



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: January 27, 2009

SUBJECT: Role of Code Enforcement

Report in Brief

Code Enforcement is used to maintain the high quality of life for the citizens of Woodland by insuring that private properties are maintained consistent with adopted City Codes and Standards. If substandard conditions are allowed to exist, they can quickly lead to blighted conditions, reduced property values, and detract from the appearance of City's neighborhoods. Code Enforcement is a subdivision of the Building Division and is currently filled with one full-time position and a half-time position. Even during slow development times, code enforcement does not slow down. In fact, during economic recessions, there is an increase in the number of foreclosures, illegal signs, illegal construction, and businesses operating without a license all requiring added response on the part of the Code Enforcement staff. The following report is a general discussion of the current practice of Code Enforcement in the City of Woodland, its history, and its future.

Staff recommends that the City Council review the Code Enforcement program and provide comments and guidance regarding the program.

Background

The City of Woodland Nuisance Code (Chapter 14A) was adopted prior to 1976; it was expanded/amended in 1998 and again in 2005. During this time, Code Enforcement services have evolved from a reactive—complaint driven—to a pro-active program. Beginning in 1998, staff handled calls concerning zoning, junk, debris, vehicle repair, and inoperable vehicles and tried to help the complaining party work with their neighbors to resolve the issues without intervention by the City. These issues were mostly handled part-time by the building inspection staff.

The Code Enforcement program grew in 2002 with the addition of a part-time position to complement the full-time code enforcement position that had been hired in 2001. Large nuisance abatement cases, including Hutchison Valley and Big J's Gas Station, which had been neglected due to staffing, began to be addressed and successfully completed. After the retirement of the part-time code enforcement officer in 2004, Code Enforcement, was reduced to just one full-time employee, and was again primarily reactive. In the fall of 2007, the part-time Code Enforcement officer position was filled and proactive code enforcement work began again with an emphasis on

in-operable vehicles, mobile vendors, and some weekend enforcement. Just one example of what proactive enforcement can accomplish, since September of 2007, approximately 900 in-operable vehicles have been repaired, licensed, or removed from view of the public right of way.

Some successful tools have been added to the Code Enforcement program, such as the door hanger violation notification added in 2002 which helped to educate the public and obtain voluntary compliance. Also added in 2006, was the Administrative Citation program which assisted Code Enforcement in obtaining voluntary compliance and recover some revenue when compliance was not obtained.

Discussion

The City must prepare each case as though the case will eventually end up in prosecution or nuisance abatement. Therefore, code enforcement requires extensive written and photographic documentation. Failure to properly document a case could result in the City spending excessive legal fees in prosecution and/or defense of a case it will eventually lose for failing to prove the existence of a violation or provide the property owner with adequate time and notice to correct the violation.

The easiest part of the code enforcement process is inspection and verification of a violation. Similar to the law enforcement process, code violations must be visible and well documented; the property owner must be provided with adequate notice and opportunity to correct the problem; and the enforcement officer must have a thorough knowledge of the City's Municipal Code. Often, if a case reaches the point of prosecution, the testimony and expertise of the enforcement officer and the validity of the City's codes are what will be on trial. Follow-up and documentation is the time consuming portion of enforcement activities. Approximately 30% of the properties in violation will comply after an initial in-person contact. This results in spending approximately 30 minutes on a particular case. These are the easy ones. The remaining 70% will comply at the last possible moment as summarized on the following chart:

70% of the Cases	
Receipt of complaint call and discussion with complainant	10 minutes
Verification of complaint and initial documentation	30 minutes
Attempt of contact with property owner	15 minutes
Research of property owner of record, construction of first notice, and mailing	30 minutes
Follow-up inspection & documentation	15 minutes
Construction of final notice and mailing	15 minutes
Follow-up inspection & documentation	15 minutes
Compliance and case closeout	5 minutes
TOTAL TIME PER CASE	135 minutes (2 hr. 15 min.)

For those cases that do not comply after the initial contact, the enforcement officer must make continual efforts to bring the property into compliance. Often contact with the property owner can be confrontational and the enforcement officer will be placed in a defensive position. The enforcement officer will not only have to defend the validity of the City's Municipal Code and its application to the property, but will also have to use customer service skills to keep the situation from escalating. The inherent risk to the person and to the City makes code enforcement an unlikely place for volunteers or minimum wage employees without proper training. The City's enforcement officer(s) have been placed in situations where they have to stop construction and/or call for backup from the Police Department. If the actions taken by the enforcement officer are improper, the City could be liable for costs incurred by the property owner. All these process require highly skilled and experienced staff to ensure that legal processes are followed.

Twenty percent of the Code Enforcement's time is spent reviewing and investigation business licenses. Code Enforcement's role in business license inspections is to inspect each new commercial, retail, and industrial business prior to the issuance of the license. This inspection looks for any structural changes which may require a building permit, any health and safety issues, adequate restroom facilities, and any accessibility issues which may exist or need to be corrected. This critical function provides notification to the business and staff of any possible code related problems that could impact the new business and offers both more time to correct the problem. This initial meeting is the welcoming face of the City for many new small business owners. This gives staff an opportunity to assist these business owners with any other questions they may have about the City.

The future of code enforcement will be determined by the economy, staffing levels, and direction from Council. Some new ideas on the horizon are:

- Civil Assessment fines for gross violators.
- Increased public outreach (Neighborhood watch meetings, small business meetings, real estate association meetings, etc.)
- Fees for reinspections of properties.
- Conduct a proactive enforcement program by targeting an approximate three block area of Woodland at a time on a rotating basis. Notices would be sent out to every residence in the designated area prior to enforcement informing the residence of the date enforcement officers would be doing the enforcement and the issue would be monitored. This works in two ways, it gives the residence a chance for voluntary compliance prior to the City taking any action and it also provides education to the resident about typical code enforcement violations.

The need for code enforcement will never disappear although staff believes activity can be stabilized with a proactive enforcement program. With a reactive or complaint-based enforcement program, the need for enforcement will escalate as the City's housing ages and during financially difficult times. Attached to this report is the mid-year review of the Code Enforcement program. A review of this report suggests that Code Enforcement delivers an expanding and important role for the City. Staff recommendation is to continue the current 1 ½ FTE's in the Code Enforcement

program. The depth and breadth of experience allows for the most responsive and experienced enforcement program.

Periodically staff has received suggestions from Council members regarding the need for Code Enforcement to focus on a specific activity. Given the current level of resources and the City's fiscal challenges, it is important to seek comments and guidance from the City Council on code enforcement priorities.

Financial Impact

The hourly cost for a full-time experienced Code Enforcement Officer is \$27.00. The full cost to the City is approximately \$89,000 per year. The half-time Code Enforcement Officer is \$20.30 per hour with a total annual fully-burdened cost of \$31,000. The total program costs are approximately \$120,000.

Twenty percent of the Code Enforcement is paid out of Business Licensing.

Public Contact

Posting of the City Council Agenda.

Recommendation for Action

Staff recommends that the City Council review the Code Enforcement program and provide comments and guidance regarding the program.

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Attachment 1: Mid-year Report for Code Enforcement

ATTACHMENT 1

Code Enforcement Report for Mid – Fiscal Year 2008/2009 (7/1/08-12/31/08)

- 423 Complaints Received
- 607 Cases Opened
(442 Cases Closed, 165 Still Active)
- 62 Administrative Citations Issued
(48-Warnings, 10 - \$100 fines, 4 - \$200 fines)
- 5 Cases Taken to a Nuisance Abatement Hearing
(All five declared Public Nuisances by the Nuisance Abatement Board)
- Foreclosure monitoring – (Ongoing)
- 5 Board-ups of Vacant Unsecured Properties
(3 Completed by Property owner, 2 Completed by City)
- 3 Substandard Buildings Demolished – All Completed by Property Owner(s).
- 63 New Business License Inspections
- 2 Business License Revocations
- Unlicensed vendor enforcement – (Ongoing)
- Removal of Hundreds of Illegal Signs located in the Public Right of Way
- PC832 Training (Half-Time Officer)
- In-operable vehicle abatement – 311 cases since July 1, 2008
- 4 Days of Weekend Enforcement
- Evening Springlake Meeting – Community Outreach
- Fair Booth –Community Outreach
- Assisting Real-Estate agents and prospective buyers of Foreclosed or Bank Owned properties.
- CACEO Training and Seminar; CACEO is the Code Enforcement State Organization
- Regional Code Enforcement Meeting
- Environmental Task Force Meeting
- SWPPP Training
- 3 SWPPP Projects – Ongoing Monitoring by Half-Time Officer for P.W.