

# **BUSINESS PROCESS FOR ENCROACHMENTS**

July 27, 2009

## **PURPOSE:**

Private use of parkland space is an unreasonable interference with the public's use of parkland, whether the park is developed or undeveloped and will not be allowed. To the fullest extent possible, the Montgomery County Department of Parks will eliminate privately owned structural and non-structural encroachments on park property. The Commission issued a policy statement and enforcement procedures in 1991 to control encroachment activities on park properties.

This business process is to clarify and outline the roles for park staff, to enhance established procedures, and facilitate an effective, concerted effort to remove encroachments from park properties.

## **PROCEDURAL GUIDELINES:**

### **A. Initial Determination:**

- Create an email distribution list (DL): Service Center, Region Division Chiefs, Darien Manley, Sergeant Brian Waters, Mitra Pedoeem, Herb DeHoff, Jay Childs, Kenny Becraft, Derrick Rogers, Donna Calcote, John Hench, etc.
- Party reporting the encroachment (park manager, police, ..) will send an email to the DL containing address, nature of encroachment, park code number, park name and any additional information
- Upon receipt, Service Center will issue a work order to Survey Crew to stake the property line at the encroachment site
- Survey Crew will schedule the survey work. The survey crew will notify Park Police at least 24 hours in advanced of the completion of the survey work to meet the Survey Crew at the encroachment site. Once the property line is staked, (**this needs to be the actual property line**), the Park Police will take pictures of the encroachment, with the Survey Crew present

### **B. Enforcement:**

- Park Police will issue and deliver a warning notice to the property owner responsible for the encroachment. This warning will include the nature of the encroachment and a request for immediate action to eliminate or cease the

encroachment. The warning will include provisions allowing the property owner to submit a plan of compliance to the park Department within 30 days for eliminating the encroachment if an immediate removal is not possible. This warning will be accompanied by an educational pamphlet regarding stewardship of the public park properties and will include Park contact information (construction supervisor 301-495-2558).

- Park Police will forward a scan of the warning notice and the information report to DL.
- Upon receipt of the warning scan, PDD will assign an inspector to the case. The PDD inspector will check the site at the 30-day deadline or as is noted in accordance with the provisions of the plan of compliance to confirm if the encroachment is eliminated.

#### Compliance

- If the encroachment is ceased or removed, PDD will send a notification to DL and the case will be closed.
- In case restoration is required, PDD will work with the property owner to restore the site to the original conditions

#### Non Compliance

- If the encroachment is not removed and the encroacher has not submitted a plan of compliance:
  1. PDD's inspector will send a notice to DL
  2. Park Police will issue a \$50 citation and will let the encroacher know that they will be contacted by the Park's legal office
  3. Park police will send a scan of the citation and the report to DL
  4. Legal will send a letter to the encroacher within 48 hours of the issuance of the citation. This letter will outline Park's Department's future actions and the consequences of none compliance if the encroachment is not eliminated or removed by certain date (based on the nature of the encroachment)
  5. Legal will send a copy of this notice to DL
  6. Legal will continue to work on the case, with the support from DL, until the encroachment is eliminated