

REPORT TO CITY COUNCIL

DATE: APRIL 27, 2005

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SUBJECT: DISCUSSION OF CODE ENFORCEMENT ACTIVITY AND PROCEDURES

The purpose of this agenda item is to provide the City Council with code enforcement information and to seek direction on future code enforcement activities.

The City Council last discussed code enforcement activity and procedures in 2002. At that time, staff was directed to prepare an ordinance that made further refinements to the property maintenance ordinance that addressed substandard property violations. Staff was also directed to consider drafting a residential lawn maintenance ordinance that addressed the neglect and deterioration of residential property as a result of poor front yard maintenance. Also, staff was asked to draft a landscape maintenance ordinance for commercial property.

The property maintenance ordinance was subsequently adopted by the City Council in April of 2003. At that time, the City Council decided not to initiate a lawn maintenance ordinance due to the lack of substandard conditions in the residential neighborhoods. The commercial landscape ordinance has been put on hold pending adoption of the sign ordinance update.

The following is a summary of staff's code enforcement policies, residential and commercial enforcement activity, and a discussion regarding weekend code enforcement.

Code Enforcement Policies

Two Planning Department staff members are responsible for residential and commercial code enforcement duties. Per past Council direction, code enforcement activity is generally conducted on a complaint basis. Violations that are determined to be a potential threat to public health or safety are also enforced. Complainants are asked to complete a confidential "Complaint and/or Service Request" form that is given to the appropriate planning staff member. Staff then inspects the property to confirm the violation. If the violation is verified, the property owner and, if applicable, the tenant are notified of the violation and are requested to comply with the Municipal Code requirement within a specified time that varies by the type of violation. An inspection is

made to verify compliance. If compliance is not achieved, a second notice of violation is sent, requesting compliance within a matter of a few days. The matter is then forwarded to the City Prosecutor, Steven Rosenblit, if compliance is still not reached. However, staff estimates that 95% of the complaints received are abated voluntarily.

The City Prosecutor seeks direction from staff on the manner in which the City wishes to enforce a particular violation report that he receives. Typically, the City Prosecutor sends a letter to the violator informing him or her that he intends to prosecute if the violation is not abated within a specified time. This action usually resolves the violation and no further action is necessary. A conference between the violator and City Prosecutor is another option that has proven effective in abating violations. In rare instances it is necessary for the City Prosecutor to take the matter to court where the penalty is determined if the defendant is found guilty.

The City Prosecutor will be present at the City Council meeting to answer questions of the Council, including other methods used by cities regarding code enforcement.

Residential Code Enforcement

Of all the Municipal Code violation complaints received by staff, a clear majority are complaints regarding residential property. Approximately 150 residential code enforcement complaints are received annually and an average of 27 residential code enforcement cases are active at any one time. Approximately one-half of the open cases are related to building permit violations that are referred to Planning Department staff by the Building and Safety Department. The remaining violations, for the most part, are complaint based and relate to property maintenance, including the storage of inoperable vehicles, equipment, trash cans and debris as seen from the public right-of-way. Staff also receives noise violation complaints.

Staff has been quite successful in gaining compliance of residential code violations and seldom is the City Prosecutor's assistance needed to obtain compliance. Most violations are abated after staff sends the first letter. Staff time allocated to residential code enforcement cases varies by the number of complaints received, but it is estimated that approximately 20 hours per week are devoted to residential code enforcement. Typically, when a complaint is received, staff inspects the property and a letter is sent to the owner and/or tenant within 48 hours after receiving the complaint.

Commercial Code Enforcement

An average of 37 commercial code enforcement cases are active at any one time. Staff receives fewer commercial violation complaints than for residential property, but commercial code violation cases are typically more complex and require more time to obtain compliance. Approximately 10 hours per week are spent on commercial code enforcement. The types of commercial code violations are diverse and include violations related to signage, lighting, outdoor display and/or storage, landscaping maintenance,

vehicles and parking, non-permitted structures or businesses, temporary uses, building permit violations, and enforcement of conditions of approval of the project's entitlement.

Compliance is typically achieved by staff without having to refer the violations to the City Prosecutor. Of the 12 violation cases currently referred to the City Prosecutor, 7 are related to commercial Code violations. Achieving compliance is more time consuming in that making contact with more than one party is often necessary and the nature of the violation can require several weeks for the property owner to abate. Commercial Code violations can also require additional time for staff to review the extent of similar violations within the commercial neighborhood. For example, if a complaint is received about a non-permitted in a shopping center, staff would need to determine if a similar violation exists within the same shopping center as a matter of enforcement fairness with the anticipation that the violator would question their neighbor's similar activity. Similar to staff's policy with residential Code enforcement complaints, the complaints are verified and the first letter sent to the property owner and/or tenant typically occurs within 48 hours.

Weekend Code Enforcement

Weekend code enforcement was discussed by the City Council in 2002. At the time, there appeared to be a proliferation of temporary signs located within the public right-of-way during the weekends when staff did not conduct inspections. Most of these temporary signs were related to residential activity, including garage sales, lost pet notices, and advertising homes for sale. However, on occasion, the City is blanketed with signs for commercial ventures or events. The City Council directed staff to continue with weekday clean-up activities to keep the right-of-way areas clear of temporary signs and to continue to monitor staffing needs for code enforcement.

Staff has continued this policy by removing signs from the public right-of-way every Monday morning. Approximately 2 hours are spent collecting signs. Depending on the time of year, anywhere from 10 to 30 signs are collected. Additional time is spent during the rest of the week, as needed, for the collection of temporary signs.

It is apparent, however, that the number of visible code violations, in both residential and commercial neighborhoods, has increased during the weekends. Not only are temporary signs and banners being displayed, but activities such as non-permitted temporary uses, outdoor display and various forms of non-permitted advertising are occurring when City Hall is closed. To determine the extent of the weekend activity, staff performed a City-wide inspection on 4 separate weekend days in February and April. The following violations observed on a Saturday in April include 40 garage sale signs and 5 real estate signs in the public right-of-way, 3 neon business signs, 1 vehicle-mounted business sign, and 5 non-permitted business banners that are not active code enforcement cases.

With the hiring of new staff members, the Planning Department will be conducting periodic weekend Code enforcement inspections. However, staff is seeking direction from the City Council on the frequency of the inspections desired. If the Council's

direction is to institute weekend code enforcement on a regular basis, extra part time help would be necessary and staff can initiate that process. Also, there may be a need for extra help during the week for enforcement of the updated Sign Ordinance that will soon be adopted by the City Council.

RECOMMENDATION

Staff respectfully requests the City Council provide direction regarding weekend Code enforcement activities.