.

³ For examples of municipal resources on code enforcement, see SFGov Office of the City Attorney. *About Code Enforcement*. 2008. Available at: www.sfgov.org/site/cityattorney_index.asp?id=458; King County, Washington Code Enforcement online complaint form, available at: www.metrokc.gov/DDES/ce/ceform.htm; and City of Tampa Code Enforcement web page, available at: www.tampagov.net/dept_code_enforcement.

⁴ If you report a violation in writing, the report will become part of the public record. If you do not want your identifying information to become part of the public record, you may submit a written report anonymously; however, an anonymous complaint carries less weight.

The National Policy & Legal Analysis Network to Prevent Childhood Obesity (NPLAN) is a project of ChangeLab Solutions. ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health. The legal information in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

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