

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Code Enforcement Program Discussion and Update
DEPARTMENT:	Planning and Community Development Community Services Division
PRESENTED BY:	Kristie Anderson, Code Enforcement Officer Randy Olin, Customer Response Team Supervisor Jarrod Lewis, Permit Services Manager
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

During the 185th Street light rail station Subarea plan discussions and adoption earlier this year, the City received some public comment related to code enforcement issues. While these specific questions were addressed during that process, the City Manager's Office felt that it would be helpful to update the Council on the entire Code Enforcement program. Tonight, Code Enforcement staff will provide this update and provide background and context on the City's Code Enforcement program.

RESOURCE/FINANCIAL IMPACT:

As this item is for discussion purposes only, there is no financial impact at this time.

RECOMMENDATION

There is no formal action required by Council this evening. The staff report and presentation are an opportunity to update the Council on current Code Enforcement policies, practices, and priorities.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

In the first year of the City's existence post incorporation, the City contracted with King County for the services of one designated code enforcement officer. During this period the King County code enforcement officer would typically drive the streets of Shoreline and open code enforcement actions regarding issues they observed. King County staff would then create and send a violation notice to the resident. This process created a number of confused and upset residents who would then contact the City. Due to these concerns, the program was re-evaluated and the City's Customer Response Team, or CRT, assumed code enforcement responsibilities in 1996.

As opposed to the King County code enforcement model, CRT used a process that was designed to educate violators and focused on obtaining voluntary compliance to code issues. This process worked well in most situations but there were certain individuals and properties that did not comply with codes. To help address these more intractable cases, the City hired a full time code enforcement officer in 1999 to develop a City of Shoreline specific code enforcement program.

The outcome of this work was adoption of the City's code enforcement ordinance in 2000. Since that time the Code Enforcement program has been improved and enhanced regularly. The 2000 code was significantly updated in 2004 after considerable community feedback and input. In 2007 the International Property Maintenance ordinance was adopted as amended. In addition to these code changes, in 2008 the Proactive Code Enforcement program was implemented, and in 2014, the Chronic Nuisance Properties ordinance was adopted.

Currently, the Customer Response Team, which is made up of three staff, are tasked with initial code enforcement investigations and follow through to potential voluntary compliance on behalf of property owners. The Customer Response Team is housed in the City's Community Services Division. The City's Code Enforcement Officer, who is housed in the Planning and Community Development Department, handles all code enforcement actions involving legal enforcement.

DISCUSSION

Code Enforcement Process

The code enforcement program features a four stage process after the initial investigation of the complaint (see Attachment A). A complaint is an allegation of a code violation. In most instances the complaint is investigated by a Customer Response Team member. CRT receives the original complaint through many avenues: telephone, emails, walk-in customers, the online application SeeClickFix, and through the City's web page. The request will be written up and given to the staff member responsible for that area. They will investigate and confirm if there is a violation of the City's code; this typically involves a site visit investigation. If no code violation is found then the complaint is closed.

If on the other hand CRT does observe a code violation, they start the warning phase of the code enforcement process. The stages of the process are as follows:

- Stage 1.** Education and first warning (verbal or in writing)
- Stage 2.** Second warning in writing
- Stage 3.** Class I Civil infraction and/or Notice and Order
- Stage 4.** Further legal enforcement measures

Stage 1

CRT staff starts with informal contact between themselves and the person residing at the property or the business owner. CRT informs them about City codes, laws and standards and also serves to provide warning to property owners, tenants or other responsible parties that failure to correct code deficiencies can result in financial penalties and enforcement actions. This first contact is considered an education and warning contact. This warning can be either verbal or in writing.

After the compliance date from the initial warning has arrived, the CRT Representative will re-inspect the site. If they have not complied or made arrangements for an extension, the first warning letter is sent to the site resident and the property owner. This is a friendly letter that they are in violation and gives them a specific date when compliance is due. This is typically 30 days from mailing. If they comply, then CRT will close the code enforcement complaint.

Stage 2

However, if they still haven't brought the site into compliance, the second warning letter is sent to the site resident and property owner. This letter has stronger language, code verbiage and a shorter compliance period, typically 14 days. Both warning letters indicate the types of legal enforcement the City may take which are:

- a) Issuance of a Class I Civil infraction in the amount of \$250.00 per violation;
- b) Issuance of a Notice of Violation and Order to Correct which can result in ongoing civil penalties until the violation is corrected;
- c) Abatement of unfit dwellings, buildings, structures, and premises; and/or
- d) Filing of a civil lawsuit in Superior Court.

Staff's primary objective is to educate the citizen regarding the code in violation. Typically, CRT finds that residents and business owners are not aware of the codes that they are violating. The Customer Response Team generally resolves 95% to 97% of the code enforcement requests they manage through voluntary compliance.

Stage 3

If CRT cannot gain voluntary compliance, the file enters the enforcement stage. The CRT Supervisor may issue the first civil infraction, while in other cases it is issued by the Code Enforcement Officer. If the civil infraction does not spur compliance, then the file is managed by the City's Code Enforcement Officer to gain compliance through legal action. The Code Enforcement Officer reviews the transferred file and determines the appropriate priority based on the Code Enforcement Priority Guidelines (see Attachment B). The priority list defines when the enforcement action will be handled in relation to all other pending cases. The code enforcement officer can issue 1) a Class 1 Civil Infraction, 2) a Notice of Violation and Order to Correct (Notice and Order), or 3) both.

Any responsible party is eligible to receive Class I Civil infractions for violations of the Development Code, Building Code, Property Maintenance Code, Right-of-Way use

violations specified in SMC Chapter 12.15 and specific violations of the Solid Waste and Surface Water Code. Civil infractions are issued based on an observed violation at the time. The penalty amount is set by the State Legislature at \$250.00 per violation.

A Notice and Order is required to start the abatement process. The City most commonly uses the term “abatement” to specify when the City enters onto the property to correct the code violation. Abatement requires the City Attorney’s Office (CAO) to petition King County Superior Court to obtain a Warrant of Abatement.

When the City makes a determination that a violation exists, then a venue for the responsible party to appeal the City’s determination must be provided. When a Civil Infraction is issued, the venue for appeal is through the King County District Court. When a Notice and Order is issued, the venue for first appeal is to the City’s Hearing Examiner.

A Notice and Order is issued with a compliance date (usually 21 days or more). If the property owner or other responsible party corrects the violation within the deadlines specified in the Notice and Order there are no penalties. Failure to correct the violations results in imposition of civil penalties in the amount of \$1000.00 for each two week interval.

Stage 4

If the Notice and Order and/or Civil infractions do not achieve compliance, the case moves to Stage 4 of the code enforcement process. Cases referred to the CAO for abatement must follow the process mandated by King County Superior Court to obtain the Warrant of Abatement. The court process may take a year or more. After the court issues an order of abatement, the Code Enforcement Officer and Planning & Community Development (PCD) staff will identify contractors, arrange contracts, oversee the abatement, and prepare documents for billing. If reimbursement for the abatement is not forthcoming from the property owner, the Code Enforcement Officer prepares documents to be filed as a tax lien on the property.

Not all non-resolved cases get referred to the CAO for abatement. In some cases the City files a copy of the Notice and Order with the King County Recorder’s Office. This filing on title is considered a courtesy notification to potential purchasers that there exists a code violation on the property. Most types of violations, such as work without permit, environmental, and setback issues, “run with the property”, and not with the person or party who performed the violation.

Challenges with the Code Enforcement Process

There are challenges within the code enforcement process. Some of these challenges include:

- Identifying the legal property owner(s)
- Locating the legal property owner(s)
- Owner’s economic ability to comply
- Language and cultural barriers
- Extended length of court timelines
- Limited staffing resources

- Tradeoffs to address lower level priorities with current resources
- Shifting priorities outside of code enforcement

Code Enforcement staff does their best to address these challenges to meet the goals of the Code enforcement program.

Property Maintenance Code

The majority of property owners and tenants are responsible and conscientious, however some properties fall below the minimum health and safety standards. In addition, some properties fall below community standards and may create “blight” conditions. To address these substandard properties, in 2007 the City adopted the International Property Maintenance Code (IMPC) with amendments. The IMPC provides a guide on how to maintain the interiors and exteriors of structures to provide minimum standards.

The IMPC standards include provisions for:

- Unsafe structures, including provisions for boarding up vacant and accessible buildings
- Unsafe equipment, including mutual aid with the State on severe electrical violations
- Structures unfit for human occupancy, and when necessary the application of Tenant Relocation Assistance
- Habitable standard concerning light, ventilation and occupancy limitations, required plumbing fixtures, required mechanical and electrical fixtures, and fire related egress requirements
- Insect and rodent infestation
- Exterior maintenance requirements, including sanitary conditions, inoperable/unlicensed motor vehicles, peeling paint, falling fences, broken/missing siding, tarps as roofing material, rotten decks and stairs, and broken windows

The IMPC standards as adopted by the City do not include standards for weeds (i.e. unmowed grass) or insect screens, and therefore the City will not pursue complaints related to these issues.

While IMPC code issues typically fall into the second or important priority level, many of the less severe exterior violations may be lower on the overall priority list behind cases that involve more health and safety related concerns. This may add to the time required to fully address these violations.

Proactive Code Enforcement

While CRT has always taken immediate action regarding work without a permit, graffiti and any life safety issues they may find, in 2005 the City held a number of Code Enforcement open houses to assess resident thoughts of the Code Enforcement program. During this public process, it was found that residents wanted increased code enforcement in the community. CRT staff reviewed these findings and evaluated what additional proactive actions would provide the biggest impact on resident concerns.

In 2008, CRT began a Proactive Code Enforcement Program regarding two of the most visible code violations: “junky sites” and improperly parked vehicles on private property. In the first year after the Proactive Code Enforcement Program was started, CRT found 158 vehicle violations and 100 junky sites. In the second year, CRT found 208 vehicle violations and 78 junky sites. In the following years, the ratio of vehicle violations to junky sites has been approximately 90% to 10% respectively. CRT has successfully gained voluntary compliance in nearly 100% of these complaints.

Staff is re-evaluating the Proactive program at this time. Onsite vehicle parking no longer appears to be a major concern within the community. The City receives very few complaints regarding private property parking. It has also been observed that vehicle enforcement upsets residents, as they believe they should be able to park as they like on their property. CRT has enforced the code consistently regarding all unlicensed vehicles, junky inoperable vehicles, and all other unlicensed vehicles on private property, many of which are in decent condition. Some of these other vehicles are not an eyesore to the public but count for a high number of vehicle violations. Due to this fact, CRT plans to continue being proactive regarding junky sites but is exploring scaling back the enforcement of on-site vehicle parking unless CRT receives a complaint. Staff is interested in hearing Council’s feedback on this proposed proactive code enforcement change.

Chronic Nuisance

As Council recalls, the Chronic Nuisance Properties Ordinance (CNO) was adopted on March 3, 2014. Prior to the CNO, the City did not have effective regulations for holding property owners responsible for violations when such activities repeatedly occur on their property. These properties are characterized as presenting significant health, safety and welfare concerns.

The City is currently coordinating the first code violation associated with this ordinance. Because the process involves court action, it takes a long time. The CAO filed the case on March 16, 2015. At the time of filing the court generated a trial date for this case of March 28, 2016. While the case is not resolved and maintenance code issues remain, the house is vacant and the criminal activity that was associated with the site has largely been resolved.

RESOURCE/FINANCIAL IMPACT

As this item is for discussion purposes only, there is no financial impact at this time.

RECOMMENDATION

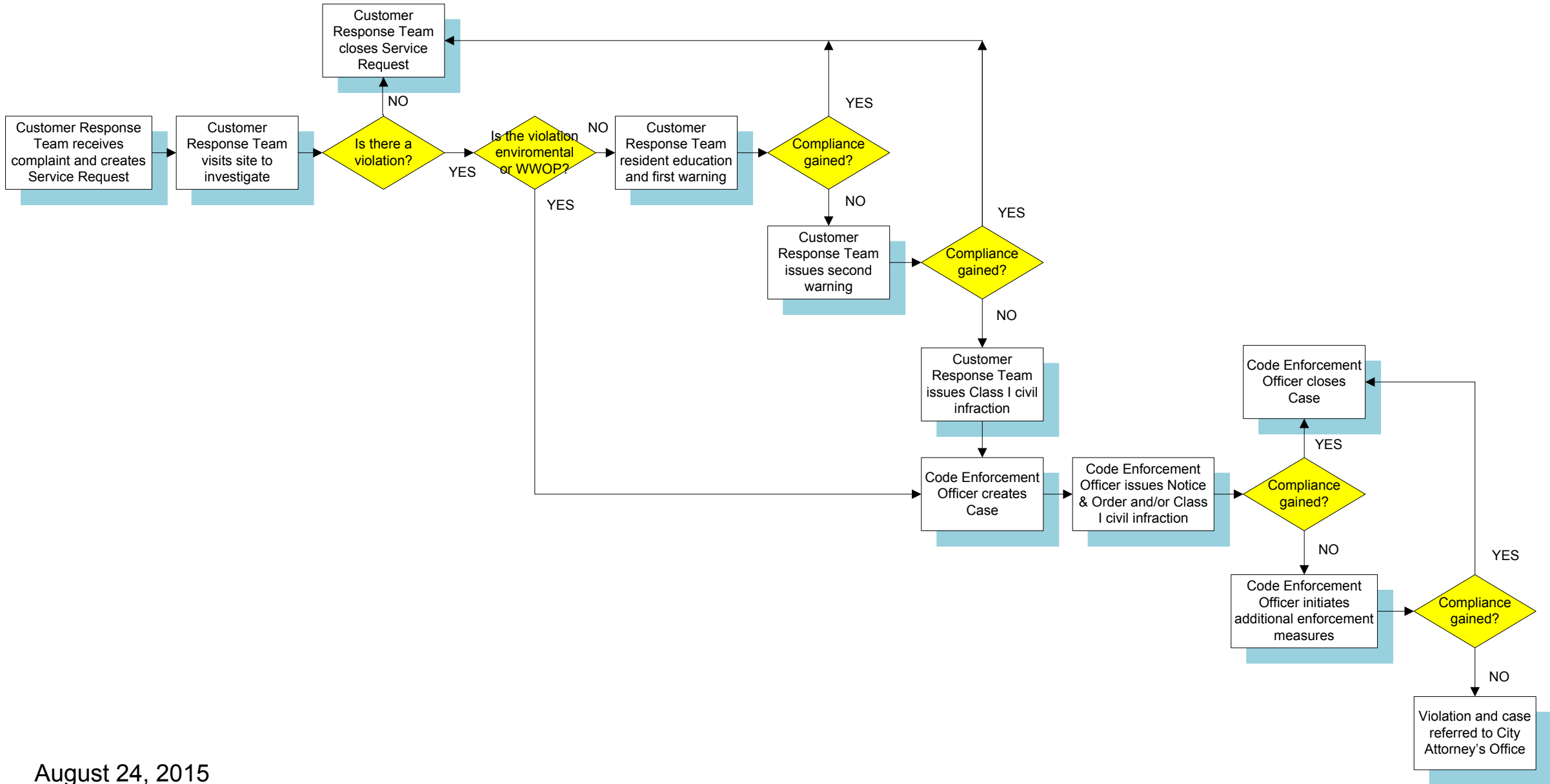
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ATTACHMENTS

Attachment A: Code Enforcement Program Flowchart
Attachment B: Code Enforcement Priority Guidelines

ATTACHMENT A

CODE ENFORCEMENT PROGRAM PROCESS



ATTACHMENT B

CODE ENFORCEMENT PRIORITY GUIDELINES

Priority Level Guidelines

The following guidelines were established to help guide the initial response times, as well as the initial enforcement actions. Because each case will likely be unique, investigators must use their best judgment to combine all factors and determine an appropriate response and level of enforcement. The priority may be adjusted following initial research because of additional information, factors revealed during field inspection, or the development of exigent circumstances. Generally speaking, the greater the threat to public health and safety, and to the environment, the higher the priority.

Urgent Level Priority (hazardous)

1. Violations that present an imminent threat to public health and safety, including hazardous conditions
2. Violations that present an imminent threat to the environment
3. Violations affecting critical area with significant impact
4. Violations of Stop Work Order or Notice to Vacate
5. Requests for immediate assistance from other agencies (i.e. Police, Health, Dept. of Ecology, etc.)
6. Illegal dumping in progress

Important Level Priority

7. Work without Permit – faulty or unsafe construction and/or construction of habitable space
8. Violations of permit conditions, remediation or mitigation requirements
9. Major accumulations of junk and debris and attractive nuisances to children
10. Wetlands violations with minimal impact
11. Illegal dumping with suspect information
12. Substandard housing not presenting an imminent threat
13. Land use violations with major impact

Medium Level Priority (non hazardous)

14. Violations of permit conditions, remediation or mitigation requirements
15. Extensive illegal auto repair activity
16. Junk vehicles (repeat offense or three or more vehicles)
17. Repeat violations
18. Violations of permitted activities
19. Proactive projects

Routine/Low Level Priority (non hazardous)

20. Minor accumulations of junk and debris
21. Land use violations with minimum impact (i.e. one inoperable vehicle, one vehicle parked on pervious surface, etc.)
22. Sign complaints (unless creating hazard condition)
23. Sidewalk obstructions (unless creating hazard condition)
24. Fence complaints (unless creating hazard condition)
25. Setback violations (unless creating hazard condition)